

REGIONAL PUBLIC TRANSPORTATION INFRASTRUCTURE STUDY (PTIS)

REQUEST FOR PROPOSALS

April 7, 2008

Proposals Requested By:

Council of Fresno County Governments
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**TASK ORDER REQUEST FOR PROPOSALS
REGIONAL PUBLIC TRANSPORTATION INFRASTRUCTURE STUDY
COUNCIL OF FRESNO COUNTY GOVERNMENTS**

I. INTRODUCTION

The Council of Fresno County Governments (Fresno COG) is seeking a qualified Consultant with substantial experience in developing and designing long-range regional public transportation plans. The purpose of this Public Transportation Infrastructure Study is to evaluate mobility needs and opportunities, and to identify strategies for public transit and transit supportive infrastructure development that will result in wider acceptance and use of non-automobile transportation modes such as public transit, bicycle and pedestrian travel. In addition to the development of viable alternative public transportation options for Fresno County, this study seeks to develop ridership projections and cost estimates for various scenarios that will be used to establish a long-range plan leading to optimum connectivity within the region.

Discussion

Fresno County is part of the San Joaquin Valley Air Basin, a region that, much like its California cousin the South Coast Air Quality Management District, has significant air quality challenges. However, unlike other California regions, the San Joaquin Valley is not dominated by emissions from one large urban area. Instead, there are a number of small and moderately sized urban areas spread along the main axis of the predominantly rural Valley. This wide distribution of emissions complicates the problem of addressing air quality issues, and makes traditional strategies to reduce vehicle travel, such as public transportation, less practical.

Additionally, recent state population projections show Fresno County, as well as the entire San Joaquin Valley, more than doubling by the year 2050. Nearly two million people in Fresno County and over nine million in the Valley will present serious challenges to our built environment and to the public sector's ability to provide adequate services. How we maintain a desirable quality of life in the face of such growth is an ongoing challenge for local government planners.

The San Joaquin Valley Blueprint Planning Process is addressing just such issues. This eight county endeavor is a collaborative effort among the Valley's Councils of Governments (COGs). It is addressing land use and transportation to the year 2050 within the "Sustainable Communities" themes of Environment, Economy and Equity. The program is sponsored by the State with matching funds from the Valley Air District and the COGs. Blueprint planning is taking place at the county level with the COGs serving as lead agencies. It also has a regional component, where the Great Valley Center will synthesize the input from the eight counties into a cohesive Valley Vision.

Before the Blueprint processes had been initialized in the Valley, Fresno County policy makers formulated a study concept called the Public Transportation Infrastructure Study (PTIS). The purpose of the study is to evaluate mobility needs and opportunities, and identify strategies for public transit and transit supportive infrastructure development that will result in wider acceptance of alternative travel modes such as public transit, bicycle and pedestrian travel as mobility options.

Phase I of the PTIS evaluated existing and planned land uses, mapped residential and employment densities, and identified primary travel corridors for communities outside of the Fresno/Clovis Metropolitan Area (FCMA). Phase I also reviewed existing land use policies and

developed a set of transit supportive recommendations. Phase I reports are available on the Fresno COG website at www.fresnocog.org.

In 2006, Fresno County Voters approved a half-cent sales tax called Measure C. Measure C includes a projected \$5 million reserve for the completion of the PTIS and the formation of a regional transit agency.

For the next phase of the PTIS, the Fresno COG will utilize the Fresno County Blueprint Steering Committee as the PTIS Steering Committee to ensure the highest possible integration of PTIS and Blueprint planning activities.

II. SCOPE OF WORK

The selected consultant(s) will work with the Fresno COG's Blueprint/PTIS Steering Committee to develop strategies for carrying out the scope of work which will lead to the successful achievement of the study goals that were developed in Phase I of the PTIS.

The Consultant shall assess and provide continuity with other related planning activities and processes within the region. Familiarity with other plans and activities is crucial. Some of those plans, studies and activities include:

- The San Joaquin Valley Blueprint
- Metro Rural Loop Feasibility Study
- The City of Fresno Activity Center Study
- Farmland Conservation Studies
- The City of Fresno South East Growth Area Specific Plan
- The Long-Range Transit Master Plan and Bus Rapid Transit Plan
- The City of Fresno Downtown Transportation and Infrastructure Study

Information about these plans and studies is available on the COG website at www.fresnocog.org.

Public Transportation Infrastructure Study Goals:

System Design Goals

1. Design a countywide public transportation system that maximizes personal mobility by providing functional access to work, education, health care, recreation and other essential services for all county residents.
2. Design a countywide public transportation system which is safely accessible to pedestrians and bicyclists.
3. Design a countywide public transportation system that provides a viable, attractive and affordable alternative to private automobiles.
4. Design a countywide public transportation system that will lead to reduced vehicle miles traveled, improved air quality, and reduced traffic congestion.

5. Design a countywide public transportation system that provides optimum connectivity between all Fresno County jurisdictions including Indian Tribal Governments and communities. This county system should not preclude any logical connectivity to existing or future planned services in neighboring counties.
6. Design a countywide public transportation system that will be sustainable over a 50 year planning horizon.

System Supportive Strategies

1. Develop strategies that will maximize the use of public transportation.
2. Develop strategies that will reduce dependence upon private automobile use.
3. Develop transportation investment strategies that insure transportation-disadvantaged populations such as youths, seniors, disabled, farm workers and low income groups have convenient, fast, efficient, and reliable, access to work, education, health care, recreation and other essential services.
4. Develop strategies that promote and support overall safety, walkability, and convenient access to public transportation.
5. Develop strategies that support intermodal travel including park-and-ride, rideshare, bicycle, rail and transit programs.
6. Develop public transportation strategies that support long-term regional economic vitality.

Scope of Services:

1. Determine the feasibility of various pedestrian, bicycle and transit supportive strategies
 - Identify transit and transit supportive infrastructure options and technologies
 - Determine which options, systems and technologies are viable under current conditions (Current Condition Scenario)
 - Determine what systems and technologies may be viable under alternative growth scenarios.

Note: The alternative scenarios will include among other ideas mixed land uses; compact building design; walkable development with a variety of transportation options, and an evaluation of population distribution and land use modifications.
2. Evaluate and model route alignments; project ridership; estimate costs; estimate anticipated shifts in transportation mode (mode split)
 - Determine route alignment and station locations under Current Condition Scenario
 - Estimate Current Condition Scenario capital and operational costs
 - Project Current Condition Scenario mode split

- Determine route alignment and station locations under Alternative Growth Scenarios
- Estimate capital and operational costs for Alternative Growth Scenarios
- Project mode split for Alternative Growth Scenarios

Note: The City of Fresno has an established Bus Rapid Transit (BRT) Plan that the consultant will use for identified transit corridors under current conditions and alternative growth scenarios. Additional corridors may be identified during the study process. The consultant will be expected to further refine the BRT Plan through this study process, and develop connections with other corridors serving Fresno County communities.

3. Develop transit supportive policies and standards

- Develop transit supportive land use standards
- Develop model general plan element for transit supportive policies and standards
- Develop model mixed-use development policies and standards.
- Develop model infill development policies and standards
- Develop model transit station facility standards
- Develop transit supportive land-use overlays for key transit corridors

4. New Technology Funding Reserve

- Identify best opportunities to enhance existing transit modes through New Technology (Personal Rapid Transit or similar systems) for maximum intermodal operations.
- Identify best potential projects for New Technology funding reserve.
- Model ridership for potential projects.
- Prepare potential implementation schedule and cost/benefit estimates.
- Identify potential revenue streams.
- Identify potential private sector partners/investors and government matching fund resources.
- Restrict Study to technologies that have completed successful full-scale test facilities or are likely to have them completed by 2010.

5. Develop Implementation Plan

- Develop long and short-range project priority list
- Develop operating and capital funding strategies
- Develop long and short-range implementation plan

6. Downtown Fresno Streetcar Feasibility Study

Please refer to supplemental RFP package:

Downtown Fresno Streetcar Feasibility Study

III. PUBLIC INVOLVEMENT PROCESS

As with any effective planning process, public involvement is critical to the success of this effort. The Consultant will be expected to prepare and execute an effective public outreach program to insure that the public and elected officials are informed and engaged in all planning activities. Efforts to include minority groups such as farm workers, Native American communities and non-English speakers will be required. A proposed public involvement process should be identified in each work task that supports the task and the overall project.

The Public Outreach and Involvement Process should include:

- Internet resources on the FRESNO COG's website
- Newsletters, electronic and hardcopy
- Mass media, print and broadcast
- Public workshops during each phase of the process
- High quality graphic illustrations and computer simulations, and
- Multiple presentations to policy level boards including the County Board of Supervisors, the Fresno City Council, the Fresno COG Policy Board and any Fresno County City with a population greater than 25, 000.
- A method for assessing the level of public awareness of the PTIS

IV. PROPOSAL REQUIREMENTS

Proposal content and completeness are important. Clarity and conciseness are essential and will be considered in assessing the proposing organization's capabilities. The Project Technical Advisory Committee will screen all Consultant proposals submitted in response to this request for proposals. The Committee will determine, through the screening process, which Consultants **may** be invited to make formal presentations and be interviewed by the Committee. The Committee reserves the right to make a final selection **without** an interview.

One (1) reproducible and fifteen (15) copies of the proposal must be received at the Council of Fresno County Governments office, located at 2035 Tulare Street, Suite 201, Fresno, California 93721, by **5:00 P.M. PST on May 15, 2008**. Proposals not received by that date and time **will not** be considered. In order to simplify the review process and to maximize the degree of comparative analysis, the proposal should be organized in the following manner:

A. TRANSMITTAL LETTER

The transmittal letter should be signed by an official authorized to bind the Consultant contractually and will contain a statement to the effect that the proposal is a firm offer for 90 days. The letter accompanying the proposal will also provide the following: names, titles, mailing address, email addresses, and telephone numbers of individuals with the authority to negotiate and contractually bind the company.

B. TABLE OF CONTENTS

Include identification of the material by section and page number.

C. OVERVIEW

This section should clearly convey the Consultant's understanding of the nature of the work and the general approach to be taken to its performance. This section should include, but not be limited to, a discussion of the purpose of the project, the organization of the project effort, and a summary of the proposed approach.

D. PROPOSED WORK PLAN

This section should include:

1) Task Descriptions:

A work program including a recommended set of tasks that will accomplish the goals and objectives of the PTIS. Include a full description of each step to be followed in carrying out the project. The work description should be presented in sufficient detail (tasks, subtasks, schedule, etc.) to demonstrate a clear and complete understanding of the work and the proposed approach.

2) Products:

A description of the format, contents and level of detail that can be expected for each anticipated task deliverable product should be included.

3) Schedule:

A schedule showing the expected sequence of tasks, subtasks, etc. should accompany the work description. Important milestones should be identified on the schedule.

E. Management Approach

This Section should describe the Consultant's management approach. If the proposal is a team effort, the distribution of work among the team members should be indicated. Describe the organization of the management, the structure of the work assignments, and any specific features of the management approach that requires special explanation. The prospective Consultant will designate by name the project manager to be employed who will oversee the project. No substitutions of the identified project manager will be allowed without prior approval of the Steering Committee.

Include the names and qualifications of all professional personnel to be employed, a resume for each professional, included in the appendix, a statement indicating hourly rate that will be charged for each professional assigned to the contract, and what tasks each professional will perform. Staffing assignments should be specific enough to demonstrate understanding of skills required and commitment of proper resources. The Consultant will not substitute members of the project team without prior approval of the Steering Committee.

F. SUMMARY OF QUALIFICATIONS

Provide a description of previous projects that significantly relate to your qualifications for this project. Provide names, mailing addresses, email addresses, and telephone numbers for at least three clients for whom the firm preformed services similar to those described in this request for proposal.

V. PROJECT SCHEDULE

Respondents should develop a proposed schedule as part of their proposal. This schedule should show estimated completion dates for recommended tasks and sub-tasks. The selected Consultant will be expected to perform all work necessary to complete approved tasks. The Consultant will take primary direction from the Steering Committee. It is intended that all work will be completed within the timelines of accepted tasks as agreed upon by the Steering Committee and the Consultant. The Consultant’s work will begin immediately upon signing a contract. Any extensions to the timeline will require a formal written request from the Consultant to the Fresno COG Project Manager. The Committee will take appropriate action to ensure proper and timely performance by the Contractor.

Proposal Review and Award Schedule

<u>Activity</u>	<u>Date</u>
Request for Proposals Released	April 7, 2008
Pre-proposal Meeting	April 22, 2008
Deadline for Proposal Submittal	May 15, 2008
Presentation/Interview Selection Process	June 9, 2008 (if necessary)
Fresno COG Policy Board Approval	July 31, 2008 meeting
Notice to Proceed (subject to Contract Signing)	Post Fresno COG Policy Board Approval

VI. DELIVERABLE PRODUCTS

Deliverables for the project will be provided in a manner consistent with the Tasks/Schedule identified in the scope of work. The selected Contractor(s) is to provide deliverable materials and reports to the Fresno COG Project Manager:

Copies of all associated data tables and modeling data are to be provided in U-Plan, TP+ /CUBE or compatible electronic format. All data and materials collected for this project will become the property of the Council of Fresno County Governments (Fresno COG) and will be turned over to the Project Manager upon acceptance of each completed task. Copies of all associated data and materials prepared or collected for this project will become the property of the Council of Fresno County Governments (Fresno COG) and will be turned over to the Project Manager upon acceptance of the Final Project Report.

PUBLIC INVOLVEMENT MATERIALS

This product will consist of newsletters, briefing reports, flyers, meeting displays, graphic exhibits, photographs, Power Point presentations, press releases, minutes from public meetings, and associated materials used to inform and engage the public. An executive summary describing the outcomes of the public workshops including a summary of public comments will be prepared.

FINAL PROJECT REPORT

The Consultant will be expected to provide a comprehensive written report containing detail sections describing the study purpose, methodology, data evaluation, findings, and recommendations. The report findings and recommendations must relate to the goals identified in this RFP under Section II Scope of Work *Public Transportation Infrastructure Study Goals*. Each jurisdiction in the study area will receive individual analysis. Public comments received as a result of the study will be included in the final report along with recommended mitigation measures and/or justification for non-action. A high quality, graphically rich Executive Summary suitable for general public release will be prepared.

The draft final report will undergo the Fresno COG's 45-day review process to allow an opportunity for additional public comment. It will be necessary for the Consultant(s) to attend Fresno COG meetings including the Transportation Technical Committee (TTC), the Policy Advisory Committee (PAC), and the Policy Board. Consultants will make presentations, answer questions and defend study findings and recommendations during this review and adoption process. This will require a minimum of six meetings over two months.

The Consultant will provide one electronic (.pdf) copy, and (1) unbound reproducible paper copy. Copies of all associated data tables and modeling data will be provided in U-Plan, TP+/CUBE or compatible electronic format. All data and materials collected for this project will become the property of the Council of Fresno County Governments (Fresno COG) and will be turned over to the Project Manager upon acceptance of the Final Project Report.

VII. CONSULTANT SELECTION

The Study Technical Advisory Committee will screen all Consultant proposals submitted in response to this request. The Committee will determine, through the screening process, which Consultants may be invited to make formal presentations and be interviewed by the Committee. The selection Committee reserves the right to make a final selection without an interview. The Fresno COG may elect to retain more than one consultant or consultant team to perform different study tasks.

VIII. BUDGET & BILLING FORMAT

A cost analysis of the proposed budget will be done by Fresno COG staff. Under various circumstances the budget could be subject to Pre-audit and/or the final cost subject to Post-audit by Fresno COG. The Contractor should have an accounting system capable of segregating direct cost from indirect costs. The Contractor and Subcontractors will comply with

all applicable laws and maintain books, documents, papers, and accounting records for a period of three years from the date of the final payment.

A. Method of Payment

A Cost Reimbursement Contract will provide reimbursement, at actual cost plus a fixed fee for profit.

B. Project Budget

The original PTIS budget was set at \$3,000,000; however, because significant work has already been completed including Phase I of the PTIS, and other related planning studies such as the Fresno Downtown Transportation and Infrastructure Study (DTIS), a Bus Rapid Transit Plan, City of Fresno Activity Center Study, City of Fresno South East Growth Area Specific Plan and a Metro Rural Loop Feasibility Study, the Fresno COG does not anticipate needing \$3,000,000 to complete the PTIS.

Further, the evaluation committee will include proposal budget as a factor in the selection process.

C. Task Budget

A schedule of billing rates for each person working on the project must be provided. A schedule of estimated costs to compete each proposed task should add down to the total cost of the project (see Tables 1 & 2). The task budget should include a subsidiary breakdown by task of hours and billing rate charges. To ensure a full understanding of the resources committed to the project, the schedule should clearly indicate the amount of hours key personnel will be used in each task.

D. Budget and Cost Breakdown

The prospective Consultant will prepare a detailed cost breakdown for the proposed work to be performed during the project. This will include all tasks recommended to complete the project including final reports and presentation.

- 1) **Direct Labor Costs** – A schedule of billing rates and hours worked by employee or category of employee is required of the prime Contractor and all Subcontractors. Billing rates shall be based on actual pay rates and should cover all costs associated with the employee (salary, benefits, and anticipated cost of living and/or merit increases during the term of the Contract). Depending on the individual cost structure, overhead may be applied as a component of the billing rate or applied separately. The Proposer should be prepared to validate billing rates with payroll registers, wage agreements, or other payroll documentation.
- 2) **Overhead Rates** – The overhead rate should include all indirect costs not readily assignable to cost objectives specifically benefited. Typically an overhead rate is calculated on a company or division wide basis by segregating expenses into direct cost and indirect cost categories and then dividing the indirect costs by a direct cost base such as direct labor to arrive at an overhead rate. The overhead rate is then applied on a contract by contract basis to recapture the indirect costs that are not chargeable directly

to a final objective such as general and administrative, facilities, equipment, supplies, accounting, maintenance, materials, etc. Some cost structures may be broken into various overhead rates that are applied to different bases. The Proposer should be prepared to provide supporting documentation such as prior agreements with government agencies or audits of prior year activities to validate overhead rates structures.

- 3) **Direct Cost** – Direct costs are those incremental costs that can be identified specifically with a particular final cost objective. Although in some instances direct costs and indirect costs may include similar categories, incremental direct costs attributable to final objectives must be separated and not included in the overhead calculation. All direct costs specifically attributed to the project and not included in the billing rates must be itemized by budget category to be eligible for reimbursement. Once contractually authorized, direct cost budgets may not be substituted without prior written consent of Fresno COG.
- 4) **Subconsultant Fees** – Subconsultants must provide the same cost data detail as the prime Contractor (see Table I and Table 2).
- 5) **Fixed Fee** – A fixed fee is calculated as a basis of total direct and indirect costs. The State of California allows a 10% maximum fee.

TABLE 1
 Example of Hypothetical Cost Estimates
 Direct Cost by Task

Cost Items	Task 1	Task 2	Task 3	Total
1. Direct Labor	3,700	17,053	5,502	26,255
2. Overhead (___% of Line 1)	1,480	6,821	2,201	10,502
Total Salary Burden	5,180	23,874	7,703	36,757
3. Direct Expenses				
Telephone/FAX	35	28	15	78
Postage/Shipping	12	8	35	55
Graphics/Printing	11	11	75	97
Travel	350		500	850
Misc.	45	45	45	135
Total Direct Expenses	453	92	670	1,215
4. Sub-consultant Fees *	4,244	22,276	2,726	29,246
5. Fixed Fee (___% of Lines 1,2,3)	764	1,524	1,132	3,420
Total	10,640	47,766	12,231	70,638
				70,638

TABLE 2
 Example of Project Task Costs by Key Personnel

Task No. and Description	Key Staff #1	Key Staff #2	Staff Support	Total Hours
Sub-Task 1. Establish Parameters	25	75		100
Sub-Task 3. Data Collection and Analysis		400	250	650
Sub-Task 4. Final Report and Presentation	15	50	175	240
Total Hours	40	525	425	990
Billing Rate	\$75.00	\$44.06	\$25.00	\$37.12
Memo Total	\$3,000	\$23,132	\$10,625	\$36,757

* Sub-consultants must provide required cost components found in Tables 1 & 2

E. DBE Participation

DBE Exhibit A - Bidders Listing must be completed for all Contractors and Subcontractors regardless of DBE affiliation.

The Fresno COG fully anticipates that it will consistently meet and exceed its adopted DBE overall goal under 49 CFR Part 26 using race-neutral measures exclusively.

Only DBE firms currently certified per 49 CFR Part 26 will participate as DBEs in our program. Such certification must be issued by Caltrans, FHWA, FTA, DOT, MPO, City, County, or State in accordance with 49 CFR Part 26.

Fresno COG will not deny award to Contractors on the basis of DBE participation, who demonstrate that they have used good faith efforts to achieve DBE participation.

Contractors selected on the basis of DBE participation must provide the following information with the initial proposal or before entering into a contractual agreement with Fresno COG:

- 1) The names and addresses of the DBE firms.
- 2) A description of the work each DBE will provide.
- 3) The dollar amount of participation by each DBE.
- 4) Proof of DBE certification.
- 5) Written confirmation that the DBE will participate.
- 6) If DBE participation is not achieved, evidence of good faith efforts must be provided.

Prime Contractors are required to maintain records and document payments to all Subcontractors for three years following the performance of the Contract. These records will be made available for inspection upon request by any authorized representative on Fresno COG, Caltrans, FHWA, or DOT. This reporting requirement also extends to any certified DBE Subcontractor. The Contractor shall maintain records showing the name and address of each Subcontractor, the date of payment, and total dollar figure paid to each Subcontractor.

Fresno COG will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state, or local laws.

IX. QUESTIONS ON THE RFP

All questions on the RFP should be submitted in writing by May 2, 2008 to:

John Downs, Senior Planner
Council of Fresno County Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721

X. PROPOSAL SUBMITTAL

A. Submission of Proposal/Period of Acceptance

One reproducible and 15 copies of proposals must be delivered to the Council of Fresno County Governments no later than **5:00 P.M. May 15, 2008**. Proposals **will not** be accepted after 5:00 P.M. PST. Postmarks will not be accepted. Facsimile or other electronically transmitted proposals will not be accepted. Proposals should be mailed or delivered to:

John Downs, Senior Planner
Council of Fresno County Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721

All proposals will remain firm for a period of ninety (90) days following the final date for submission. All proposals will become the sole property of the Council of Fresno County Governments and a part of its official records without obligation on the part of the Council of Fresno County Governments.

The RFP is not to be construed as a contract or commitment on the Part of Fresno COG. Fresno COG reserves the right to reject all proposals, to seek additional information from each proposing Consultant, or to issue another RFP if deemed appropriate.

B. Examination of RFP Document

The Contractor shall be solely responsible for examining, with appropriate care, the RFP, including any Addenda issued during the proposal period, and for informing itself with respect to any and all conditions which may in any way effect the amount or nature of the proposal, or the performance of the work in the event the Contractor is selected. Failure of the Contractor to so examine and inform itself shall be at its sole risk and no relief for error or omission will be given.

C. Insurance Requirements

Without limiting Fresno COG's right to obtain indemnification from Contractor or any third parties, Contractor, at its sole expense, shall maintain in full force and effect the following insurance policies throughout the term of the Contract:

- 1) Comprehensive general liability insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. Comprehensive general liability insurance policies shall name the Fresno COG, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under the terms of the Contract are concerned. Such coverage for additional insured shall apply as primary insurance or self-insurance and any other insurance, or self-insurance, maintained by Fresno COG, its officers, agents, and employees, shall be excess only and not contributing with insurance provided under the Contractor's policies herein.

- 2) Comprehensive automobile liability insurance with limits for bodily injury of not less than \$25,000 per person, \$250,000 per accident and for property damages of not less than \$50,000, or such coverage with a combined single limit of \$250,000.
- 3) Professional liability insurance of at least \$1,000,000.
- 4) Workers compensation insurance as required by law.

This insurance shall not be canceled or changed without a minimum of thirty (30) days advanced, written notice given to Fresno COG. Contractor shall provide certification of said insurance to Fresno COG within twenty-one (21) days of the date of the execution of the contract. Such certification shall show to Fresno COG's sole satisfactions that such insurance coverage's have been obtained and are in full force; that Fresno COG, its officers, agents, and employees will not be responsible for any premiums on the policies; that as and if required such insurance names Fresno COG, its officers, agents, and employees, individually and collectively, as additional insured (comprehensive general liability only), but only insofar as the operations under the Contract are concerned; that such coverage for additional insured shall apply as primary insurance and any other insurance, or self insurance, maintained by Fresno COG, its officers, agents, and employees, shall be excess and not contributing with insurance provided under Contractor's policies herein; and that this insurance shall not be canceled or changed without a minimum of thirty (30) days advance, written notice given to Fresno COG.

In the event Contractor fails to keep in effect at all times insurance coverage as herein provided, Fresno COG may, in addition to other remedies it may have, suspend or terminate the contract upon the occurrence of such event.

D. Disadvantaged Business Enterprise (DBE) Certification

If the prospective Contractor or Subcontractor is DBE certified, proof that the company has been certified (Exhibit A of this RFP) shall be included in the proposal. Certification will be from an agency authorized to make such determinations; i.e. Small Business Administration, State of California, National economic Development Administration, City of Fresno, Fresno County, etc. Although there is no specific goal for this Contract, Fresno COG has an overall 15 percent DBE Goal.

E. Conflict of Interest

The prospective Contractor shall disclose any financial, business or other relationship with Fresno COG that may have an impact upon the outcome of the selection.

F. Preparation of Proposal

The proposal shall be formatted in accordance with the requirements specified in Section-IV Proposal Requirements of this RFP. Proposal forms shall be

executed by an authorized signatory as described immediately following in Section X-G - Signing of Proposal/Authorization to Negotiate. All Proposals shall be prepared by and at the expense of the Contractor.

G. Signing of Proposal/Authorization to Negotiate

The Proposal shall be signed by an official authorized to bind the Contractor and shall contain a statement to the effect that the Proposal is a firm offer for a 90-day period. The Proposal shall also provide the following: name, title, mailing address, email address and telephone number of individuals with authority to negotiate and contractually bind the Company.

H. Modification or Withdrawal of Proposals

Any Proposal received before the date and time specified above for receipt of Proposals may be withdrawn or modified by written request of the Contractor. To be considered, however, the modified Proposal must be received by the date and time specified previously. All verbal modifications to these conditions or provisions are void and ineffective for Proposal evaluation purposes. Only written changes issued by Contractor to Fresno COG are authorized and binding.

I. Rejection of Proposals

Failure to meet the requirements for this Request for Proposals will be cause for rejection of the Proposal. The Fresno COG may reject any Proposal if it is conditional, incomplete or contains irregularities or inordinately high cost rates. The Fresno COG may wave an immaterial deviation in a Proposal. Waiver of an immaterial deviation shall in no way modify the Request for Proposals documents or excuse the Contractor from full compliance with the Contract requirements if the Contractor is awarded the contract.

J. Contract Award

The actual award of the Contract by the Fresno COG Policy Board (tentatively set for the July 31, 2008 meeting). Proposal opening does not constitute the awarding of a Contract. The Contract is not in force until it is awarded by the Fresno COG and executed by the Fresno COG designees.

K. Attachments

Attachments to be included at the end of the Proposal are as follows (as attached herein):

- Exhibit A--DBE Participation
- Exhibit B--Title VI Assurance

XI. FRESNO COG RIGHTS

The Fresno COG may investigate the qualifications of any Proposer under consideration, require confirmation of information furnished by a Proposer, and require additional evidence of qualifications to perform the work described in this RFP. The Fresno COG reserves the right to:

- 1) Reject any or all of the proposals if it deems such action is in the public interest.
- 2) Issue subsequent Requests for Proposals.
- 3) Cancel the entire Request for Proposal.
- 4) Remedy technical errors in the Request for Proposals.
- 5) Appoint an evaluation committee to review the Proposals.
- 6) Seek the assistance of outside technical experts in Proposal evaluation.
- 7) Approve or disapprove the use of particular Subcontractors.
- 8) Establish a "short list" of Proposers eligible for interviews after review of written Proposals.
- 9) Negotiate with some, all, or none of the respondents to the RFP.
- 10) Solicit best and final offers from all or some of the Proposers.
- 11) Award a contract to one or more Proposers.
- 12) Accept other than the lowest price offer.
- 13) Waive informalities and irregularities in proposals and the bid process.

The RFP does not commit the Fresno COG to enter into a Contract, nor does it obligate the Fresno COG to pay for any costs incurred in preparation and submission of Proposals or in anticipation of a Contract. All proposals will be subject to public disclosure as required by the California Public Records Act.

The Fresno COG reserves the right to investigate the qualifications of all firms under consideration to confirm any part of the information furnished by a Proposer, or to require other evidence of managerial, financial or other capabilities that are considered necessary for the successful performance of the Contract.

XII. PROPOSER OBJECTIONS TO RFP SCOPE OF WORK OR TO PROPOSER SELECTION

A Proposer may object to any of the terms or provisions set forth in the RFP's scope of work or the selection of a particular Proposer on the grounds that Fresno COG procedures, the provisions of this RFP or applicable provisions of federal, state or local law have been violated or inaccurately or inappropriately applied, by submitting to Fresno COG a written explanation of the basis for the objection. Deadlines for Submittal of objections are:

- No later than two weeks prior to the date Proposals are due, for objections to RFP provisions; or
- Within three working days after the date on which Contract award is authorized or the date the Proposer is notified that it was not selected, whichever is later, for objections to Proposer selection.

If Proposer does not state any objections, Fresno COG will assume that the RFP scope of services is acceptable to Proposer and have been fully factored into its response. If Proposer intends to negotiate with Fresno COG concerning any part of the Scope of Work that the Proposer finds objectionable, Proposer must provide specific language in its response that will address or cure its objections.

EXHIBIT A

DBE PARTICIPATION

*All Contractors and Subcontractors bidding on the project must submit the following information regardless of DBE Status.

Contact Person _____

Company Name _____

Address _____

City, State, Zip _____

Phone Number _____ Fax Number _____

Email _____

What was your firm's Annual Gross Receipts for the last year?

___ Less than \$1 million ___ Less than \$5 million ___ Less than \$10 million

___ Less than \$15 million ___ More than \$15 million

Age of Firm _____

Does your firm have a current DBE Certification pursuant to 49CFR Part 26?

Yes _____ No _____

Amount of Contract Participation \$ _____

DBE/WBE Participation (Continued)

The following stated dollar(s) amount(s) will be compensation paid to DBE/WBE firms certifiable under the provisions of the Code of Federal Regulations, Title 49, Part 23 as amended.

\$ _____ DBE Participation:

_____ Company

\$ _____ DBE Participation:

_____ Company

The undersigned hereby certifies that the forgoing statements and information are true and correct.

Date: _____

Name of Proposer: _____

By: _____

Title: _____

EXHIBIT B

TITLE VI ASSURANCE

The Council of Fresno County Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 stat. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any Contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.