

MTA - NEW YORK CITY TRANSIT

2 BROADWAY

NEW YORK, NY 10004

DIVISION OF MATERIEL

web.mta.info/nyct/procure/nyctproc.htm

Vreplies@nyct.com

0000211165

NOTICE

-OF-

ADDENDUM

ADDENDUM # 2

BID OPENING/DUE DATE: 6/22/18

Currently, foreign born applicants tend to navigate more toward skilled trade positions. Consequently, mandated testing is directed toward those titles. Should the number of English language-deficient candidates increase in other titles, additional titles may be added to the mandated testing requirements. This could potentially result in a substantial increase in the volume of tests during the life of the Contract.

Additionally, in rare instances (approximately 5-10x per year), candidates for other titles are tested on a case-by-case basis when a language deficiency appears to exist when the candidate is processed. As outlined in the Scope of Work, all 150 titles must be assigned appropriate proficiency levels (cut scores), in the event a case-by-case test is necessary in any of those titles.

III. The following are additional questions and answers that are made part of this Contract (answers appears in **Bold.).**

Q1. Will MTA make available samples of the NYS Placement Test currently administered for language assessment, for the purpose of aligning the proposed test to the current test?

A1. No. (See A2 below and the revised page 2 of the Scope of Work attached hereto.)

Q2. The Contract Scope of Work provides, “The cut off scores of assessments for titles requiring minimal English language oral proficiency, or basic English speaking and listening skills, must align with the cut-off scores of the NYS Placement Test currently administered by NYCT.” Is this still a requirement?

A2. No. Effective with this Addendum No. 2, applicants for titles requiring minimal English language oral proficiency should be assessed using cut-off scores appropriate for basic English speaking and listening skills. (See page 2 of the revised Scope of Work attached hereto.)

Please be advised that Addenda notification is sent via email to the email address each firm provided in the Bid Document Order Form. Bidders may obtain copies of all Addenda on the NYC Transit website at [http://mta.info/NYC Transit/procure/rfppage.htm](http://mta.info/NYC%20Transit/procure/rfppage.htm).

Reminder: Be sure to acknowledge this Addendum No. 2 in your Proposal. Failure to do so may result in rejection of your Proposal.

Sincerely,


David Oppliger
Procurement Manager
Materiel Division

NEW YORK CITY TRANSIT AUTHORITY

Division of Materiel

Schedule H

EXECUTIVE ORDER NO. 177 CERTIFICATION ADDRESSING INSTITUTIONAL POLICIES AND PRACTICES PERTAINING TO DISCRIMINATION AND HARASSMENT

****Schedule H should be submitted with the Bid or Proposal and must be submitted prior to Contract award.****

Contract No: _____

Description: _____

In accordance with Executive Order No. 177, the Authority requires that all Bidders, Proposers, Contractors and Consultants make the following Certification prior to the award of any Contract or Contract extension.

CERTIFICATION

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder/Proposer/Contractor/Consultant hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

Executive Order No. 177 and this Certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

Full Legal Name of Certifying Entity: _____

By: _____
(Signature of Person Certifying)

Name of Person Executing Certification: _____

Title of Person Executing Certification: _____

Date: _____, 20__

IV. REQUIREMENTS

The Contractor must demonstrate that the validity, defensibility, and integrity of testing products and assessments provided under this Contract are in accordance with ASTM Standard Practice for Assessing Language Proficiency, ASTM F2889 - 11.

The Contractor shall be capable of understanding NYCT's organizational requirements and job structures to develop, validate and administer English language assessments. The Contractor shall: develop and maintain an appropriate bank of test questions, refreshed regularly to avoid overexposure; validate and secure the testing procedures and administration; evaluate and score the test responses; provide strategic testing guidance and recommendations; and legally defend the testing processes and results.

NYCT's selection and hiring practices are conducted within the confines of Civil Service Law and the NYC Department of Citywide Administrative Services (DCAS) rules and regulations. As such, the language proficiency test developed and administered for NYCT must meet specific criteria, as detailed under 'Contractor Services' below.

V. CONTRACTOR SERVICES

A. Test Development

The Contractor shall establish an assessment program that provides a variety of English level assessments as deemed necessary to determine English language proficiency requirements of NYCT's competitive-class titles. ~~The cut off scores of assessments for titles requiring minimal English language oral proficiency, or basic English speaking and listening skills, must align with the cut off scores of the NYS Placement Test currently administered by NYCT.~~ Applicants for titles requiring minimal English language oral proficiency should be assessed using cut-off scores appropriate for basic English speaking and listening skills. Tests covering more advanced English skills shall be used for assessments of applicants being considered for appointment to titles requiring higher-level English language oral proficiency. There are approximately three to four job family categories. Job families are comprised of job titles that require like communication abilities and have the same English language proficiency cut off score.

1. Job Analysis, Cut Off Scores, and Objectives

The Contractor shall assign a Psychometrician(s) and/or Project Manager(s) with expertise in psychometrics, to determine the level of English language proficiency required to successfully perform the functions of approximately 150 competitive-class titles utilized by NYCT.

Utilizing job analysis questions developed in conjunction with an industrial/organizational psychologist, the Contractor's Psychometrician(s) and/or Project Manager(s) shall interview personnel from NYCT's Division of Human Resources' Examination Unit and/or a sampling of employees and supervisors in the positions being analyzed, and review NYCT's job specifications to assess the proficiency requirements for each title.

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NOTICE

-OF-

ADDENDUM

ADDENDUM # 1

BID OPENING/DUE DATE: 06/22/2018

May 17, 2018

**ADDENDUM NO. 1
SSE 211165
English Language Oral Proficiency Testing Consultant**

TO ALL PROSPECTIVE PROPOSERS:

The **NEW** due date for the receipt of Bids is **June 22, 2018 at 2:00 PM** at the location specified in the RFP documents.

You are hereby notified of the following changes to the Contract.

I. Changes to Contract Documents

- In the Overview and Proposal Procedures (“Overview”), subsection 9.6.A.2., p. 5, delete “especially those tasks detailed in Section IV, Scope of Work, Item No.7 entitled “Specific Tasks of the Consultant.” A copy of revised page 5. of the Overview is attached.

II. The following are questions received and the corresponding answers to those questions, which are made part of this Contract: (answers appear in **Bold.**)

NOTE: Some of the following questions, and responses, pertain to NYC Transit’s current English language testing practices. These practices should not be interpreted as indicative of the best practices to be implemented under this contract. NYC Transit expects each Proposer to put forth their best proposal(s) for meeting this requirement, based on their testing experience, expertise, and in accordance with current testing standards.

Q1. When is the last day that questions from Proposers will be considered by NYC Transit?

A1. NYC Transit is not able to ensure that it will be able to respond to inquiries received after the close of business **June 8, 2018.**

Q2. Is there a specific submission format or outline to follow for proposal submissions?

A2. There is no specific format or outline for proposal submissions although the proposal should include each of the items set forth in section 9.6 of the Overview.

Q3. Does NYC Transit pay the New York City Department of Education (“DOE”) for the testing DOE provides?

A3. No.

Q4. Who administers the DOE Tests?

A4. Testing is administered by NYC Transit employees. Therefore, there are no separate payments for the test administration.

Q5. Please provide a detailed description of the current DOE test by addressing the following: the levels awarded; ratings; length; correlation to nationally-recognized rating scales; and any information on training and interrater reliability of personnel responsible for administering and scoring the test.

A5. Levels Awarded: NYC Transit currently utilizes only one (1) level, which is the minimum language proficiency necessary to work in any title in NYC government. The cut score for that level is 27. The RFP calls for a new test with multiple levels and cut scores to measure higher-levels of proficiency required across all 150 competitive class titles.

Information on Ratings: Testing currently consists of 27 questions, with a maximum point allotment of 2 points per question. The maximum attainable score is 54. Each question is rated on a three point scale: 0, 1, or 2 points, depending on the candidate's responses.

· 2 points: Candidate's answer was relevant to question, and stated in grammatically correct English.

· 1 point: Candidate's answer was relevant to the question, but the response was not stated in grammatically correct English.

· 0 points: Candidate's answer was not relevant to the question, even if grammatically correct, indicating question was not understood by candidate.

Applicants are provided pictures, and asked questions related to the pictures. The pictures and associated responses increasingly progress in difficulty and require higher levels of language proficiency as the test advances. (e.g., direct questions of illustration leading to more difficult questions requiring more complex language skills.)

Length: Test is comprised of 27 questions. Length of testing time is based on applicant's level of proficiency. There is no cut-off time.

Correlation to nationally recognized rating scales: As this test was originally established by the DOE, and designed to place students in English Second Language classes, a correlation to a nationally recognized rating scale may exist. However, this cannot be confirmed. Correlation, if any, would be to rating scales recognized at the time of test development, 15 years ago, and not to currently recognized rating scales.

Information on training and interrater reliability of personnel responsible for administering and scoring the test: NYC Transit provides training to staff assigned to perform language assessments. Training includes a DOE training video that explains how the test should be rated, followed by practice scoring tests in parallel with experienced staff who are conducting the official ratings of actual test candidates. When the ratings of a trainee are consistently accurate, based on matches to experienced staff, the trainees are then permitted to officially rate actual test candidates. Every assessment is audio taped, with all assessments conducted by two evaluators. When the two evaluators assign ratings that differ by more than 2 points, a 3rd evaluator performs an assessment for final determination.

Q6. What are the four job families mentioned which include the 150 positions?

A6. The “job families” relate to the different *levels* of English language proficiency that appropriately relate to the required proficiency for our job titles. There are approximately 150 titles, each of which should be matched by the Consultant to a proficiency assessment level. (Note: many of these titles are variations of similar titles: e.g. Analyst, Associate Analyst, Transportation Analyst, and Administrative Analyst with similar responsibilities and proficiency requirements). Therefore, each job family/level will include groups of titles with similar proficiency requirements. NYC Transit anticipates that all titles would relate to approximately 3 or 4 proficiency levels; however, the exact number of levels or “job families” will be determined by the Consultant based on their analysis of the language requirements of each title.

Q7. Will all jobs in each job family have the same rating, or do all jobs in each job family currently have the same rating?

A7. See No. 6 above.

Q8. Will NYC Transit be requiring 150 “Job Analyses” or 4?

A8. Consultant will be required to conduct an analysis of all 150 titles (job descriptions, discussions with employees, Subject Matter Experts, etc.) as they believe is necessary to assign an appropriate testing level and defend that level, if necessary.

Q9. In the Overview, Section 9.6, the RFP requests, “a record of the firm’s performance....” Does this record include the identity of the Proposer’s clients and contact information?

A9. The identity of the Proposer’s clients and contact information should be provided.

Q10. Is there a preference for continued “face to face” testing or will test responses that are recorded and sent to raters be considered?

A10. Face-to-face testing is not required, but will be considered. All Proposals must respond to the Scope of Work, which provides for live testing via telephone connection. Alternate methods (e.g. face-to-face testing; recording of tests for later evaluation, etc.) may be outlined in alternate proposals, with explanation of the added value and benefits. Alternate proposals for the use of recordings (vs. live assessments) must clearly indicate how tests will be scored and should provide the advantages and disadvantages of both methods. In addition, the Consultant shall explain how questions would be repeated on the recorded version, when necessary, and prompted for escalated levels of difficulty. All proposals, including alternate proposals, should indicate the turnaround time for assessments.

Alternate proposals for testing methods other than live testing should address the availability of technical phone support during testing hours to resolve any issues or problems with transmissions.

Alternate proposals that require connection other than via telephone (e.g., internet connection) should address any hardware/software requirements, upgrades, voice recorders, etc. that are

required to implement the proposed method(s). Relevant equipment and/or software included at no charge should be identified; relevant equipment and/or software provided by the Proposer for additional cost should identify such as “add-on charges”.

Q11. Does NYC Transit currently have the capacity for testing using computer technology?

A11. NYC Transit does not currently administer computer-based tests. NYC Transit is open to alternate proposals that include computer testing provided that such testing meets NYC Transit requirements and is not cost prohibitive. Alternate proposals for computer testing should address how candidates would be prompted, generate repeated questions, test for speaking skills, and have scoring reported. Also, see A10.

Q12. With what testing devices are the “testing booths” mentioned at the pre-bid meeting equipped?

A12. The testing booths that NYC Transit mentioned at the pre-proposal meeting are booths that NYC Transit would purchase to administer the language proficiency tests via secured phone line. They are preassembled booths, ready to plug into our room outlet. They include a drop cord for power connection, and a pre-wired jack panel with six ¼” stereo connectors. Telephones (or computers, if approved as an alternate method) would be added at NYC Transit’s expense. Proposer would identify any other required equipment necessary to be added to implement their proposed testing method(s), whether the equipment is provided by the Proposer, and/or any “add-on” costs involved (see A10).

Q13. Does the MTA have prime hiring surges around any particular months? Are the peak testing periods/weeks predictable?

A13. NYC TRANSIT hiring, as it relates to language proficiency, is not cyclical. Most of our hiring is scheduled attrition replacement. The largest volume of hiring surges relate to appointments from examinations that are conducted approximately 10 – 15 times throughout the year, resulting in hundreds to thousands of appointments. The number of applicants processed on any given day are approximately 20 on slow days, to up to 150 on the heaviest of days. Scheduling of higher numbers of applicants is generally known a couple of days in advance. However, there is no way of predicting what number of the scheduled applicants would require English proficiency testing. Also, the majority of candidates will be tested in the morning. To the extent possible, NYC Transit will provide the Consultant with advance notice of dates when language proficiency testing may be required.

Q14. Does NYC Transit require one rating?

A14. The test should measure both oral comprehension and oral expression, for various (approximately 3-4) proficiency levels. Each test shall provide a single score rating based on the combined oral comprehension and expression results.

SSE 211165
Addendum No. 1
May 17, 2018

Q15. Explain the candidate appeal process?

A15. The appeal process will be revised with the award of this Contract. Currently, a candidate is notified in writing when he/she is deemed “not qualified” for a position because he/she failed the English Language Oral Proficiency test, and is given 30 days to submit an appeal. Upon the receipt of a candidate’s appeal, NYC Transit has two Examiners replay the audio tape of the candidates original English Language Oral Proficiency Test, re-rate the test, and respond accordingly to the candidate’s appeal based on the outcome of the re-rated test.

Going forward after Contract award, when a candidate submits an appeal, NYC Transit would administer a *second* English Language Oral Proficiency test to the candidate (instead of re-rating the original test). If the second test reaches a different conclusion, the Consultant’s supervising staff will make the final determination that will be used to grant or deny the appeal.

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Sincerely,

David Oppliger
Procurement Manager
Materiel Division

NEW YORK CITY TRANSIT AUTHORITY

OVERVIEW AND PROPOSAL PROCEDURES

1. Organization and Staffing Plan: Proposers shall include a detailed comprehensive approach to staffing and the organization required to perform the Work in the specification described herein. The Proposers shall provide a description of how the organization will operate to meet the various inspection and subsequent reporting requirements; and staffing at both the Proposer's office and NYCT's Project Manager's office. The Proposer's plan shall identify the number of part time and full time staff. The identification and role of all proposed subcontractors should also be clearly stated.
 2. Quality Assurance Plan: Proposers shall include a quality assurance plan. This plan should include a comprehensive description of the methods used to insure accurate inspections, billing and audits etc.
Such plan must demonstrate how the Proposer will effectively and efficiently administer this Contract and contain a detailed description of how the Proposer plans to accomplish the Work. ~~especially those tasks detailed in Section IV, Scope of Work, Item No.7 entitled "Specific Tasks of the Consultant."~~
 3. Corporate Integrity and Ethics: Proposer shall submit its written Code of Business Conduct that addresses ethics and business integrity and be willing to demonstrate its commitment to same.
 4. Implementation Period: Proposer's plan to implement the startup which will be evaluated and the Proposers shall include details indicating key tasks (including training) with the applicable time frames.
 5. Other Information: Other information called for by this RFP or which the Proposers deems relevant in the Scope of Work.
- B.
1. Price Proposal format. A Price Schedule is included in this RFP and shall be used by all Proposers. Proposers shall enter the numbers directly onto the Price Schedule and submit the completed Price Schedule to the Authority. Proposers are to make entries only in those areas requested.
 2. Class Award. This Contract will be awarded on a "class" basis, i.e., a single award will be made. A Proposer desiring to propose "no charge" for any line item in the Price Schedule must indicate this clearly.

Proposers are cautioned not to make any changes to the Price Schedule.

- C. A statement of the exceptions, if any, which the Proposer takes to any General and/or Specific Contract Provisions proposed by the Authority.
- D. Each Proposer, as part of its proposal, shall transmit a letter from an acceptable insurance company or companies, which satisfactorily establishes to the Authority that an insurance company will issue any necessary insurance policy(ies). Proposers failing to supply such documentation as to their ability to obtain the required insurance may not be considered for the Work. (Schedule A).