

DOT Reverse Betterment Third Party Contract Instructions

For each third party contract “for” the State that exceeds \$15,000, entered into by a Municipality or Authority under approved reverse betterment contracts, DOT and the Municipality must complete and sign the attached **Reverse Betterment Data Sheet** and **Certification**. When DOT submits the data sheet, it should attach the certification, which it has received from the Municipality/Authority for the purpose of certifying that they followed the appropriate contract award procedures.

Additionally, a copy of the **third party contract and procurement record** from the municipality/authority should be included with the above certifications.

The procurement record should include:

- Copy of the procurement advertisement
- List of the proposing consultants/contractors
- Documentation on how the winning consultant/contractor was selected (this would be a short list and score sheet for consultants or a list of all the bids for construction)
- Any additional justification for selecting other than the lowest bidder or most qualified consultant
- Copy of agreement between municipality and consultant/contractor. This agreement should also include; for construction - a copy of the low bidder’s itemized bid, for consultant - the negotiated cost broken down by task and overhead rates.

The complete package should be included with submission of the locally executed State System Project (Reverse Betterment) Agreement to:

Maria Tamarkin
Office of Contract Management
50 Wolf Road
Albany, NY 12232

When the third party contract and procurement record is received at the Office of Contract Management, DOT will in turn forward the package to The Office of the State Comptroller. OSC will then perform its review. After OSC approves the third party contract, the OSC portion of the form is completed and a copy is sent to DOT and the Municipality/Authority.

If OSC has any questions or concerns regarding these third party contracts the DOT contact identified on the data sheet will be contacted.

**NYSDOT REVERSE BETTERMENT
THIRD PARTY CONTRACT DATA SHEET**

TO: Office of the State Comptroller, Bureau of Contracts
Attention: Patricia Warner
110 State Street, 11th Floor
Albany, NY 12236

Reverse Betterment Contract:

Agency Code: 17000

Contract Number D_____

Municipality/Authority Name: _____

Municipality/Authority Contact Name: _____

Municipality/Authority Contact Mailing Address or E-Mail Address (needed to convey OSC approval):

Third Party Contract:

Contractor's Name: _____ Third Party Contract Amount: \$ _____

Estimated Contract Amount Allocable to the State Portion of the Work: \$ _____

Contract is for:

☐ Preliminary Engineering (PE)

☐ Construction

☐ ROW Incidentals

☐ Construction Supervision

☐ ROW Acquisition

☐ Construction Inspection (CI)

☐ Other (please describe): _____

Certification:

This is to confirm that the municipality/authority appears to have procured the above-described third party contract in accordance with Section 1 of Exhibit A to the Reverse Betterment agreement. In addition, the municipality/authority has provided the attached certification that in awarding the third party contract it has complied with all laws and rules governing such municipality's/authority's procurements and NYSDOT has no basis to believe such certification is incorrect. This shall also confirm that NYSDOT concurs with the award of the above-described third party contract.

Signed: _____ Title: _____
(Authorized NYSDOT Representative)

Date: _____ Telephone Number: _____

E-Mail Address: _____

FOR OSC USE ONLY:

Contract is approved for the State Comptroller on ____/____/____

By: _____ Title: _____

Notes: _____

MUNICIPALITY/AUTHORITY REVERSE BETTERMENT CERTIFICATION

This is to certify that the _____
(insert name of municipality or public authority)

in accordance with its reverse betterment contract with the New York State Department of Transportation (Contract #D_____) awarded a contract to

_____ for _____, the Third Party Contract.
(Describe purpose of contract)

The award of the Third Party Contract was made:

- ☐ to the lowest bidder after competitive bidding;
- ☐ to a bidder other than the lowest bidder after competitive bidding, based upon a determination that _____; or
(Describe basis for not awarding to lowest bidder after competitive bidding)
- ☐ to the vendor deemed in the best interest of the municipality/authority based upon _____
(Explain basis for award, e.g., Request for Proposal-Best Value, Sole Source, etc.)

The award of the Third Party Contract was made in accordance with all laws and rules applicable to _____, and:
(Insert name of municipality or public authority)

- ☐ has not been challenged in any judicial proceeding or bid protest, or
- ☐ has been challenged in a judicial proceeding or bid protest as further described in the attachment to this certification.

Signed: _____ Title: _____ Date: _____
(Muni./Authority Representative)