



Santa Cruz County Regional Transportation Commission

--NOTICE-- Request for Proposals (RFP) for Professional Services

Santa Cruz County Transportation Equity Action Plan: Accessibility, Diversity, Equity, and Inclusion Assessment and Trainings

The Santa Cruz County Regional Transportation Commission (RTC) invites interested parties to submit a proposal to provide consulting and training services related to accessibility, diversity, equity and inclusion.

Issue Date: September 20, 2024

Amended: October 10, 2024

See Addendum 2 for additional clarifications and responses to questions

Closing Date: October 17, 2024, at noon (12:00 p.m.)

Interested parties must deliver one electronic PDF version of the proposal by the closing date to rmoriconi@sccrtc.org.

Proposals relating to this RFP shall be submitted to:

Santa Cruz County Regional Transportation Commission

Subject: ADEI RFP2187

Attention: Rachel Moriconi, Senior Transportation Planner

Email: rmoriconi@sccrtc.org

Phone: 831-460-3200

This notice, along with its enclosures, comprises the Request for Proposals (RFP) for this project. Responses should be submitted in accordance with the instructions set forth in this RFP. Email inquiries relating to this RFP should include "ADEI RFP 2187" in the subject header. The RTC reserves the right to amend the RFP by addendum before the final proposal submittal date. This RFP and addenda will be available at: <https://sccrtc.org/about/working-with-the-rtc/#consulting>.





**SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
1101 PACIFIC AVENUE, SUITE 250, SANTA CRUZ, CA 95060**

ORIGINAL ISSUE DATE: September 20, 2024

UPDATED: October 3 and October 10, 2024

TO: Interested Consultants
FROM: Rachel Moriconi, Senior Transportation Planner
SUBJECT: Request for Proposals (RFP) 2187 for Professional Services for Accessibility, Diversity, Equity, and Inclusion (ADEI) Assessment and Trainings

Invitation

The Santa Cruz County Regional Transportation Commission (RTC) seeks consultants and facilitators to conduct an agency accessibility, diversity, equity, and inclusion assessment and trainings as part of [the RTC's Transportation Equity Action Plan](#). Qualified and experienced consultants are invited to submit a proposal for professional services with a fee schedule that includes an estimate of costs per task and other direct costs to complete the project. Please submit one (1) digital copy of your Proposal by the response due date.

The RTC has established a Disadvantaged Business Enterprise goal of ~~80%~~22% for this contract. The RTC requires a proposer to meet the contract goal in order to be awarded a contract OR make good faith efforts to meet the goal. The RTC strongly encourages disadvantaged businesses (DBE), small businesses, disabled veteran businesses, and consultants willing to commit to subcontracting a minimum of ~~25%~~22% of the net proposed cost to businesses covered by State and Federal DBE programs to submit proposals. For more information [see Addendum 2 to this RFP and/or](#) to find DBEs, visit: <https://caltrans.dbesystem.com/>. Caltrans is available to assist consultants that are members of a [socially and economically disadvantaged group](#) ([49 CFR Part 26](#)) that are not yet certified as a Disadvantaged Business Enterprise (DBE). See: <https://dot.ca.gov/programs/civil-rights/dbe-certification-information>

Request for Proposal Online

The Request for Proposals (RFP) is available on the RTC website: <https://sccrtc.org/about/working-with-the-rtc/#consulting>.

Response Due Date

Proposals are due in digital PDF format in the Santa Cruz County Regional



Transportation Commission (RTC) office by **12:00 PM Pacific Time on October 17, 2024**. Responses should be emailed to rmoriconi@sccrtc.org. Any proposals received after the date and time specified above will not be considered. RFP Responses shall be considered firm offers to enter into a contract, as described in this RFP for a period of ninety (90) days from the time of submittal.

RFP Schedule

RTC Issues Notice of RFP	September 20, 2024
Pre-Proposal Meeting (via Zoom)	October 3, 2024, 2:30 PM
Requests for clarification and questions due to rmoriconi@sccrtc.org	October 7 9 , 2024, 12:00 5:00 PM
Responses to questions, addenda and any other clarification materials posted on the RTC website	October 10, 2024, 12:00 PM
Proposals Due	October 17, 2024, 12:00 PM
Interview Short Listed Consultants (if needed)	October 23-28, 2024
Final ranking of consultants	Estimated October 30, 2024
RTC Board Authorizes Entering into Contract	Thursday, November 7, 2024
Final negotiations	If needed – November 7-12
Notice to Proceed (NTP)	Estimated November 13, 2024
Deadline to complete services	June 30, 2025

Contact

Responses and inquiries relating to this RFP shall be submitted electronically to rmoriconi@sccrtc.org:

Santa Cruz County Regional Transportation Commission
 Attn: Rachel Moriconi, Senior Transportation Planner
 Email: rmoriconi@sccrtc.org

Email inquiries relating to this Request for Proposals should include "ADEI RFP2187" in the subject header.



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Request for Proposals
Santa Cruz County Regional Transportation Commission
Professional Services for
Accessibility, Diversity, Equity, and Inclusion Assessment and Trainings

1. Project Description

The Santa Cruz County Regional Transportation Commission (RTC) is committed to fostering a diverse, equitable, and inclusive transportation system and workplace. As part of our dedication to excellence and equity, the agency is seeking a qualified Consultant or Consultants to provide expertise, guidance, and support in advancing organizational goals related to accessibility, diversity, equity, and inclusion (ADEI).

The Consultant will be expected to deliver the following:

- A comprehensive ADEI assessment report outlining key findings, recommendations, and an action plan for RTC.
- Customized trainings and materials, resources, and tools for staff, board and committee members, and transportation stakeholders.
- Revised or new ADEI policies, procedures, and guidelines for integration into transportation planning and operations.

The assessment and trainings will be designed to improve RTC's ability to evaluate and address inequities and to better engage and serve diverse constituencies.

2. Background Information

The Santa Cruz County Regional Transportation Commission (RTC), the state-designated Regional Transportation Planning Agency (RTPA) for Santa Cruz County, is developing an Equity Action Plan that will include an equity-focused assessment of the agency's practices and procedures and trainings to support its goals to better integrate equity into all of its programs, policies and practices. The RTC has approximately 20 staff, committees made up of residents, partner agencies, and stakeholders, and is overseen by a board made up of elected officials from local cities and the County of Santa Cruz and Santa Cruz Metropolitan Transit District (METRO) board members.

Local agencies and organizations have been working to proactively address racial, economic and other disparities in our communities. As equity and equitable outcomes continue to be a focus, the equity plan, assessment and trainings will provide RTC staff, the RTC board and committee members with the opportunity to improve their understanding



of key issues within a safe and supportive environment. It will assist the agency in developing and promoting practices and outcomes focused on equity in planning, prioritizing, and implementing transportation projects and services in Santa Cruz County; and in understanding how to be true allies with other organizations and individuals, identify and address transportation inequities.

In addition to the agency assessment and trainings, which are the scope of this RFP, the RTC's Equity Action Plan will also include an equity analysis of the existing and planned transportation network of roadways, active transportation and transit facilities and services, as well as a toolkit that the RTC and its partners can use to proactively engage disadvantaged, priority communities in the planning and implementation of transportation projects and programs. The plan builds upon work of the numerous, existing, multi-agency plans and programs to address inequities and support multimodal needs of all transportation system users.

In order to facilitate public engagement and ensure accessibility of documents, Consultant shall provide Americans with Disabilities Act of 1994 (ADA)-accessible electronic copies of any documents being distributed for board and public review, final reports, and public outreach materials, as applicable. Guidance on ADA remediation of documents is available at: <https://www.section508.gov/create/>

3. Minimum Qualifications

The selected consultant(s) must demonstrate to the RTC selection committee the following professional qualifications:

- a) Demonstrated experience and knowledge related to racial equity, transportation equity, and conflict resolution.
- b) Ability to develop and assist with implementation of iterative diversity, equity, and inclusion trainings for governmental transportation agency staff at varying levels and job functions, board members, and advisory committees to promote equitable outcomes in its transportation programs and within the organization.
- c) Ability to conduct a comprehensive assessment of agency policies, procedures, and practices and to prepare a report outlining key findings, recommendations, and a results-based action plan for the agency.



Desirable qualifications:

- d) Experience developing transportation equity action plans, equity assessments, and/or disparity studies.
- e) Experience analyzing equity in transportation projects and programs.

The RTC reserves the right to investigate the qualifications of all firms and persons under consideration and to include reference checks to confirm any part of the information furnished by consultants responding to this request for proposals.

4. Scope of Services

Task 1. Assessment of RTC organization, policies and procedures:

- Prepare a comprehensive accessibility, diversity, equity and inclusion assessment report outlining key findings, recommendations, and an action plan for the RTC.
- Review RTC policies, procedures, practices, programs, and budgets utilizing an equity lens and develop strategies and recommend updates that enhance diversity, equity, and inclusion practices within the agency's workforce, projects, programs and services.
- Identify specific strategies and initiatives tailored to the unique needs and challenges of the RTC that promote diversity, equity, and inclusion in RTC planning decisions, policies, practices and integration into transportation planning and operations.
- Review RTC's hiring and procurement practices (disparity analysis); establish procedures to operationalize equitable recruitment, hiring and retention practices.
- Analyze demographic data, employee feedback, and existing diversity programs to identify strengths, weaknesses, and areas for improvement.
- Recommend updates to personnel job descriptions to revise skills and qualification requirements that exceed what is necessary and could result in unnecessary barriers for underrepresented groups.
- Engage with stakeholders and community members, to gather insights and perspectives on ADEI issues in transportation.



- Identify opportunities for innovation and adaptability to make the RTC agency more dynamic and culturally responsive.
- Develop pro-equity policies in areas such as leadership, human resources, procurement, operations, and services.
- Develop program to monitor progress and support sustained improvements in ADEI efforts.

Task 2. Trainings

- Develop a training program for RTC staff, board, committee members, and stakeholders, including customized training materials, data, resources, technical assistance, and tools for existing and new staff (onboarding).
- Provide up to six trainings and support to staff, leadership, and committees to educate, engage, promote understanding and implementation of equity, equality, diversity, and inclusion principles; to build equity into the RTC's culture, values, and daily operations; as well as provide an equity-centered approach to guide the work the RTC does internally and externally.

Topics may include, but are not limited to:

- Language Access
- Strategic Planning
- Digital inclusion
- “Train the trainer” sessions to enable staff to train their coworkers and stakeholders on equity
- Diversity, equity, and inclusion training for managers and supervisors; as well as staff who sit on hiring panels and provide staffing support to advisory committees and stakeholder groups
- Title VI
- Reference guide with lists of resources, videos, literature, and websites for agencies to use
- Communication through an equity lens

Optional Task 3: Conflict Resolution—Consulting, Training and Facilitation

Consulting, training, and facilitation services to assist staff in effectively navigating sometimes difficult conversations. Facilitate a productive focus on understanding and addressing the core interests of all parties in conflict situations, including peer-to-peer, supervisor-to-supervisee relationships, and with and between community members.

5. General Information- RFP Definitions

Throughout this RFP, the following definitions will be used:

- "Agreement" means a written agreement executed between the RTC and a selected respondent.
- "Consultant" or "Contractor" or "Firm" means the entity, organization, firm, team, or person qualified to provide services described in this RFP.
- "Respondent" means an individual, joint venture, or a company that submits, or intends to submit, a Proposal in response to this RFP.
- "RFP" or "Request for Proposals" means the process described in this document.
- "RFP Response" and "Proposal" mean all documents submitted by a respondent in reply to this RFP request.
- "RTC Contract Manager" means the lead RTC staff assigned to oversee procurement, and the work of the consultant selected to implement this project.
- "RTC website" means the website maintained by the Santa Cruz County Regional Transportation Commission (RTC) at <https://sccrtc.org/>.

6. Closing Date for RFP Responses

By 12:00PM on October 17, 2024, the RTC must receive one (1) electronic copy to the email address listed on the cover of this RFP (rmoriconi@sccrtc.org). Proposal materials received after this time will not be considered.

7. Pre-Proposal Meeting

An optional pre-proposal meeting will be held on **October 3, 2024, at 2:30pm** via videoconference over ZOOM: <https://us02web.zoom.us/j/3362112734?pwd=s7ZRRXL7cDO1Noi4LFrFaGP1yRrJfX.1&omn=83492304110>

There will be opportunities for questions and answers, but time may be limited by scheduling constraints. **Interested parties are encouraged to submit questions or requests for clarification by email in advance of the meeting to rmoriconi@sccrtc.org.** Responses to questions raised at, before, or after the Pre-Proposal Meeting will be posted on the RTC website (see below).



8. Inquiries, Questions, Requests for Clarification, Additional Information

The RFP and any subsequent information regarding this RFP, including changes made to this document and responses to questions concerning this RFP, will be posted by 5:00PM on October 10 on the RTC's website: <https://sccrtc.org/about/working-with-the-rtc/#consulting>. It is the sole responsibility of the respondent to check the website for addenda to the RFP documents.

Any questions, requests for clarification or exceptions to RFP requirements must be received by RTC no later than ~~5:00PM~~12:00PM on October ~~7~~9, 2024. Inquiries will be accepted by mail or email. All inquiries related to this RFP should be directed to:

Rachel Moriconi, Project Manager
Email: rmoriconi@sccrtc.org

Information obtained from other sources is not official and should not be relied upon for completion of proposals in response to this RFP.

9. Addenda to RFP

The RTC reserves the right to amend this RFP at any time up until the due date. Any amendments to or interpretations of the RFP shall be described in written addenda posted on the RTC website (<https://sccrtc.org/about/working-with-the-rtc/#consulting>). All addenda issued shall become part of the RFP.

If the RTC determines that the addenda may require significant changes in the preparation of proposals, the deadline for submitting the proposals may be postponed by the number of days that the RTC determines will allow Proposers sufficient time to revise their proposals. Any new due date shall be included in the addenda.

10. Proposal Format

In order to simplify the review process and to facilitate comparative analysis, the proposal shall be organized in the following manner. Proposal content and completeness are most important; however, effort should be made to produce a complete, competitive, and qualifying response that is also concise. Proposers are encouraged to submit proposals that do not exceed 25 pages, not including attachments of resumes, detailed scope of services, project schedule, and cover letter. The RTC, at its option, may require a Proposer to provide additional information and/or clarify



requested information. The screening of proposals will determine which Proposers will be invited to an interview, if necessary.

The following information must be included in the Proposal submitted in response to this RFP:

- a) **Signed Transmittal Letter:** Proposals must include a maximum 2-page transmittal letter indicating the name of the consultant submitting the proposal; whether the proposing entity is an individual, partnership, corporation, company, or joint venture; the name, telephone number, email, and business address of the contact person who will be authorized to respond to questions regarding the Proposal; and the name of the individual authorized to negotiate the contract on behalf of the consulting entity. The transmittal letter should refer to this RFP by title and date, include statement of California licensing (if applicable), and be signed by a person authorized on behalf of the consulting firm to solicit business for the firm.

- b) **Profile of the Firm:** This section shall include a brief description of the firm's size as well as the local organizational structure. Additionally, this section shall include a listing of any lawsuit or litigation and the result of that action resulting from (a) any public project undertaken by the Respondent or by its subcontractors where litigation is still pending or has occurred within the last five years or (b) any type of project where claims or settlements were paid by the Respondent or its insurers within the last five years.

- c) **Firm Qualifications and References:** This section shall provide a brief description of the Respondent's qualifications and previous experience on similar projects. Description of project experience shall include a summary of the work performed, total project capital cost, percentage of the work the firm was responsible for, period over which the work was completed, and the name, title, email, and phone number of the clients to be contacted for references. A minimum of 3 recent and relevant projects and client references shall be included for the Project Manager and each of the Key Personnel. At least one reference shall be provided for each recent and relevant project.

- d) **Project Staffing and Subcontracts:** This section shall discuss how the Respondent would staff this project. Respondent team members shall be identified by name, location, specific responsibilities, and estimated person-hours of participation. An organizational chart shall be included identifying "Key Personnel" who are members of the project team that may not be changed once the proposal is submitted without prior



approval of the RTC Contract Manager. The organizational chart shall identify all subcontracts that are to be used, description of each, and the work by each subconsultant/subcontractor. No work must be subcontracted unless listed in the technical proposal. Subconsultant resumes should be provided. List any Disadvantaged Business Enterprises (DBE) firms and certification number. Relevant experience of the Consultant Project Manager, Key Personnel, and any Subcontractors will be an important factor considered by the RTC Review Committee and resumes should be provided.

- e) **Technical Approach/Work Plan and Work Schedule:** Consultant submissions are expected to include a proposed detailed work plan and scope of services with the proposal. This section of the proposal shall establish the Respondent's understanding of this project, including project objectives and requirements, and Respondent's ability to satisfy those objectives and requirements. Succinctly describe the proposed approach for addressing the required work, outlining the activities that would be undertaken in completing the various tasks and specifying who would perform them. This information should be provided as part of the main proposal showing the estimated hours allocated to complete tasks, a schedule for completing the work, and the percentage of the work to be performed by DBE firms. The Respondent may also suggest technical or procedural innovations that have been used successfully on other projects that may facilitate the completion of this project. Consideration of practical, outside the box thinking is encouraged.
- f) **Management Approach:** Describe how the Proposer intends to provide and manage the resources necessary to deliver this public project in accordance with the project budget and schedule. Indicate how the firm will apply its management techniques and resources to achieve project delivery goals and provide quality control. Include information on how the firm will manage costs, schedule delays, and subconsultant deliverables. Also describe your current workload, staff availability, and include information on the firm's approach to managing projects of several different clients at once.
- g) **Cost Proposal/Fee Schedule:** Include a cost proposal that outlines the budget for each task and related deliverables as outlined in the proposer's Scope of Services. The cost proposal shall include all costs to the RTC, including all labor, profit, administrative and overhead fees and other direct costs broken down by tasks/subtask and personnel by title. The cost proposal shall show costs of the prime consultant and all subconsultants, identifying which subconsultants are DBE. Mark-ups for subconsultants are not allowed. Reimbursable travel costs shall not exceed the CalHR rates for State employees:

<https://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx>.

The contract payment method will be based on actual cost-plus-fixed fee or lump sum, with progress payments made no more than once a month based on receipt and acceptance of satisfactory deliverables.

- h) **Required Forms:** This contract is federally funded and subject to Caltrans requirements for non-A&E contracts, including Disadvantaged Business Enterprise (DBE) consideration and FY2022-23 Caltrans Sustainable Planning Grant Program requirements. Proposal must include the following completed forms:
- i. [Form 1](#) California Levine Act Statement
 - ii. [Form 2](#) Exceptions to the Agreement
 - iii. [Bidder/Proposer DBE Good Faith Efforts Documentation](#) (Caltrans Local Assistance Procedures Manual, Exhibit 15-H)
 - iv. [Consultant Proposal DBE form](#) (Caltrans Local Assistance Procedures Manual, Exhibit 10-O1.)
 - v. [Disclosure of Lobbying Activities](#) (Caltrans Local Assistance Procedures Manual, Exhibit 10-Q)
 - vi. [Cost Proposal/Fee Schedule \(Sample - consultants may submit fee schedule in an alternate format, but must include the complete cost breakdown\)](#)
 - vii. [Certification of Indirect Costs and Financial Management System](#)

Method and Criteria for Selection

11. RFP Response Review and Selection

An evaluation committee consisting of RTC staff and other individuals that the RTC deems appropriate will review each Proposal for completeness and content. The evaluation committee will analyze responses based on the needs described in this Request for Proposals (RFP) and the Scope of Services, including relevant experience of the consultant with federal- and state-funded projects. The evaluation committee will review and rank the Proposals and conduct interviews.

Responsive proposals will be evaluated as follows:

- **Project Understanding/Work Plan (up to 40 points)**
Understanding of the RFP objectives, project needs, the completeness of the proposer's detailed scope of services, including percentages of hours allocated to the major tasks and appropriateness of proposed team structure demonstrating the respondent's overall understanding



of the project requirements. Proposed schedule and workload capacity will also be considered.

- **Project Manager’s Relevant Experience/Qualifications (up to 10 points)**

Relevant experience includes providing similar assessments and trainings. Methods of project management include project communication, schedule and budget control, and quality assurance and quality control. Past record of performance on contracts with RTC and other public agencies will be considered. Information regarding the Project Manager’s availability to take on this project shall be provided in the proposal.

- **Key Staff Relevant Experience/Qualifications (up to 10 points)**

Relevant experience includes experience working on similar assessments and trainings, conducting projects involving multiple agencies, technical and procedural expertise, successful community engagement including engaging with disadvantaged communities, and understanding of local context. Information regarding the firms and individual Key Staff’s availability to take on this project shall be provided in the proposal.

- **Communications (up to 10 points)** Clarity, structure, and readability of the proposal and all submitted materials. Ability to communicate and present information clearly.

- **Cost (30 points):** Appropriateness and clarity of the cost proposal and budget calculations per task. Appropriateness of allocation of non-labor resources. Cost effectiveness and best value, including hours and appropriateness of personnel assigned to each task; hourly rates; reasonableness of task budget including value-added services; and cost of in-person services.

Any proposal that the evaluation committee determines does not include enough information to permit the evaluators to rate the proposal in any one of the listed evaluation criteria will be considered non-responsive and may not be further evaluated. A proposal that fails to include one or more items requested above under “Proposal Format” may be considered complete and generally responsive, if evaluation in every criterion area is possible.

12. Interview Review and Selection

Following review of Proposals, the evaluation committee may conduct interviews with respondents or develop a short list of consultants to interview in order to make a final selection leading to negotiations for a contract for professional



services. It is expected that key staff proposed to work on the project will attend interviews conducted as part of the selection process. The consultant scores for each of the evaluation criteria will be updated by the committee based on the interviews. The consultant with the highest overall score from the evaluation committee will be awarded the contract unless RTC decides to reject all proposals.

13. Authority to Commit RTC

Based on the findings of the evaluation committee, the RTC Contract Manager and the Executive Director of the RTC may recommend to the RTC board that one or more consultants be selected to perform the work. Based on experience and the proposed approach, a consultant may be awarded individual tasks or all tasks.

The contract will be awarded to the firm that presents the Proposal that in the opinion of the RTC is the most advantageous to the agency, based on the evaluation criteria. Upon approval by the RTC board, the Executive Director will be authorized to negotiate and enter into an agreement with the selected consultant. The RTC may accept or reject any and all proposals and waive any and all formalities and irregularities at any stage of the evaluation as it may deem to be in the best interest of the RTC.

14. Selection Disputes

Respondents not selected for interview or contract award will be informed by mail and/or email. Upon request, the RTC will offer a debriefing to respondents who were not selected, at a mutually agreeable time after award of the contract.

A proposer may object to a provision of the RFP on the grounds that it is arbitrary, biased, or unduly restrictive, or may object to the selection of a particular consultant on the grounds that RTC procedures, the provisions of the RFP or applicable provisions of federal, state, or local law have been violated or inaccurately or inappropriately applied. Any objection must be submitted in writing to the RTC Contract Manager and must include an explanation of the basis for the objection:

1. No later than 4:00 pm on the fifth business day prior to the date proposals are due, for objections to RFP provisions; or
2. No later than 4:00 pm on the fifth business day after the date the proposer is notified that its Proposal was found to be non-responsive or did not meet the minimum qualifications; or
3. No later than 4:00 pm on the fifth business day after the date on which



a proposer is notified that it was not recommended for selection, or that another proposer is recommended for selection for objections to consultant selection.

Except with regard to initial determinations of non-responsiveness, the evaluation record shall remain confidential until the RTC authorizes the award.

Protests of recommended awards must clearly and specifically describe the basis for the protest in sufficient detail. The RTC Contract Manager will respond to the objection in writing within thirty days. No contract to a consultant shall be executed until the expiration of the objection period or, if an objection is filed, the issuance of a written response to the protest by the RTC Contract Manager.

The proposer may appeal the decision of the RTC Contract Manager by filing a written appeal with the RTC Executive Director, no less than three (3) working days after receipt of the written response from the RTC Contract Manager. The Executive Director's decision will be final.

15. Schedule - Consultant Selection

Work under this contract is expected to begin in November 2024 and to end no later than June 15, 2025. Respondents shall recommend a schedule to complete the scope of services as part of their proposal.

The RTC intends to adhere to the timeline included above in this RFP, but it is subject to change at the discretion of the RTC. All times shown are in Pacific Time.

16. Additional Conditions

- a) **Respondent's Proposal Preparation Expenses:** Respondents are solely responsible for their own expenses in preparing and submitting a response to this RFP as well as for subsequent interviews and contract negotiations with the RTC. The RTC will not be liable to any respondent for any costs or damages incurred by the respondent in preparing the RFP response, loss of anticipated profit, or for any other claim.
- b) **Ownership of RFP Responses:** All documents, including specific RFP responses, submitted to the RTC become the property of the RTC. All materials submitted by proposers are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*), except that the RTC may withhold from disclosure clearly marked confidential trade secret information contained in any proposal, and proposer's submission of

information so marked shall constitute its agreement to defend and indemnify the RTC from any claim or liability for nondisclosure thereof. After award of the contract (or if not awarded, after rejection of all proposals), all responses will be regarded as public records and will be subjected to review by the public. Any language purporting to render all or portions of the proposal confidential will be regarded as non-effective and will be disregarded.

- c) **Collection and Use of Personal Information:** Respondents are solely responsible for familiarizing themselves and ensuring that they comply with the laws applicable for the collection and dissemination of personal information, including resumes and other personal information concerning respondent employees and employees of any proposed subconsultants.
- d) **Non-Commitment of RTC:** This RFP is not an agreement to purchase or contract for services. The RTC reserves the right to modify or cancel in whole or in part this RFP, to reject any and all proposals, to accept the proposal they consider most favorable to the RTC's interests in their sole discretion, and to waive irregularities or informalities in any proposal or in the proposal procedures. The RTC reserves the right, in its sole discretion, not to enter into a contract as a result of this RFP. The RTC further reserves the right to reject all proposals and seek new proposals when the RTC considers such procedure to be in their best interests. All responses will be assessed in light of the needs described in this RFP, including the Scope of Services. The RTC is under no obligation to receive further information, written or oral, from any respondent. Any award will be to the consultant(s) whose Proposal is, in the sole judgment of the RTC board on the basis of the evaluation criteria herein, most advantageous to RTC.
- e) **Changes to Proposals Prior to Closing Date:** Any proposals received prior to the due date and time specified above may be modified by written request of the proposer. Any modification must be received by the proposal due date and time specified in this RFP. After that date, no additional wording or comments will be added to the response unless requested by the RTC for purposes of clarification.
- f) **Modification of RFP Terms:** The RTC reserves the right to modify the terms of this RFP at any time and may cancel this RFP or further review of responses at any time without entering into a contract. It is the sole responsibility of prospective and actual respondent to check for modifications of and additional information pertaining to the RFP on the RTC website: <https://scrtc.org/about/working-with-the-rtc/#consulting>
- g) **Notification of Further RFP Respondent Review and Interview Not Binding:** A respondent may withdraw from consideration at any time by notifying the RTC in writing, by phone, or by email. The RTC may, at its sole discretion,



withdraw the name of a respondent for further review by notifying the respondent in writing, by phone or by email. Notice in writing, by email or by phone to a respondent that it has been identified as a candidate for further review and an interview will neither constitute a contract, nor give the respondent any legal or equitable rights or privileges relative to this RFP.

- h) **Contract:** Any contract proposed with a selected respondent shall comply with all public contracting statutes applicable in the State of California. For your reference, a sample contract is enclosed as *Attachment A*.

Respondents shall be prepared to accept the terms and conditions of the contract provided herein as *Attachment A*, which include requirements for Compensation, Indemnity, and Insurance. If a Proposer desires to take exception to the above, Proposer shall provide the following information using Form 2, identified as "Exceptions to the Agreement." The exceptions to the Contract shall include the following:

1. Proposer shall clearly identify each proposed change to the Agreement, including all relevant exhibits.
2. Proposer shall include the reasons as well as specific recommendations for alternative language.

The above factors will be taken into account in evaluating proposals. Proposals that take substantial exceptions to the Agreement or proposed compensation terms may be determined by the RTC, at its sole discretion, to be unacceptable and no longer considered for award. Only the exceptions stated in the Proposal will be considered when negotiating the Agreement.

The RTC may accept the proposal or negotiate the terms and conditions of the Agreement with the highest-ranked firm. RTC may also negotiate with Consultant a reduced or modified scope of services as it may deem appropriate. If mutual agreeable terms are not reached, the RTC reserves the right to terminate negotiations and may open negotiations with the next highest ranked firm. RTC further reserves the right to terminate negotiations at any point without obligation to contract for services with any firm. If a proposer wishes to recommend a change to any standard RTC contract provision, the provision and any proposed alternative language must be requested in writing prior to the closing date for receipt of requests for clarifications/exceptions listed above. If no such change or exception is requested in writing, the consultant will be deemed to accept RTC's standard contract provisions. In addition, for

projects funded by Federal funds, federal required contract provisions will be included in the RTC standard agreement.

- i) **Conflict of Interest:** The prospective consultant shall demonstrate no conflicts of interest, and a commitment to avoid potential conflicts that might arise from work performed for others, past associations or pending relationships. Prospective consultants shall disclose any financial, business or other relationship with RTC that may have an impact upon the outcome of this contract or RTC construction projects. The prospective consultant shall also list current clients who may have a financial interest in the outcome of this contract or RTC projects that will follow. In particular, the prospective consultant shall disclose any financial interest or relationship with any construction company that might submit a bid on RTC projects.
- j) **Past and future contracts:** Firms that have participated in past studies or other activities associated with the current RFP are not precluded from submitting proposals for this study. The firm selected to conduct the work under this RFP will not be precluded from conducting work on future projects by the RTC.
- k) **Local, State, and Federal Regulations:** Any contract awarded under this request for proposals is expected to be funded in part by federal FTA5304 funds. The consultant must be able to meet requirements for contracts using local, state and/or federal transportation funds, and local, state and federal grant language will be incorporated into the contract, as applicable. This includes, but may not be limited to, applicable provisions set forth in the Caltrans *Local Assistance Procedures Manual (LAPM)* and the Caltrans Division of Transportation Planning: *Master Fund Transfer Agreement*.

The selected consultant(s) shall also have all state and local licenses required by applicable law for the performance of the services or any portion thereof.

- l) **Non-discrimination and Disadvantaged Business Enterprise (DBE) Participation:** It is the policy of the RTC to ensure nondiscrimination in the award and administration of all contracts and to create a level playing field on which firms can compete fairly for contracts and subcontracts relating to the RTC's construction, procurement, and professional services activities. The consultant, subrecipient or subcontractor shall not discriminate on the basis of race, color, sex, gender, religious creed, national origin, ancestry, physical disability (including HIV and AIDS status), mental disability, medical condition (e.g., cancer), genetic information, marital status, gender, gender identity, gender expression, age, sexual orientation, military, or veteran status in the performance of the contract. This applies to all consultants' and subconsultants' employment, solicitations, selection of subconsultants and procurement



of materials. Pursuant to Title VI of the Civil Rights Act of 1964 – disadvantage business enterprises will be afforded full opportunity to submit bids in response to this invitation.

As a recipient of federal financial assistance from the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA), the RTC is also committed to and has adopted a DBE Program for contracts in accordance with federal regulations. This solicitation is subject to Title 49, part 26, Code of Federal Regulations (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs."

This contract is subject to Caltrans' DBE requirements and the DBE participation goal for this contract is ~~80%~~22%. The RTC requires a proposer to meet the contract goal to be awarded a contract or make good faith efforts to meet the goal.

Minority and/or women-owned businesses who are not currently a Caltrans's certified DBE firm, can apply for DBE status at <https://dot.ca.gov/programs/civil-rights/dbe>. Where subcontracting opportunities exist, consultants should utilize the Caltrans DBE Database to find certified DBEs to consider for their team: <https://caltrans.dbesystem.com/> (Search Directory of Certified Firms). For more information on the Caltrans Disadvantaged Business Enterprise Program visit <https://dot.ca.gov/programs/civil-rights/dbe>.

To ascertain whether DBE goals are being achieved, the RTC and Caltrans tracks DBE participation on all federally funded (federal aid) contracts. The selected consultant will be required to complete DBE and Prompt Payment reporting forms regardless of DBE participation levels. Each respondent is required to make Good Faith Efforts (GFEs) to meet the DBE contract goal. All respondents are required to complete Exhibit 10-O1 "Consultant Proposal DBE Commitment" and Exhibit 15-H "Bidder/Proposer DBE Good Faith Efforts Documentation" with their proposal. See Attachment D for additional information about DBEs. Each respondent is required to make Good Faith Efforts (GFEs) to meet the DBE contract goal. Failure by the consultant to carry out DBE requirements is a material breach of contract, which may result in the termination of contract or such other remedy as the RTC and/or Caltrans deems appropriate.

- m) **Drug-Free Workplace:** Consultants shall comply with the provisions of Government Code § 8350 et seq., regarding Drug-Free Workplace Certification, and with the U.S. DOT regulations "Drug-Free Workplace Requirements Grants" in 49 CFR Part 29, Subpart F.



- n) **Financial Management and Accounting System Requirements:**
Contracts shall not be awarded to a consultant without an adequate financial management and accounting system as required by 48 CFR Part 16.301-3, 2 CFR 200, 49 CFR Part 18, and 48 CFR Part 31.

17. Attachments: (*Attachments are provided as links along with the RFP*)

Attachment A: [RTC Standard Contract](#)

Attachment B: [Form 1](#) California Levine Act Statement

Attachment C: [Form 2](#) Exceptions to the Agreement

Attachment D: [Notice to Proposers DBE Information](#) – DBE Goal for this Contract is ~~80%~~22% (Local Assistance Procedures Manual, Exhibit 10-I)

Attachment E: [Consultant Proposal DBE form](#) (Caltrans Local Assistance Procedures Manual, Exhibit 10-O1.)

Attachment F: [Bidder/Proposer DBE Good Faith Efforts Documentation](#) (Caltrans Local Assistance Procedures Manual, Exhibit 15-H)

Attachment G: [Disclosure of Lobbying Activities](#) (Caltrans Local Assistance Procedures Manual, Exhibit 10-Q)

Attachment H: [Sample Cost Proposal](#)

Attachment I: [Certification of Indirect Costs and Financial Management System](#)

[Attachment J: Addendum 2, which includes Addendum 1](#)

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