

Bill de Blasio  
*Mayor*

The City of New York  
Department of Transportation

Polly Trottenberg  
*Commissioner*



## **Request for Expressions of Interest**

for

demonstration project(s) of electric-powered scooter share

in

New York City

**RELEASE DATE:** October 30, 2020

**PIN:** 84121RFEI431

**AUTHORIZED AGENCY CONTACT PERSON**

Responders are advised that the Authorized Agency Contact Person for all matters concerning this RFEI is:

**David Maco**

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## **SECTION 1. PURPOSE OF THE RFEI AND PILOT GOALS**

The New York City Department of Transportation (“NYCDOT”) is releasing this Request for Expressions of Interest (“RFEI”) solicitation in response to Local Law 74 of 2020, which became effective on July 26, 2020 and requires NYCDOT to launch an electric-powered scooter share pilot (the “Pilot”). An electric scooter is defined as a device weighing less than one hundred pounds that has handlebars, a floorboard or a seat that can be stood or sat upon by the operator, and an electric motor (“E-Scooter(s)”).

This RFEI seeks to solicit responses from the electric-powered scooter share industry to implement a demonstration project(s) for electric-powered scooter share within the boroughs of New York City outside Manhattan (the “Project(s)”) and in areas underserved by the Citi Bike bike share program. NYCDOT has defined the following goals for the Pilot:

- 1.1 **Mobility:** expand convenient, affordable, and sustainable mobility options for New Yorkers, especially for those residents living in communities outside NYCDOT’s bike share service areas.
- 1.2 **Safety:** ensure that the Pilot is safe for riders, pedestrians, and other street users and supports New York City’s Vision Zero commitments.
- 1.3 **Accessibility:** ensure that Pilot does not impede travel on sidewalks; explore a range of accessible options and features for people with a range of disabilities.
- 1.4 **Equitable access:** expand mobility options for low-income New Yorkers and for communities underserved by transit and NYCDOT’s bike share system.
- 1.5 **Transparency and Accountability:** minimize adverse impacts on residents and ensure transparency about operators’ performance.
- 1.6 **Fair labor practices:** ensure that participating companies treat their employees and contractors respectfully and fairly.
- 1.7 **Consumer protection:** ensure that the rider data is protected and that riders have access to redress through the courts.

This RFEI and the Project(s) shall allow NYCDOT to evaluate the e-scooter share providers on the goals listed above, as well as their experience and operations plan. NYCDOT is developing the location(s) and full requirements of the Project(s). The top scoring respondent(s) to the RFEI will be invited to enter into a demonstration agreement(s) with NYCDOT, and that agreement shall layout the full details of the Project(s). NYCDOT believes that to be safe, equitable, and sustainable, an e-scooter share pilot program in New York City needs to include robust participation and oversight by the Department. Given this approach and the fiscal challenges faced by the City of New York, NYCDOT may seek to recoup its oversight costs from the e-scooter share providers participating in the Pilot.

## SECTION 2. ESTIMATED TIMETABLE

This RFEI and subsequent Project(s) shall adhere to the following estimated timetable:

	<b>Timetable</b>	<b>Dates*</b>
1.	Release of RFEI	October 30, 2020
2.	Question and answer deadline for the RFEI	November 13, 2020
4.	Submission of responses to RFEI	December 16, 2020
5.	Commencement of interviews and equipment demonstrations, if any.	January 4, 2021
6.	Approximate commencement of the Project(s)	March 1, 2021

\*Please note, the above timetable is merely an estimation and may be subject, at the sole discretion of NYCDOT, to change for any reason or no reason whatsoever.

## SECTION 3. PROJECT REQUIREMENTS

At the sole discretion of NYCDOT, the vendor(s) selected to implement the Project (the “Vendor(s)”) shall adhere to the following:

- 3.1 Endorse upon selection and fully comply throughout the term the all the requirements, including but not limited to indemnification of the City of New York (the “City”) and insurance, specified in the Project(s) demonstration agreement (the “Demonstration Agreement(s)”);
- 3.2 Participation in an equipment demonstration in advance of Project(s) launch;
- 3.3 The Project(s) service area boundary(ies) shall be located outside the borough of Manhattan, with preference given to areas outside of the existing or planned NYCDOT bike share zones, and will be solely determined by NYCDOT in advance of Project(s) launch. E-Scooter trips may not be started, ended, or paused outside of the Project(s) service area boundary(ies);
- 3.4 The Project(s) will roll out in tranches of E-Scooters to ensure a safe and orderly Project(s) service and mitigate significant negative impacts to New York City communities. The size, timing, and number of tranches and maximum allowable number of E-Scooters will be determined, solely by NYCDOT, in advance of the Project(s);
- 3.5 Maintenance Standards for E-Scooters:
  - 3.5.1 Batteries for E-Scooters must not be charged or serviced in residences.
  - 3.5.2 Engineering Specifications:
    - 3.5.2.1 The Vendor(s)’s model of E-Scooter used in the Project(s) must be safe for public use and pre-certified safe for public use by a New York State licensed

engineering firm for a maximum number of trips; individual E-Scooters that reach such maximum number of trips must be removed from service or refurbished;

3.5.2.2 At a minimum, each E-Scooter shall adhere to all Federal, New York State and City standards, laws, rules and regulations.

### 3.6 E-Scooter Parking

3.6.1 Respondents to this RFEI may propose services that are based on free-floating, station-based, hybrid, or other models. NYCDOT will select a parking model and define parking requirements prior to Project(s) launch.

3.6.2 NYCDOT will define requirements for the participating Project Vendor(s) to rectify improperly parked or misplaced E-Scooters.

### 3.7 E-Scooter Rebalancing and Obstruction:

3.7.1 NYCDOT will require the Vendor(s) to engage in E-Scooter rebalancing to mitigate the over concentration of E-Scooters in some portions of the Project(s) service area; and

3.7.2 NYCDOT will require the Vendor(s) to rectify obstruction of the public right-of-way, whether due to individual, improperly parked or fallen E-Scooters or an excessive accumulation of E-Scooters in a specific location, such as an intersection or a single block.

### 3.8 Software and Data Accessibility standards:

3.8.1 All Project(s) service data, less customer personally identifying information, must be made available 24/7/365 to NYCDOT on a real-time and historical basis;

3.8.2 A public E-Scooter service API shall be provided that complies with the current version (v2.0 or more recent) of North American Bike Share Association's General Bikeshare Feed Specification (GBFS) as detailed at: <https://github.com/NABSA/gbfs/blob/v2.0/gbfs.md>. The participating Project Vendor(s) must keep current with minor version alterations of GBFS within six weeks of release or to a specific patch version, as specified by NYCDOT. Vendor(s) must inform NYCDOT when version alteration transition will occur at least seventy-two (72) hours in advance; and

3.8.3 In addition to Section 3.8.1 and Section 3.8.2 above, an E-Scooter service API shall be provided that complies with the Mobility Data Specification (MDS) "Provider API" as detailed at: <https://github.com/openmobilityfoundation/mobility-data-specification/tree/main>. The participating Project Vendor(s) must keep current with minor version

alterations of MDS within six weeks of release or to a specific patch version, as specified by NYCDOT. Vendor(s) must inform NYCDOT when version alteration transition will occur at least seventy-two (72) hours in advance. Additionally, a GBFS API shall be provided that is only accessible with credentials granted to the agency, which includes a static (non-rotating) vehicle ID.

3.8.4 All digital platforms (mobile applications, websites, etc.) offered to the must comply with accessibility standards including Web Content Accessibility Guidelines (WCAG) 2.1 or successor standards, Apple or Android Accessibility guidelines for app developers. Prior to the release the public, e-scooter companies shall make their digital platforms available to the City for accessibility testing and resolve any issues identified by the City prior to launch.

3.8.5 All other data relating to operations, including but not limited to vehicle maintenance, rebalancing, battery swapping/charging, etc. will be accessible by the agency via a direct Open Database Connectivity (ODBC) connection to relational database(s) which support Structured Query Language (SQL) queries.

### 3.9 Vendor(s) Performance:

3.9.1 If, at its sole discretion, NYCDOT determines the Project(s) is performing poorly, the Vendor(s) may be required to reduce its E-Scooter fleet(s) or the Demonstration Agreement may be terminated. NYCDOT will evaluate Project(s) performance based on a number of factors that include, but are not limited to, orderliness, maintenance, boundary adherence, software and data issues, parking and usage, etc.

### 3.10 Reporting:

3.10.1 The Vendor(s) shall, on a monthly basis throughout the Project(s), provide a monthly report on performance indicators to be determined solely by NYCDOT; and

3.10.2 Upon termination of the Project(s), the Vendor shall provide a final report, as determined solely by NYCDOT, including but not limited to a self-evaluation and recommendations.

Please note, the Project(s) requirements listed above are minimum requirements and additional comprehensive requirements will be incorporated into the Demonstration Agreement(s).

## SECTION 4. QUESTIONS FOR E-SCOOTER PROJECT RESPONDENTS

### 4.1 General

- 4.1.1 Describe in detail your entity including but not limited to: legal name; address; principals' names; number of years in business; description of all services your entity provides; contact name, email and telephone number;
- 4.1.2 What is the technology model for your Pilot service? Provide, at a minimum, descriptions of how E-Scooters are rented and returned, how and where E-Scooters are parked, how E-Scooters are secured when not in use, how the system enforces service area boundaries, and how the system monitors the locations, number in use, and conditions of the deployed E-Scooters.
- 4.1.3 List every city you have operated in, including the start date and end date (if applicable) of operation.
- 4.1.4 For each city/municipality with 400,000 or more residents in which you operate, list:
  - 4.1.4.1 the number of E-Scooters and size of area served;
  - 4.1.4.2 the current and historical fleet size, and how long the E-Scooter services have been in operation;
  - 4.1.4.3 daily hours of operation;
  - 4.1.4.4 Nature of relationship with local governmental entity (e.g., permit system, contract, none/informal), type of local government entity (e.g. department of transportation, city hall, county agency) and any fees paid to such entity in exchange for the right to operate the service;
  - 4.1.4.5 Narrative of the service's initial and subsequent reaction to the Covid-19 pandemic. Include, at a minimum, whether the service operated continuously or was suspended; whether such decisions about the service were made independently, at the order of local officials, or in consultation with local officials; and any changes to operations/protocols since the onset of the pandemic;
- 4.1.5 Have your e-scooter share services withdrawn from any cities of your own volition? List such cities and describe the circumstances; and,
- 4.1.6 Have your e-scooter share services ceased operation in any cities/municipalities at the request or order of the local government? List such cities and describe the circumstances.

## 4.2 Safety

4.2.1 What are the safety standards for your service's E-Scooters? Describe the E-Scooters' features and design, engineering specifications, and any structural testing E-Scooters have undergone or would undergo prior to public use. This should include, but not be limited to, the following specifications:

4.2.1.1 Device weight

4.2.1.2 Maximum load

4.2.1.3 Length and width of the floorboard

4.2.1.4 Distance between centers of front and rear wheels (wheelbase)

4.2.1.5 Width and diameter of each wheel

4.2.1.6 Tire type (pneumatic, solid, etc)

4.2.1.7 Suspension type (if applicable)

4.2.1.8 Types of brakes used for front and rear wheels, including whether brake cables and housing are exposed or enclosed.

4.2.1.9 Front and rear light specifications

4.2.1.10 Bell/horn

4.2.2 Please list and describe how your e-scooter share service proactively addresses rider behavior and safety. Such list shall include, but not be limited to;

4.2.2.1 Training riders on how to safely and properly use your E-Scooters,

4.2.2.2 Training riders on the local rules of the road and street infrastructure,

4.2.2.3 Distribution information on and encouraging the use of helmets.

4.2.3 What is the minimum age required to use your e-scooter share service?

4.2.4 What measures does your service take to prevent underage/unauthorized riders, or multiple riders using a single E-Scooter at once;

4.2.5 For each city/municipality with 400,000 or more residents in which you operate or have operated in, list, since January 2018:

4.2.5.1 All deaths and severe injuries to E-Scooter riders of your service;

4.2.5.2 All deaths and severe injuries to pedestrians, operators of other involved vehicles, and other bystanders;

- 4.2.5.3 All legal actions filed against the company by users of its E-Scooter services due to death or serious injury;
  - 4.2.5.4 All legal actions filed against the company by third parties harmed by its E-Scooter services due to death or serious injury;
  - 4.2.5.5 All legal actions filed against the company by users of its E-Scooter service or by third parties pertaining to accessibility of the vehicles or impacts on sidewalk path of travel;
  - 4.2.5.6 All legal actions filed against the company by governmental entities in localities in which its E-Scooter services have operated; and
  - 4.2.5.7 All legal actions filed by the company against city, state, or other governmental jurisdictions in which its E-Scooter services have operated.
- 4.3 Equipment and Technology
- 4.3.1 What technologies would be implemented to ensure the safety and minimize community disruption resulting from the Pilot service? At a minimum, describe mechanisms intended to:
    - 4.3.1.1 Allow riders and members of the general public to report damaged E-Scooters/equipment;
    - 4.3.1.2 Recognize and/or disable damaged E-Scooters/equipment;
    - 4.3.1.3 Encourage and/or enforce the orderly parking of E-Scooters;
    - 4.3.1.4 Allow riders and members of the general public to report misplaced, fallen, and improperly parked E-Scooters;
    - 4.3.1.5 Automatically recognize improperly parked E-Scooters;
    - 4.3.1.6 Locate misplaced E-Scooters;
    - 4.3.1.7 Ensure E-Scooters cannot be locked or unlocked outside of the Project(s) service area; and
    - 4.3.1.8 Ensure rider anonymity while complying with section 3.8 of this RFEI.
    - 4.3.1.9 Monitor the performance, condition, and safety of batteries in each E-Scooter.
  - 4.3.2 In the cities/municipalities where you currently operate, what is the average lifespan of E-Scooters and batteries?
  - 4.3.3 How does your share service dispose of or recycle E-Scooters and/or batteries that are no longer operational?



- 4.3.4 Do you have strategies in place to extend the lifespan of equipment and/or minimize waste for equipment that is no longer viable?
- 4.4 Describe your accessible options that would be available for use by people with disabilities as part of the Pilot. Such options shall include, but not be limited to:
  - 4.4.1 Existing services or accommodations for people with mobility disabilities, including those unable to stand for long periods or unable to walk, or other disabilities.
  - 4.4.2 If you currently provide accessible options in any cities/municipalities with 400,000 or more residents, please list the cities and the type of service.
  - 4.4.3 Are there any additional accessibility offerings that are under development that might be available in time for the NYCDOT pilot?
  - 4.4.4 Have you tested the proposed accessible options with members of the disability community and incorporated their feedback?
- 4.5 E-Scooters Parking and Placement
  - 4.5.1 How would the E-Scooter service detect and redress inappropriately parked E-Scooters? Describe technical and operational plans for improperly parked E-Scooters within a designated Project(s) service area.
  - 4.5.2 How would the E-Scooter service detect and redress parked E-Scooters that have fallen?
  - 4.5.3 Describe your service's protocols for keeping paths of travel, curb ramps, and other accessibility features unobstructed for people with disabilities. Do your scooters have a braille identifier?
  - 4.5.4 If your service utilizes a station-based or hybrid parking model:
    - 4.5.4.1 How will the E-Scooter service recognize when E-Scooters are parked within stations and compel users to park only in stations (or incentivize users to park in station if hybrid model)?
    - 4.5.4.2 Does your technology require any equipment or markings to be installed at or in the station locations?
      - 4.5.4.2.1 If yes, please describe such equipment or markings and indicate whether it is proprietary or open standard. If proprietary, would its installation preclude the installation of other Vendor(s)' equipment into a coextensive station?

4.5.4.2.2 If no, please describe the technology on E-Scooters that will detect station locations and the accuracy with which it can enforce station boundaries.

4.5.5 If your E-Scooter service does not include station-based parking, describe plans to use staff or other interventions to manage parked E-Scooters at major transportation hubs or other high-traffic, congested locations.

4.5.6 NYCDOT invites any additional vendor comments on strategies to reduce and manage issues related to E-Scooter parking and associated roadway obstruction.

#### 4.6 Operations

4.6.1 What will the E-Scooter service's standards be for maintaining its E-Scooters? Describe, at a minimum, the maintenance schedule for E-Scooters deployed as part of the pilot, and list items that would be checked by maintenance personnel.

4.6.2 What will the E-Scooter service's standards be for repairing or removing from the public right of way damaged, deficient, unclean, or otherwise unusable E-Scooters? How long after notification will the E-Scooter service need to repair or remove E-Scooters? What standards has the E-Scooter service committed to in other large urban markets?

4.6.3 How will the E-Scooter service implement E-Scooter rebalancing to mitigate the over-concentration of E-Scooters in some areas, while encouraging productive use of E-Scooters? Describe both physical operations and technological interventions.

4.6.4 What specific actions would the Vendor take to alleviate safety hazards or roadway/sidewalk blockage resulting from excessive E-Scooter accumulation in a specific area?

4.6.5 How will you replace and/or recharge batteries?

#### 4.7 Pricing and Business Model

4.7.1 How much will users pay to rent an E-Scooter? Describe anticipated pricing and/or fare structure(s)

4.7.2 Do you offer discounted pricing and/or fare structure(s) for low-income riders? Please describe structure(s) and eligibility requirements.

4.7.3 Do you offer payment options for riders without credit cards? Please describe options. What are the anticipated revenue sources for the E-Scooter service? Indicate the percentage of revenues expected from user fares and describe any other revenue streams included in the E-Scooter service's business model.

4.7.4 Would sponsorship funding be part of the E-Scooter service's business model? If yes, describe the nature and extent of proposed sponsorship.

4.7.5 Explain when and under what conditions the E-Scooter service would be profitable, and indicate whether or not the E-Scooter service can operate sustainably in a competitive, multi-vendor market over the long term.

#### 4.8 Outreach, Engagement, and Customer E-Scooter service

4.8.1 What community outreach efforts would precede and accompany the launch of the E-Scooter service in the Project(s) service area?

4.8.2 How would the E-Scooter service encourage equity in mobility by serving underrepresented populations, including people with disabilities and those living in public housing?

4.8.3 How would customers contact the company regarding billing disputes or problems with E-Scooters rental? How would (non-customer) members of the community contact the company to report damaged or misplaced E-Scooters?

#### 4.9 Labor practices

4.9.1 Please describe the labor model of the E-Scooter service. Which operations and maintenance tasks will be performed by employees of the E-Scooter service, and which will be performed by subcontractors? Will the E-Scooter service use independent contractors, i.e. “gig” labor?

4.9.2 If independent contractors will be used, describe the tasks for which they will be used, and the incentive structure

#### 4.10 Consumer protection

4.10.1 Please describe in detail the user data the company will collect, and the company’s data retention policies. Will user data be sold or otherwise made available to third parties? Will it contain personally-identifiable information (PII)? How will the company prevent unauthorized access to PII? Provide the sections of the privacy policies and terms and conditions that communicate this information to users.

4.10.2 Will the E-scooter service require users to agree to binding arbitration and/or to waive their right to participate in class action lawsuits as part of its terms and conditions? Provide the sections of the privacy policies and terms and conditions that communicate this information to users.

## **SECTION 5. SUBMISSION REQUIREMENTS**

- 5.1 Responses to the questions listed in Section 4 shall be submitted in the order in which they are presented.
- 5.2 Respondents intending to participate in the Project(s) as a Pilot service operator shall:
  - 5.2.1 Respond to all questions in Section 4;
  - 5.2.2 Be on notice that NYCDOT may, at its sole discretion, issue further submission, selection, and/or evaluation criteria;
  - 5.2.3 Provide E-Scooters and connectivity to all essential required systems and components, upon short notice;
  - 5.2.4 Promptly provide all necessary registration and Project(s) documentation including, but not limited to, the engineers certificate as required by Section 3.5.4.1, PASSPORT submissions and insurance documentation;
  - 5.2.5 Promptly endorse the Demonstration Agreement, to be provided by NYCDOT, that shall include, but not be limited to:
    - 5.2.5.1 E-Scooter service requirements;
    - 5.2.5.2 Project(s) service area;
    - 5.2.5.3 E-Scooter Service Level Agreements;
    - 5.2.5.4 Insurance;
    - 5.2.5.5 Indemnification; and
    - 5.2.5.6 Performance bond.
- 5.3 Any inquiries concerning this RFEI should be directed by e-mail, under the subject line “E-Scooter Share RFEI Q&A”, to the email address of the Authorized Agency Contact, David Maco, at [dmaco@dot.nyc.gov](mailto:dmaco@dot.nyc.gov). All questions must be submitted no later than, November 13, 2020 at 12:00 PM New York City time. NYCDOT will circulate questions and answers to respondents who provide e-mail addresses.
- 5.4 Responses to this RFEI should be submitted via email to the Authorized Agency Contact’s email address indicated above, under the subject line, “Response to the E-Scooter Share RFEI” by no later than 5:00 PM New York City time on December 16, 2020. To enable electronic delivery, please ensure that the size of the file responding to this REFI is no greater than 5 MB.
- 5.5 Please keep your response to this REFI as brief as possible. In no event should it be longer than twenty (20) pages, using no smaller than twelve (12) point type, not inclusive of any exhibits and/or images.

## SECTION 6. PROJECT EVALUATION AND CONTRACT AWARD PROCEDURES

- 6.1 Responders to the Project(s) questions (Section 4) will be evaluated by an evaluation committee that shall be comprised of a minimum of three (3) persons qualified to evaluate the components of the Project(s) responses to this RFEI (the “Evaluation Committee”). Members of the Evaluation Committee will include representatives of NYCDOT and may include other City agencies.
- 6.2 Although NYCDOT may conduct various post-submission inquiries and negotiations with Project(s) responders, NYCDOT reserves the right to award one or more Demonstration Agreement(s) on the basis of initial responses received for the Project(s). Therefore, the responder’s initial response to the Project(s) questions should contain its most comprehensive answers.
- 6.3 Project(s) Evaluation Procedures

- 6.3.1 The Evaluation Committee will evaluate and rate all responsive responses for the Project(s) questions, based on the evaluation criteria and weights prescribed below.

	Evaluation Criteria	Maximum Available Percentage
1	Experience (RFEI Section 4.1)	20 %
2	Safety (RFEI Sections 4.2, 4.3)	25 %
3	Operations and Parking Management (RFEI Sections 4.3, 4.5, 4.6)	25 %
4	Accessibility of E-Scooter Options (RFEI Section 4.4)	10 %
5	Equity and Outreach(RFEI Section 4.7, 4.8)	10 %
6	Fair Labor Practices (RFEI Section 4.9)	5 %
7	Consumer Protection (RFEI Section 4.10)	5 %

- 6.3.2 In order to establish the evaluation ranking, the ratings by the evaluation committee members will be added and averaged for each responding firm. Upon completion of the evaluation of the responses, responders will be ranked in descending order of score.
- 6.3.3 Based on these rankings, a “short-list” will be established of only those responders who submit highly relevant and technically viable responses with relevant and adequate qualifications, experience, safety, overall Project(s) understanding, approach and demonstrated level of organizational capability in all Project(s) areas, and which have scored 70 points or higher (the “Short-listed Responders”). Only Short-listed Responders will then be considered for further evaluation and NYCDOT expressly reserves the right to limit the number of Short-listed Responders.

6.3.4 NYCDOT reserves the right to conduct site visits, interviews, equipment tests and/or to request that Short-listed Responders make oral or visual presentations in support of their responses or to exhibit or otherwise demonstrate or clarify the information contained in their responses. Subsequent to any such presentations, the Evaluation Committee will have the opportunity to revise the Short-listed Responders evaluation scores, as appropriate, in accordance with the above-noted criteria.

6.3.5 The final evaluation scores will then be calculated by the Evaluation Committee.

#### 6.3.6 Basis for Contract Award

6.3.6.1 Demonstration Agreement(s) will be awarded to the responsive and responsible Short-listed Responder(s) scoring the highest final technical score and whose responses are determined to be the most advantageous to the City, taking into consideration the criteria which are set forth in this RFEI.

6.3.6.2 In the event that a Demonstration Agreement cannot be successfully executed in a timely manner with the highest ranked Short-listed Responder, NYCDOT reserves the right to commence the registration process with the next ranked Short-listed Responder, as necessary.

### **SECTION 7. ADDITIONAL INFORMATION**

7.1 This RFEI is not intended as a formal offering for the award of a contract or for participation in any future solicitation.

7.2 Other than the Demonstration Agreement(s), NYCDOT does not intend to grant or issue any agreements on the basis of this RFEI.

7.3 NYCDOT, the City and their officials, officers, agents and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFEI.

7.4 No information contained in submitted submissions shall be deemed confidential and such information may be shared with other governmental entities and the public. Therefore, please do not submit any information that may be deemed proprietary in nature as NYCDOT may be required to disclose elements of submissions in response to an information request under the New York State Freedom of Information Law ("FOIL").

7.5 Neither NYCDOT nor the City shall be liable for any costs incurred by any respondent in the preparation, submittal, presentation or revision of its submission. Neither NYCDOT nor the City shall be obligated to pay and shall not pay any costs in connection with the preparation of such submissions.

- 7.6 All submissions shall become the property of NYCDOT and the City and shall not be returned.
- 7.7 NYCDOT at its sole discretion reserves, without limitation, the right to:
  - 7.7.1 Withdraw the RFEI at any time;
  - 7.7.2 Discuss various approaches with one or more respondents (including parties not responding to the RFEI);
  - 7.7.3 Use the ideas and/or responses in any manner deemed to be in the best interests of NYCDOT and the City, including, but not limited to, soliciting competitive submissions relating to such ideas or responses and/or undertake the prescribed work in a manner other than that which is set forth herein; and
  - 7.7.4 Change any terms of the RFEI.
- 7.8 All costs associated with the Project(s), including E-Scooters, equipment, maintenance, rebalancing, insurance etc. shall be solely borne by the respondents to the REFI.
- 7.9 Respondents to the RFEI shall hereby be on notice that NYCDOT, at its sole discretion, may issue further submission, selection and/or evaluation criteria.
  - 7.9.1 This RFEI and the resulting award(s) of a Demonstration Agreement(s), if any, unless otherwise stated, are subject to all applicable Federal, State and local laws, including but not limited to provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (“PPB”) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.