



# Request for Proposals

## for Project Initiation Report for the Pennsylvania Avenue Extension Study

Date Issued	Proposals Due	Expected Duration	Budget	DBE/LBE/SBE Goal	Contact
February 25, 2020	March 26, 2020 at 2:00 p.m. (electronically)	One year	\$1,000,000	20%	Lily Yu Principal Management Analyst 415.522.4811 <a href="mailto:lily.yu@sfcta.org">lily.yu@sfcta.org</a>

### SECTION I - NOTICE

Notice is hereby given that the San Francisco County Transportation Authority (Transportation Authority) is requesting proposals from qualified respondents (proposers) to prepare a Project Initiation Report for the Pennsylvania Avenue Extension (PAX) Study (Study).

**Pre-Proposal Conference.** Although attendance at the pre-proposal conference is not mandatory, proposers and sub-consultants are encouraged to attend a pre-proposal conference to be held at the Transportation Authority's offices, 1455 Market Street, 22nd Floor, Hearing Room. See the schedule in Section II for the conference date and time. Attendees are requested to confirm attendance by completing the online registration form at [www.sfcta.org/contracting](http://www.sfcta.org/contracting) by 5:00 p.m. the day before the conference.

**Questions.** Questions may be submitted in writing by the stated deadline in Section II by e-mail to [info@sfcta.org](mailto:info@sfcta.org); please include "RFP 19/20-07 - PAX Project Initiation Report" in the subject line. The Transportation Authority's responses will be posted to [www.sfcta.org/contracting](http://www.sfcta.org/contracting) by the date indicated in the schedule, and any addenda to the RFP will also be made available on that webpage prior to the proposal due date. Please see Section II for all important dates and deadlines.

### SECTION II - SELECTION PROCESS SCHEDULE

Date	Phase/Item Due
February 25, 2020	Release of RFP
March 5 5:00 p.m.	Pre-proposal conference attendees requested to submit registration: <a href="http://www.sfcta.org/contracting">www.sfcta.org/contracting</a>
March 6 1:30 p.m.	Pre-proposal conference held at the Transportation Authority's offices



March 9 5:00 p.m.	Proposers to submit written questions to Transportation Authority
March 12*	Transportation Authority issues written responses to questions
<b>March 26, 2:00 p.m.</b>	Responses to RFP and separate cost proposals due electronically. Late submissions will not be accepted.
April 2*	Invitation(s) to interview issued to short list of proposers* (if necessary)
April 7-10*	Interviews* (scheduled if necessary)
April 22*	The selection committee's recommendation to Citizens Advisory Committee for award
May 12*	Recommendation to Transportation Authority Board for award
May 19*	Transportation Authority Board awards contract

\* *Subject to change*

### **SECTION III - BACKGROUND**

The Transportation Authority was created in 1989 by the voters of the City and County of San Francisco (City) to impose a voter-approved transaction and use tax (i.e., sales tax) of one-half of one percent to fund essential traffic and transportation projects as set forth in the San Francisco County Transportation Expenditure Plan (Prop B Expenditure Plan) for a period not to exceed twenty years. In November 2003, San Francisco voters approved a new 30-year Expenditure Plan (Prop K Expenditure Plan) that superseded Prop B, and continued the one-half of one percent sales tax.

The Transportation Authority Board consists of the eleven members of the Board of Supervisors (BOS) of the City, who act as Transportation Authority Commissioners; nonetheless, pursuant to California Public Utilities Code Section 131000 et seq., the Transportation Authority operates as a special purpose governmental entity, independent of the City.

The Transportation Authority is designated under State law as the Congestion Management Agency for San Francisco County. In this capacity, the Transportation Authority has a wide range of responsibilities which include preparing the long-range County-wide Transportation Plan, prioritizing state and federal transportation funds designated for San Francisco, developing and operating a computerized travel demand forecasting model, and implementing the state-mandated Congestion Management Program. The Transportation Authority is also the designated San Francisco Program Manager for the Transportation Fund for Clean Air Program, a state-mandated program that collects an annual vehicle registration surcharge and allocates the funds to transportation projects that improve air quality.

On November 2, 2010, San Francisco voters approved Proposition AA, establishing a new \$10 vehicle registration fee on motor vehicles registered in the City and designated the



Transportation Authority as administrator of the fee. Revenues are used for local road repairs, pedestrian safety improvements, and transit reliability improvements throughout the City in accordance with the voter-approved Expenditure Plan.

## Project Purpose

The Downtown Rail Extension (DTX) project will extend Caltrain and future California High-Speed Rail (CHSRA) service from the existing 4th and King Railyard in San Francisco to the Salesforce Transit Center. The Pennsylvania Avenue Tunnel Extension, or PAX, (Project) will extend the DTX south of its current terminus at 7<sup>th</sup> and Townsend in order to underground the existing at-grade Caltrain alignment at 16th Street and Mission Bay Drive and create new street connections with the Mission Bay district, south of the 4th and King Railyard. Separation of rail and vehicular traffic in this area will improve connectivity and increase pedestrian safety.

Delivery of the PAX is a major undertaking which will require many diverse disciplines working together over an extended period of time. In order to ensure timely and efficient project procurement, the Transportation Authority, assisted by consultants, will manage the Project Initiation efforts. Initiation of the PAX development process requires evaluation of the alignment alternatives which will include understanding project history, defining the purpose and need, and developing quantifiable project alternatives. This should be accomplished through careful study of the site constraints as well as regional rail project coordination.

## Project Background

In 2018, the Planning Department released the Railyard Alignment and Benefits Study (RAB) which, among other components, considered alternatives for the Caltrain rail alignment to the Salesforce Transit Center. The RAB report is available at: <https://sfgov.org/sfplanningarchive/rail-alignment-and-benefits-study>. The report concluded that an underground alignment beneath Seventh Street and Pennsylvania Avenue was both the most technically advantageous and cost-effective alignment option, which provided the most benefits to the San Francisco and the Bay Area. The Project will allow for the reconnection of multiple surface streets between Mission Bay and the greater city, thereby greatly improving emergency access, pedestrian safety and traffic management.

On September 25, 2018, the Transportation Authority Board adopted Resolution 19-12 which identified PAX as the preliminary preferred route for DTX to continue south from its project limit just north of Mission Bay Drive via tunnel beneath Seventh Street and Pennsylvania Avenue, eliminating at-grade crossing conflicts with 16th Street, a major east-west travel corridor serving the Mission Bay neighborhood and hospital, and Mission Bay Drive. The proposed Project will improve vehicular and pedestrian safety by separating train movements from surface traffic. Subsequently, the San Francisco Mayor's Office endorsed the alignment.

In June 2019 the major stakeholders entered into a Memorandum of Understanding (MOU) for the development of the 4th and King Railyard, known as the Railyards MOU, in order to coordinate development efforts of DTX, PAX, and the 22<sup>nd</sup> Street Station and other related



projects. The parties to the MOU included the Peninsula Corridor Joint Powers Board (Caltrain), the Transbay Joint Powers Authority, the City and County of San Francisco, the Transportation Authority, and Prologis, who owns the 4th and King Railyards property. The Project will require close coordination and consultation with Caltrain, who currently owns and operates the rail alignment as well as the CHSRA, as a future alignment user, and the San Francisco Public Utilities Commission as the operator of numerous utilities within the corridor.

In October 2019, the Transportation Authority Board approved \$1.6 million to perform pre-environmental studies and develop a Project Initiation Report. The report will outline alternatives for evaluation during the environmental review process.

## SECTION IV - SCOPE OF SERVICES

The Transportation Authority seeks consultant services to prepare a Project Initiation Report for the Study. The Transportation Authority has budgeted \$1,000,000 for this contract. Please note this is a ceiling and not a target. It is anticipated that a contract will be awarded for a one-year term.

The Transportation Authority does not have office space available for this contract and, with the exception of progress and coordination meetings, all work shall take place at the consultant offices. Proposers should be prepared to mobilize within 48 hours following contract negotiations and contract award by the Transportation Authority Board.

Specific tasks include: 1) Project Management, 2) Goals and Objectives, 3) Alternatives Development, 4) Environmental Constraints, 5) Project Implementation Plan, 6) Cost and Funding, and 7) Project Initiation Report. The tasks are detailed below.

### **Task 1: Project Management**

This task provides for management of PAX initiation efforts, interagency coordination meetings, and regular progress updates. The selected consultant will set the Project schedule to meet project milestones and ensure timely delivery of required studies, permitting documents as needed, presentations, and technical reports.

Work Plan and Schedule: Develop Plan to complete pre-environmental planning work and project due diligence. Establish baseline project schedule to meet milestone deliverables and required board cycle approvals.

Meetings: Coordinate regular team meetings to establish project goals and objectives as well as meetings with Transportation Authority staff and MOU partners to monitor deliverable progress against project objectives and avoid scope creep.

Reporting: Prepare monthly reports detailing work activity in the period, schedule, cost and performance against key project objectives and metrics.

*Deliverables:*



- *Work Plan*
- *Project Schedule*
- *Meeting Agendas and Minutes*
- *Review Logs and Progress Reports*

## **Task 2: Goals and Objectives**

This task is to identify the project's purpose and goals to be accomplished. This will be summarized in the preliminary Background, Purpose and Needs statement to be utilized as a starting point for the follow-on work and supported by distinct metrics to be used during evaluation of project alternatives.

Project Development History: Review and summarize background material relating to the proposed PAX and related projects. Documents include but are not limited to: the RAB, Caltrain Business Plan, ConnectSF and related corridor studies.

Regional Project Coordination: The selected consultant will need to work in close coordination with related projects within the region and include information and data from all connected projects such as DTX, 22nd Street Station, 4th and King Railyard Development, Rail Storage planning, the Folsom Area Storm Sewer Tunnel, and other projects in the vicinity of the Project area.

Evaluation Criteria: The consultant will work with the MOU parties and RAB Citizen Working Group as well as other stakeholders to define project goals and objectives, which will inform the alternatives evaluation framework.

### *Deliverables:*

- *Project Background, Purpose and Need Statement*
- *Project Goals and Metrics*
- *Evaluation Framework*

## **Task 3: Alternatives Development**

The selected consultant will develop and analyze concept-level project alternatives for undergrounding the rail corridor along the PAX. The alternatives analysis will include understanding constraints around proposed options and efficient connection to related projects. The selected consultant will need to work closely with development of the related projects to define project interfaces.

Alignment Development: Identify preliminary horizontal and vertical alignments. Review options for southerly portal location (north or south of existing 22<sup>nd</sup> Street Caltrain station).

Utilities Conflict: Identify major existing and planned underground utilities within the Project vicinity to evaluate conflict potential. Review interagency master planning efforts and decommissioning plans.



Alternatives Analysis: Evaluate typical cross section alternatives for each alignment and compare conflict with utilities and adjacent projects. Analysis should also consider alternatives against each of the Project goals developed as part of Task 2.

*Deliverables:*

- *Alignment Alternatives*
- *Utilities Conflict Mapping*
- *Recommended Alternatives for Environmental Review*

#### **Task 4: Environmental Constraints**

The selected consultant will develop a preliminary environmental assessment to understand project constraints and estimate mitigation costs.

4.1 Geotechnical Study Report: Identify potential geophysical project constraints including geotechnical conditions and seismic risk mapping.

4.2 Hydrology Study: Identify potential hydraulic project constraints including groundwater mapping, storm water runoff, drainage and sea level rise risk.

4.3 Traffic Impact Study: Identify preliminary project impacts during and after construction including impacts and changes to vehicular and rail traffic flow, construction access and emergency services.

4.4 Environmental Issues: Identify other potential social concerns including environmental justice, construction noise and vibration, air quality, shading, possible contaminated soil or hazardous materials, archeological sites and cultural references.

4.5 Environmental Mitigation: Consider potential mitigation measures. Identify key stakeholders that should be consulted during the environmental analysis. Anticipate environmental processing type for both the California Environmental Quality Act and National Environmental Policy Act clearance.

*Deliverables:*

- *Geotechnical Study Report*
- *Hydrology Study*
- *Traffic Impact Study*
- *Environmental Issues Log*

#### **Task 5: Project Implementation Plan**

The selected consultant will develop a preliminary project implementation plan that will consider issues such as potential lay-down areas, right of way (ROW) acquisition, easements, utility relocations and construction sequencing.



5.1 Site Access Plan: Develop a plan to access required work areas and determine constraints to possible work.

5.2 Utility Relocation Plan: Prepare high-level utility relocation planning for likely alternatives.

5.3 Right of Way and Easements: Understand and document all land ownership within the Project vicinity including existing land holders, leases, easements and ROWs. Determine process for transfer or purchase of required ROW.

5.4 Preliminary Schedule: Prepare a program level schedule with key milestones for the environmental process, ROW acquisition process, design and construction including multiple contracts if appropriate and commissioning and testing. The schedule should contain timeframes for procurement of services, start and end times, and opportunities for public review and input.

*Deliverables:*

- *Site Access Plan*
- *Utility Relocation Plan*
- *Preliminary Right of Way Acquisition Plan*
- *Preliminary Project Schedule*
- *Preliminary Project Implementation Plan*

## **Task 6: Cost and Funding**

The selected consultant will work with Transportation Authority staff to understand potential economic impacts of the Project including estimated project costs, funding sources and economic benefits such as travel-time savings due to the elimination of at-grade rail crossings

Cost Estimate: Prepare a program level cost estimate for likely project delivery alternatives. The costs should consider potential project construction methods, project access constraints, relocation of utilities and overall program schedule.

Risk Management: Work with the Transportation Authority and stakeholders to understand project risks relating to each likely alternative. Risk analysis should consider: technical design, environmental mitigation, construction, ROW - including permanent and temporary easements, permits, governing agency participation costs - including administration, oversight, commissioning and testing.

Funding Sources: Identify potential funding sources, agencies responsible for the funding, funding requirements and eligibility, application requirements, timing and responsibility. Determine which local agencies will need to execute agreements, which agencies will lead tasks and who will be cooperating with the agencies.

*Deliverables:*

- *Alternatives Cost Estimates*



- *Risk Register*
- *Preliminary Funding Plan*

### **Task 7: Project Initiation Report**

The selected consultant will develop a final report summarizing the findings and recommendations of the technical assessment work. The report should provide comparative costs and benefits of the alignments considered during the Study. The Transportation Authority and the MOU parties will utilize this Project Initiation Report to establish a basis for project development.

#### *Deliverables:*

- *Draft Project Initiation Report*
- *Final Project Initiation Report*

## **SECTION V - RFP RESPONSE REQUIREMENTS: CONTENT AND FORMAT**

All proposals should be clear, concise, and provide sufficient information to minimize questions and assumptions. Proposals should be limited to **15 pages** (no smaller than 12-point font shall be used and all page sizes greater than the letter size of 8.5" x 11" will be counted as two pages), excluding cover letter, table of contents, the cost proposal, and the following items, which should be included as attachments: résumés, Disadvantaged Business Enterprise (DBE), Local Business Enterprise (LBE), and/or Small Business Enterprise (SBE) certifications, and required exhibits. The Transportation Authority accepts no financial responsibility for any costs incurred in the preparation of proposals. Upon receipt, all accepted proposals submitted in response to this RFP will become the property of the Transportation Authority.

**Time and Place for Submission of Proposals.** By the proposal submission deadline, the following must be transmitted:

- **Proposal** (written proposal, without cost proposal): one (1) electronic copy (PDF) including all information herein requested. Please clearly specify in the subject line of the e-mail transmittal: "Response to RFP 19/20-07 for PAX Project Initiation Report".
- **Cost proposal** (in a separate electronic file): one electronic copy (XLS/XLSX format) including all information herein requested. Please name the file: "Cost Proposal for RFP 19/20-07", and submit along with the proposal.

The proposals must be transmitted electronically to the Transportation Authority at the following address: [info@sfcta.org](mailto:info@sfcta.org).

All responses must be in writing and identified as to content and be received by the Transportation Authority by the due date. Proposals received later than the above date and time will be rejected.





**Cover Letter.** Proposers must submit a letter of introduction for the proposal. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the proposal. Submission of the letter will constitute a representation that your firm is willing and able to perform the commitments contained in the proposal. The cover letter must also include the following content in the format as shown:

<p><b>1. Project Manager</b> (The individual in charge of the scope of services, and who will be the Transportation Authority's contact throughout the contract duration)</p> <p>Name: Title: Address: City, State, ZIP: Phone Number: Email:</p>
<p><b>2. Selection Process Lead</b> (The individual to whom correspondence and other contacts should be directed during the consultant selection process)</p> <p>Name: Title: Address: City, State, ZIP: Phone Number: Email:</p>
<p><b>3. Negotiating Officer</b> (The individual who will negotiate with the Transportation Authority and who can contractually bind the proposer's firm)</p> <p>Name: Title: Address: City, State, ZIP: Phone Number: Email:</p>



<p><b>4. List proposed co-venture arrangements or sub-consultants, if any:</b></p> <p>1. Company: DBE/LBE/SBE status: Percentage of involvement: Name: Title: Address: City, State, ZIP: Phone Number: Email:</p> <p>2. ...</p>
<p><b>5. <input checked="" type="checkbox"/> This letter is signed by an officer that is authorized to bind the proposer contractually.</b></p>
<p><b>6. <input checked="" type="checkbox"/> This proposal is firm for a 120-day period from the proposal submission deadline.</b></p>

**Content.** Proposals must contain the following five sections:

- 1. Proposer Information and Understanding of Project Objectives.** In this section, the proposer must provide a discussion demonstrating an understanding of the services to be provided, the challenges for each task, and their significance to the Transportation Authority.
- 2. Technical and Management Approach.** In this section, the proposer must describe its approach to the delivery of the services included in Section IV. This section must (1) reflect the proposer’s knowledge of, and ability to demonstrate, a sound approach to the requested services, (2) include a discussion on potential impacts to cost, scope, and schedule based on lessons learned, including any recommendations the consultant proposes to lower and/or control costs given the proposed scope of the project and (3) demonstrate the proposer’s knowledge of adjacent projects and their potential impacts to the delivery of the services of this RFP.

Proposer must provide the names and positions of all staff for the proposed team. An organization chart should be included that clearly establishes principal team member firms and sub-consultants, if any. Proposer must also identify any specialty sub-consultants that would not necessarily be part of the core team, but would be available on an as-needed basis for specialty support. The proposal should also designate the Project Manager in charge of the scope of services and the Transportation Authority’s contact throughout the contract duration. In addition, the proposal should briefly address how the efforts of each of the team members will be coordinated. Proposers should provide a staffing plan with level of effort (e.g., person hours per staff) by task. Do not include budget or rate information in the written proposal; this information should be included in the cost proposal. If the work is to be shared among firms and offices at different locations, indicate where each office is located and what work is to be performed in each office.



Proposals must discuss workload for all key team members, indicating their expected availability, the percentage of their time that will be devoted to the Transportation Authority's contract and any other assurances as to their ability to provide the requested services in a responsive and timely manner. The description of the management approach should address proposed response time standard and how the management and team structure will help to meet those standards.

3. **Capabilities and Experience.** Proposers must state the qualifications and experience of the proposed team, emphasizing the specific qualifications and experience acquired while providing services similar to those being sought by the Transportation Authority, particularly for the Project Manager and other key project staff members assigned to the Project. Except under certain circumstances beyond the proposer's control, the Transportation Authority will not accept substitutions of key members of the team put forth as part of the winning proposal.

This section must include the following information:

- Names of Project Manager and team members;
- Résumés of all technical personnel to be assigned to work within the scope of services as outlined in Section IV (provide as attachments; résumés will not count toward the page limit);
- Statement of proposer's background and experience related to activities and services being sought through this RFP;
- Brief description of similar projects for which the proposer has provided services during the past five (5) years, including the following information:
  - Client, including reference contact information
  - Project description and location
  - Description of services
  - Total value of services provided
  - Actual budget performance vs. projected
  - Actual schedule performance vs. projected
  - Key personnel involved
  - Sub-consultants employed

4. **Assurances and Miscellaneous Items.** In this section, proposals must provide the following information:

- a. Proposers must complete and include the exhibits listed below within the submittal. These exhibits do not count toward the page limit; please provide as attachments to proposal. Exhibit samples are attached to this RFP.

<b>Exhibit</b>	<b>Prime Consultant</b>	<b>Subconsultant(s)</b>
Exhibit A - Terminated Contracts	X	X
Exhibit B - Workforce Data Spreadsheets	X	X



- b. Proposers must provide the names, telephone numbers, and e-mail addresses of at least three references, in addition to staff of the Transportation Authority, if any. The references should cover work performed by the Project Manager and other key project staff members, should be for work recently performed and similar in nature to the services sought in this RFP. The references must include a brief description of the projects involved, and the roles of the respective team members in successfully completing the project.
- c. Proposers must specify any potential or perceived conflicts of interest which would disqualify its firm from doing business with the Transportation Authority. If proposers are unaware of existing or foreseeable conflicts of interest, a simple statement will suffice. However, proposers should provide a brief description of each apparent, existing or foreseeable conflict of interest, if any. In addition, list all relevant assignments completed for the City and County of San Francisco within the last five (5) years, and any involvement with Transportation Authority-funded projects, to enable the Transportation Authority to identify any possible conflicts of interest.
- d. Proposers must list any political contributions of money, in-kind services, or loans made to any current member of the Transportation Authority Board of Commissioners within the last three (3) years by management positions of the proposed consultant or sub-consultant. If proposers are unaware of any political contributions, a simple statement will suffice. However, if proposers are aware of any political contribution, proposals should include details, such as to whom, what type of contribution, the date and the amount.
- e. Proposers must clearly designate financial submittals or other materials in its submittal, if any, which it in good faith believes to be a trade secret or confidential proprietary information protected from disclosure. See Section IX below, for further details on public disclosure of responses and other materials.
- f. Proposers shall acknowledge receipt and understanding of the following Transportation Authority contracting requirements and state its ability and willingness to comply with each of them in its proposal. The Transportation Authority does not intend to deviate from its standard contract language.

**i. Insurance**

Prior to commencement of work, the Transportation Authority will require the successful proposer to provide evidence of appropriate insurance coverage. The Transportation Authority's standard contract requires firms to maintain, during the full term of the contract term, insurance in the following amounts and coverages:

- (a) Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than \$1,000,000 each accident;
- (b) Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage,



including Contractual Liability, Personal Injury, Products and Completed Operations;

- (c) Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable; and
- (d) Professional Liability Insurance with limits not less than \$2,000,000 per claim. Sub-consultants providing professional services under this Agreement shall be added to Contractor's policy as additional insured, or shall provide evidence of their own professional liability insurance which is acceptable to the Transportation Authority's Executive Director.

Such coverage must be provided by an insurance company authorized to do business in the State of California. Commercial General Liability and Business Automobile Liability insurance policies must name the San Francisco County Transportation Authority as an Additional Insured and that the policies will not be cancelled or materially changed without thirty (30) days prior notice in writing to the Transportation Authority. Describe if your firm's insurance coverage and amounts meet the above-stated contract limitations.

## ii. Indemnification

- (a) **Generally.** To the fullest extent permitted by law, Contractor shall assume the defense of (with legal counsel subject to approval of the Transportation Authority), indemnify and save harmless the Transportation Authority, its boards, commissions, officers, and employees (collectively "Indemnitees"), from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of the Contractor or its sub-consultants), expense and liability of every kind, nature, and description (including, without limitation, incidental and consequential damages, court costs, attorneys' fees, litigation expenses, fees of expert consultants or witnesses in litigation, and costs of investigation), that arise out of, pertain to, or relate to, directly or indirectly, in whole or in part, the negligence, recklessness, or willful misconduct of the Contractor, any sub-consultant, anyone directly or indirectly employed by them, or anyone that they control (collectively, "Liabilities").
- (b) **Limitations.** No insurance policy covering the Contractor's performance under this Agreement shall operate to limit the Contractor's Liabilities under this provision. Nor shall the amount of insurance coverage operate to limit the extent of such Liabilities.

The Contractor assumes no liability whatsoever for the sole negligence, active negligence, or willful misconduct of any Indemnitee or the contractors of any Indemnitee.



- (c) **Copyright Infringement.** Contractor shall also indemnify, defend and hold harmless all Indemnitees from all suits or claims for infringement of the patent rights, copyright, trade secret, trade name, trademark, service mark, or any other proprietary right of any person or persons in consequence of the use by the Transportation Authority, or any of its boards, commissions, officers, or employees of articles or services to be supplied in the performance of Contractor's services under this Agreement. Infringement of patent rights, copyrights, or other proprietary rights in the performance of this Agreement, if not the basis for indemnification under the law, shall nevertheless be considered a material breach of contract.

### iii. Incidental and Consequential Damages

Contractor shall be responsible for incidental and consequential damages resulting in whole or in part from Contractor's acts or omissions. Nothing in this Agreement shall constitute a waiver or limitation of any rights that Transportation Authority may have under applicable law.

5. **Cost.** The cost proposal will not count toward the page limit, and must be submitted as a separate electronic file. This contract will be on a cost-reimbursement basis, which provides for payment of the successful proposer's allowable incurred costs, to the extent prescribed in the contract, plus a fixed fee. The cost proposal must include a budget comprised of a matrix with columns for hourly rate, classification, and name for all personnel and/or sub-consultants involved for the work described in Section IV above. It also must provide a breakdown of hours and costs for each task listed in the scope of work. The cost proposal must include a method for establishing rates for personnel or classifications not listed. In addition, the cost proposal must include a billing rate schedule by classification for the prime and all sub-consultants and must contain a breakdown of all cost components to include: unloaded labor base rate, other direct costs, indirect cost rate, and net fee. Sub-consultant costs, travel and all other direct costs will be reimbursed at cost with no markup allowed. The fee (profit) for prime consultant and sub-consultants shall be negotiated and in any event shall not exceed 10% of respective labor costs comprised of the total of wages, overhead, general and administrative expenses within the cost proposal.

## SECTION VI - EVALUATION CRITERIA AND METHOD OF AWARD

The proposals will be evaluated by a selection committee appointed by the Executive Director and scored (maximum of 100 points) using the following criteria:

### 1. Proposer Information and Understanding of Project Objectives. (15 points)

- a. Responsiveness to all items requested in the RFP, such as completeness of submission, adherence to required page limits, overall organization and clarity of proposal; and
- b. Understanding of the services to be provided, particularly in relation to the Transportation Authority, and challenges for each task.



## 2. Technical and Management Approach. (45 points)

- a. Effectiveness of the proposed work plan, program and method of execution;
- b. Technical solutions to meet the scope of services; insight and understanding of special issues, problems and constraints, approach towards mitigating and resolving them;
- c. Effectiveness of the team's organizational structure in executing and managing the tasks;
- d. Management approach in providing technically sound and cost-effective services; and
- e. Ability to provide timely, qualified and adequate staffing and services to support project demands.

## 3. Capabilities and Experience. (30 points)

- a. Capability of project team, specific relevant experience, qualifications and expertise of each firm and subconsultant firm, especially the proposed key personnel; and
- b. Client references as to past project performance.

## 4. DBE/LBE/SBE Goals (10 points)

- a. All points will be awarded for teams meeting the DBE/LBE/SBE goal outlined in Section VII.

**Evaluation Process.** The selection committee retains the right to independently verify and evaluate relevant experience and client references, including any sources not mentioned in the proposal.

Submittals receiving an initial score of less than 70 points will not be considered further in the selection process. Proposers that have received a score of 70 points or higher may, at the Transportation Authority's sole discretion, be invited to an interview with the selection committee. The Transportation Authority reserves the right to not conduct oral interviews and determine the winning proposer based solely on the written proposal. If oral interviews are held, individuals who are identified as key personnel in the proposal are required to be in attendance at the interview. Based on the results of the interview, the selection committee may adjust initial scores on the evaluation criteria identified above to arrive at the final evaluation score. The proposer with the highest final evaluation score shall be determined as the top proposer. Proposers who do not arrive for a scheduled interview, if one is held, will no longer be considered further in the selection process.

Once the top proposer has been identified and the proposer's cost and pricing data has been reviewed, Transportation Authority staff will start contract negotiations with that proposer. If contract negotiations are not successful, the second-ranked proposer may be asked to negotiate with the Transportation Authority. Each proposer's cost and pricing data will remain unopened until negotiations begin with that particular proposer. The goal of such negotiations will be to agree on a final contract that delivers the services and work described in this RFP at a fair and



reasonable cost to the Transportation Authority. The award, if any, will be made to the proposer whose submittal is most responsive to the RFP and deemed most advantageous to the Transportation Authority. The Transportation Authority reserves the right to modify and/or suspend any and all aspects of this procurement, to obtain further information from any firm or person responding to this procurement, to waive any informality or irregularity as to form or content of this procurement or any response thereto, to be the sole judge of the merits of the proposals received, and to reject any or all proposals.

## SECTION VII - DBE, LBE AND SBE REQUIREMENTS

**DBE/LBE/SBE Policy.** It is the policy of the Transportation Authority to make good faith efforts to solicit and obtain quotes, bids or proposals from DBEs, LBEs and SBEs, and to give small businesses the maximum feasible opportunity to participate in the performance of contracts funded in whole or in part with Transportation Authority resources. The Transportation Authority strongly encourages joint ventures among professional firms as a way to meet the Transportation Authority's DBE/LBE/SBE participation goals. Assistance in the formation of such joint ventures and/or associations may be obtained through the Human Rights Commission.

The Transportation Authority has established a DBE/LBE/SBE goal of **20%** for this contract. Firms are requested to provide all applicable certificates or proof of certification along with their submission, which will not count against the page limit. Firms that propose as 20% DBE certified by the Transportation Authority or the California Unified Certification Program, 20% LBE certified by City, 20% SBE certified by the California Department of General Services, or a combination of DBEs, LBEs, and SBEs totaling 20% will satisfy the DBE/LBE/SBE goal. Disabled Veteran Business Enterprise (DVBE) firms certified by the California Department of General Services will be considered as SBEs and will be counted toward the contract goal. Lesbian, Gay, Bisexual and/or Transgender Business Enterprises (LGBTBE), certified by the California Public Utilities Commission Supplier Clearinghouse, will also be counted toward the goal. Firms do not need to be certified by all agencies to meet the DBE/LBE/SBE requirements. Businesses must be certified by the proposal due date.

**Transportation Authority DBE Certification.** Under Transportation Authority policy, a business qualifies for DBE certification if its annual gross receipts do not exceed \$2.5 million, when calculated as the average of the three (3) years immediately preceding the certification request. In order to obtain DBE certification, a business must submit a request to the Transportation Authority, including evidence of income for the past three years. Acceptable evidence of business income include: copies of tax returns, independently audited financial statements and, in the case of sole proprietorships, personal income tax returns. The Transportation Authority and its employees will not discriminate on the basis of race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, or disability or AIDS/HIV status in the award and performance of Transportation Authority contracts.





**Certifications.** The Transportation Authority accepts certifications issued by the Transportation Authority, the City, the California Unified Certification Program, the California Department of General Services or the California Public Utilities Commission Supplier Clearinghouse. Applications for the Transportation Authority's DBE Program may take up to 14 days to be processed, and are available on the Transportation Authority's website ([www.sfcta.org/dbe](http://www.sfcta.org/dbe)).

## **SECTION VIII - PROCUREMENT PROTEST AND APPEAL POLICIES AND PROCEDURES**

The Transportation Authority has established protest procedures, which apply to all procurements of supplies, equipment, and services. Proposers must file protests with the Transportation Authority no later than five (5) business days after notice, actual or constructive, by the Transportation Authority's Executive Director or his/her designee, that either their bid (or proposal) is not being considered further, or a recommendation has been made to the Board to award to another bidder. Copies of these policies and procedures are kept at the Transportation Authority's offices and are available upon written request.

## **SECTION IX - NOTE REGARDING PUBLIC DISCLOSURE OF RESPONSES AND OTHER MATERIALS**

Under the California Public Records Act (PRA; Government Code sections 6250 *et seq.*), records, information and materials submitted to the Transportation Authority, not otherwise exempt, are subject to public disclosure. Immediately after the contract has been awarded, the materials submitted by all proposers will be open to inspection. Each party submitting a response to the RFP should clearly designate financial submittals or other materials, if any, which it in good faith believes to be corporate proprietary information, including trade secrets, protected from disclosure; if no materials are designated, the submitted proposal in its entirety may be subject to the PRA. To the extent permitted by law, the Transportation Authority will attempt to maintain the confidentiality of such information by providing the proposer with notice that it has received a request. If the proposer desires that such materials not be disclosed, it may, at its own expense, take appropriate legal action to prevent such disclosure. However, such confidentiality cannot be assured, and the Transportation Authority will not be liable for the public disclosure of any material submitted to it.

## **APPENDICES AND EXHIBITS**

The following documents are attached:

- Exhibit A - Terminated Contracts
- Exhibit B - Workforce Data Spreadsheets

## Exhibit A – Terminated Contracts

Proposers must provide a list of contracts terminated (partially or completely) by clients for convenience or default within the past three (3) years. For each contract, the list must include the following information:

- Contract number;
- Contract value;
- Description of work;
- Sponsoring organization name; and
- Sponsoring organization key contact information, including name, title and current telephone number.

Proposer does not have any terminated contracts by clients for convenience or default within the past three (3) years.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm Name

**Exhibit B – Workforce Data Spreadsheet  
#1 Breakdown of existing employees**

Name of firm: \_\_\_\_\_

Address: \_\_\_\_\_

EMPLOYEE * CATEGORIES	TOTAL EMPLOYEE		AFRICAN AMERICAN		HISPANIC		ASIAN/ PAC. ISL.		AMER. IND./ ALAK. NTV.		TOTAL MINORITY		PERCENTAGE WHITE		PERCENTAGE MINORITY	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials																
Managers																
Professionals																
Technicians																
Admin. Support																
Trainees																
Others																
Full-time																
Part-time																
<b>TOTAL</b>																

COMPLETED BY Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

\* If the list of occupations on the left side of the workforce data form does not match your occupation titles, please modify the data form to indicate occupations particular to your organization.

**Exhibit B – Workforce Data Spreadsheet #2**  
**Breakdown of employees hired in last 12 months**

Name of firm: \_\_\_\_\_

Address: \_\_\_\_\_

EMPLOYEE CATEGORIES	TOTAL EMPLOYEE		AFRICAN AMERICAN		HISPANIC		ASIAN/PAC. ISL.		AMER. IND./ALAK. NTV.		TOTAL MINORITY		PERCENTAGE WHITE		PERCENTAGE MINORITY	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials																
Managers																
Professionals																
Technicians																
Admin. Support																
Trainees																
Others																
Full-time																
Part-time																
<b>TOTAL</b>																

COMPLETED BY Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

\* If the list of occupations on the left side of the workforce data form does not match your occupation titles, please modify the data form to indicate occupations particular to your organization.