

FRESNO COUNTY REGIONAL TRANSIT CONSOLIDATION PLAN

Request for Proposals

December 16, 2009

Proposals Requested By:

Council of Fresno County Governments
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I. INTRODUCTION

The Council of Fresno County Governments (Fresno COG) is seeking a qualified Consultant with substantial experience in preparing comprehensive transit operations analysis, developing transit operating plans and forming regional transit agencies. The purpose of the Fresno County Regional Transit Consolidation Plan is to systematically evaluate potential transit consolidation models, evaluate potential Strengths, Weaknesses, Opportunities and Threats (SWAT), and determine best approach to pursuing a single regional transit agency for Fresno County. Fresno County has three transit agencies including: Fresno Area Express (City of Fresno), Clovis Transit (City of Clovis), and the Fresno County Rural Transportation Agency (FCRTA).

This study will be performed under the guidance of the Fresno COG project manager and a Measure C Citizen's Advisory Committee (CAC).

Background

The County of Fresno lies in the geographic center of California, and is a major agriculture producing region with a total population of 992,351 (January 2010, Fresno COG projection), and a total area of 6,017 square miles, Fresno County also boasts the highest number of county road miles.

There are three public transit operators within Fresno County they include: the Fresno County Rural Transit Agency (FCRTA); Department of Transportation/Fresno Area Express (FAX) and Clovis Transit. FCRTA is the primary provider of public transit services in the rural areas of Fresno County. Rural public transit services are available within the spheres of influence for each of the thirteen incorporated cities including: City of Coalinga; City of Firebaugh; City of Fowler; City of Huron; City of Kerman; City of Kingsburg; City of Mendota; City of Orange Cove; City of Parlier; City of Reedley; City of Sanger; City of San Joaquin and City of Selma. These cities are linked to the Fresno-Clovis Metropolitan Area (FCMA) by either privately operated common carriers or publicly operated wheelchair accessible service providers. Many unincorporated rural communities are also served including: Alder Springs; Burrough Valley; Cantua Creek; Caruthers; Centerville; Dunlap; Easton; El Porvenir; Five Points; Friant; Halfway; Jose Basin; Lanare; Laton; Marshall Station; Meadow Lakes; Mile High; Minkler; Miramonte; New Auberry and O'neills. Additionally, the Native American Indian Rancherias of Big Sandy, Cold Springs, and Table Mountain receive service. FCRTA provided 402,456 passenger trips during FY2008.

Within the FCMA are the Cities of Fresno (Regional Data Center) 2009 population of 495,912 and Clovis population of 95,128. In the more populated areas of the FCMA, the average density ranges from four to fifteen persons per acre. FAX and Clovis Transit provide public transit services within the FCMA.

FAX is a department of the City of Fresno, and is the largest mass public transportation provider in California's San Joaquin Valley. FAX operates scheduled fixed-route

service throughout the metropolitan area on nineteen routes, seven days per week, and thirteen routes operating on Saturdays and Sundays. FAX currently has a fleet of 125 buses, 106 of which operate during the morning and evening peak commute periods. During FY2008, FAX provided 16,925,826 passenger trips. In addition, FAX oversees Handy Ride, a paratransit service. Handy Ride service is available to persons who, because of an impairment or disability, are unable to use Fresno Area Express fixed-route system.

The City of Clovis operates Clovis Stageline, a fixed-route service, and Round-up a paratransit service. Clovis Stageline ridership for FY2008 was 184,264.

FCRTA provided 402,456 passenger trips during FY2008.

In July 2007, the Fresno COG completed a Regional Public Transportation Agency Formation Study. The document is available on the Fresno COG website at: <http://www.fresnocog.org/document.php?pid=33>

II. SCOPE OF WORK

Task 1: Evaluation of Current Operations

Financial Analysis: The Consultant will evaluate the operational financial condition of each transit operation in several areas. The Consultant will:

- Review past year and current budgets for assessing overall financial condition using NTD data where possible. This includes examining measures to describe the relative efficiency of the current system (i.e., cost per revenue hour, cost per revenue mile, cost per passenger);
- Review all permanent and one-time revenue sources for both capital and operating expenses. Specifically, a review of transit dedicated fund sources (LTF, STA, Measure C, 5307 et al) will be made;
- Request and evaluate five-year financial projections from each transit provider based on current levels of service (if service changes are anticipated, incorporate those in projections);
- Summarize costs, terms and conditions of each operational service contract of the current transit providers; and
- Summarize the financial condition and sustainability of each transit provider based on the current level of service.

Physical Asset Analysis: The Consultant will review the current and future physical asset requirements of each transit provider (i.e., facilities, equipment, communication systems). This will be done as follows:

- Perform on-site visits with each transit provider to review all current physical assets in order to assess how these assets can be used for

transit support and/or operations, including identifying which assets would not be available for transit consolidation and the reason(s) why;

- Review status of all current transit capital projects and proposals for each transit provider;
- Review each transit provider's projected capital needs for the next 20 years based on current and projected levels of service, including but not limited to, maintenance and administrative facilities, rolling stock replacement (buses and support vehicles), parking facilities, fare collection technology, communications systems, etc; and
- Identify current capital opportunities, resources and plans that could be used in support of potential transit consolidation options.

Support Staff Analysis: The Consultant will examine the organizational systems (staffing) assessment of each transit provider. This will entail the following tasks:

- Request current organization charts and job descriptions from each operation;
- Review the current staffing levels of each operation by cost, full time equivalent (FTE), fund source and function;
- Identify the functional roles, responsibilities and associated staffing levels of each service provider; and
- Identify possible issues or deficiencies with the current personnel structures with each transit provider.

Service Evaluation: The Consultant will evaluate current transit service by examining the following elements:

- Review current levels of service, productivity and accessibility offered with those services; and
- Review and evaluate Short Range Transit Plans (SRTP) in order to identify possible service plan changes projected by each transit provider.

Paratransit Systems Evaluation: The Consultant will summarize the Paratransit operations according to:

- Rider and trip eligibility including services offered beyond the required ADA mandated levels of service;
- Reservations systems;
- Fares and trip policies;
- Taxi scrip programs; and
- Consultant will review the SRTP and service plans for each transit provider to determine trends, deficiencies, and opportunities and other issues related to providing this service, including current levels of passenger satisfaction.

Governance Summary: The Consultant will summarize the manner in which each transit operation and each transit mode is governed, by examining these areas:

- Governing Body or Policy Board representation and meeting settings;
- Recent participation by policy makers related to transit funding and operations;
- Public and other stakeholders access to staff and service information; and
- Ways in which transit services are coordinated in a jurisdiction in which similar services are being provided by another jurisdiction.

Task 2: Evaluation of Proposed Consolidation Options

Each option will be evaluated in terms of these key areas of study and will fully assess the strengths, weaknesses, opportunities and threats of each option, including a detailed analysis of financial implications, sharing and/or use of existing and future physical assets, support staff as well as service performance and integration.

Financial Comparison: The Consultant will evaluate operational financial condition of each option. The Consultant will:

- Develop conceptual budgets for each option using Task 1 criteria and all pertinent transit cost centers;
- How each option would affect all permanent and one-time revenue sources used for both capital and operating expenses anticipated for each option; specifically, the use of transit dedicated fund sources (TDA, STA, Measure C, 5307 et al) will be fully assessed;
- Project five-year fiscal impacts and benefits for each option based on current levels of service (if service changes are anticipated, incorporate those in projections);
- Summarize implementation issues associated with the consolidation and/or transfer of each operational service contract or implementation of new contracts for each option, as needed. Summary to include potential labor/union issues; including but not limited to, Federal Transit Administration (FTA) 13C implications;
- Summarize financial implications and forecasts for each option based on current and proposed levels of service; and
- Compare each option to the status quo.

Physical asset Comparison: The Consultant will further elaborate on the physical asset analysis and how it would apply to each option(s). This will be done as follows:

- Determine the required physical assets needed to support each option(s);
- Identify potential of sharing physical assets currently in use that may be used in the proposed option(s);

- Determine how to create a shared-use facility or obtain “credit” for FTA funded assets that would no longer be used for transit purposes;
- Determine if current transit capital projects and proposals for each transit provider should be modified based on the each option;
- Project capital needs of a consolidated operation for the next 20 years based on current and projected levels of service including, but not limited to, maintenance and administrative facilities, rolling stock replacements, parking facilities, service vehicles and replacement, fare collection and communication improvements, etc; and
- Compare each option to the status quo.

Support Staff Comparison: The Consultant will develop and assess the required organizational personnel needs and staffing levels of each option. This will entail the following tasks:

- Forecast staffing levels of each option by cost, FTE, fund source and function;
- Identify the functional responsibilities of each staff person;
- Develop proposed organization structures, job descriptions and financial summary of each of the proposed options; and
- Evaluate the costs and coverage of each of the consolidation options to the status quo. (Where feasible, use comparably structured transit agencies as benchmarks).

Service Comparison: The Consultant will compare each option and its ability to provide service as follows:

- Review service and productivity levels for each option(s), and what common service policies should be assumed for each option;
- Identify potential service enhancements and cost savings gained through possible route optimization (such as route interlining, reduced deadhead hours, vehicle assignments and improved service contracts) for each of the consolidation options; and
- Compare each option to the status quo.

Governance Comparisons: The Consultant will develop options to govern the transit operations outlined in each option. This would include:

- Summarize alternative governance structures (Joint Powers Authority (JPA) Transit Districts, Memorandum of Understandings) that are the most appropriate for each option; and
- Specifically propose and define possible governance structures for each of the potential consolidation options and compare to the status quo.

Summary Report of Comparisons: Summarize an evaluation for each consolidation option based on the findings of Task 2, including:

- A comprehensive analysis of governance issues, financial status, service quality and operational efficiencies; and
- Evaluative possible responses and reactions to the strengths and weaknesses identified by local agencies and other community stakeholders.

Task 3: Guidance and Implementation Documentation

Steering Committee Support: The Consultant will support the Measure C Advisory Committee activities by assisting with the following elements:

- Identify non-technical and technical “fatal flaws” of a consolidation option and determining if other alternatives can be developed;
- Participate in timely briefings related to study’s progress and findings;
- Participate in steering committee meetings; and
- Develop and distribute public information; including but not limited to, meeting notices, press releases and other forms of public information.

Advisory Group: The study will be led by the Measure C Advisory Committee which has been designated for the study to assist policymakers in guiding the study concepts. At the discretion of the Fresno COG, other stakeholders may be selected by elected officials to help augment the efforts of the Committee. The Consultant will support the Committee activities by assisting on these elements:

- Prepare and coordinate Committee meetings as needed;
- Determine the level of interest of the Committee towards a consolidation option(s); and
- Present study findings in draft form in order to obtain feedback and revisions as deemed appropriate.

Study Consensus-Building and Presentations: Choosing and implementing a particular option will require that a level of consensus at the decision-making level. To do this the Consultant will need to provide information and assistance as needed. Specific efforts are anticipated to include:

- Prepare and coordinate presentations to local policymakers, including but not limited to, City Councils and the Fresno County Board of Supervisors;
- Prepare and coordinate discussions with key regional agencies and potentially state legislative contacts;
- Present study findings in draft form to obtain feedback and revisions as deemed appropriate; and
- Research and answer questions about consolidation option(s) details and assumptions if needed.

Final Consolidation Plan: A final document describing the preferred option(s) will be prepared, regardless of the outcome. Even if no consolidation is ultimately recommended, this study will include short, mid, and long term strategies that can be used to achieve a more coordinated system for the users of the fixed-route and paratransit services in Fresno County. Specific tasks include:

- Prepare a detailed explanation of the proposed organizational structure from the preferred option(s);
- Prepare informational materials about the preferred recommendation(s);
- Prepare a strategic plan of action to achieve the preferred option(s); and
- Prepare a complete business plan. The business plan should be designed to facilitate with the creation and implementation of a regional public transportation agency. At a minimum, a business plan will include a management and organization structure as well as financial, operating, service planning, and marketing plans.

Proposed Schedule

Activity

Request for Proposals released	December 16, 2009
Pre-proposal Meeting (1:30 PM at the Fresno COG Office)	January 6, 2010
Deadline for proposal submittal	January 29, 2010
Interviews/selection process (tentative)	February 17, 2010
Fresno COG Policy Board approval	March 25, 2010

Notice to proceed (subject to contract signing)

Meetings and Presentations

In addition to meetings required to perform previously mentioned task activities, the Consultant will facilitate and participate in the following meetings and presentations as outlined below:

- Meetings with the Fresno COG project manager (as needed)
- Meetings with the CAC (as needed)
- Monthly progress reports

Budget

The budget for this contract is not to exceed \$100,000.

III. PROPOSAL REQUIREMENTS

Proposal content and completeness are important. Clarity and conciseness are essential and will be considered in assessing the proposer's capabilities. All Consultant proposals submitted in response to this request will be screened by a review committee. The committee will determine, through the screening process, which consultants will be invited to make formal presentations and be interviewed by the selection committee. The selection committee reserves the right to make a final selection without an interview.

One reproducible and seven copies of the proposal must be received at the Council of Fresno County Governments by **Friday, January 29, 2010 at 5:00 p.m. PST.** Proposals not received by that date and time *will not be considered*.

In order to simplify the review process and 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: name, title, address, email address and telephone number of individuals with the authority to negotiate and contractually bind the company. The transmittal shall contain a statement of understanding of the RFP.

B. Table of Contents

Include identification of the material by section and page number.

C. Overview

This section should clearly convey the Consultant understands 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. Detailed Work Plan

The prospective contractor shall provide a schedule for completing the project, within the schedule set forth in this RFP. The schedule shall identify the major tasks to be undertaken and the time frame for each task.

This section should include the following components:

1. Task Description

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, etc.) to show a clear understanding of the work and the proposed approach.

2. Deliverables

A description of the format, content, and level of detail which can be expected for each deliverable.

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 firm'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 require special explanation. 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 Fresno COG.**

Include the name and qualifications of all professional personnel to be employed, a resume for each professional (included in an appendix), a statement indicating how many hours each professional will be 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 selected Consultant will not substitute members of the project team without prior approval of Fresno COG.**

F. Budget and Billing Format

A cost analysis of the proposed budget will be done by COG staff. Under various circumstances the budget could be subject to Pre-audit and/or the final cost subject to Post audit by COG or Caltrans division of Audits and Investigations. The allowability of individual items of cost will be determined by 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31 et. Seq. The Consultant will also be required to comply with 49 CFR, Part 18, and Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments. The Consultant should have an accounting system capable of segregating direct costs from indirect costs per the above cited regulations. The Consultant and Subconsultants 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.

1. Method of Payment

The cost proposal must be prepared consistent with the method of services provided under this agreement and will be reimbursed, by one of, or a combination of the methods below. The Consultant must clearly state the method used to prepare the cost proposal.

- Lump Sum payment
- Actual Cost plus Fixed Fee
- Specific Rates of Compensation

Lump Sum proposals will be paid per milestone of completed work or at the end of the contract upon acceptance of the final product. Actual Cost plus Fixed Fee agreements shall be billed at actual payroll costs and include a fixed fee for profit. In agreements reimbursed by Specific Rates of Compensation, billing rates containing a component for profit will be negotiated that will not change during the term of the contract.

2. Project Budget

A maximum of \$100,000 has been budgeted for Consultant services for this project.

3. Task Budget

A schedule of estimated costs to complete each task should add down to the total cost of the project (see Table 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.

4. Budget and Cost Breakdown

The prospective Consultant will prepare a detailed cost breakdown for the work to be performed during the project regardless of the method of reimbursement

chosen. This will include all tasks required to complete the project including final reports and presentation.

a. Direct Labor Costs – A schedule of billing rates and hours worked by employee or category of employee is required of the prime Consultant and all subconsultants. 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 Consultant should be prepared to validate billing rates with payroll registers, wage agreements, or other payroll documentation.

b. 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 Consultant 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.

c. Direct Cost – Direct costs are those incremental costs that can be identified specifically with a particular final cost objective. Although in some instances direct cost and indirect cost may include similar categories, incremental direct cost 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.

d. Subconsultant Fees – Subconsultants must provide the same cost data detail as the prime Consultant (see Table 1 and Table 2).

e. 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.

The hypothetical cost format example given below is to illustrate required components of the cost proposal only, and may have to be tailored to fit individual cost structures.

HYPOTHETICAL
COST ESTIMATE

Table 1.- 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. Subconsultant 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 - Project Task Costs by Key Personnel

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

* Subconsultants must provide required cost components found in Tables 1 & 2

G. Insurance Requirements

Without limiting Fresno COG's right to obtain indemnification from the Consultant or any third parties, the Consultant, at its sole expense, shall maintain in full force and affect 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 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, maintained by Fresno COG, its officers, agents, and employees, shall be given excess only and not contributing with insurance provided under the Consultant'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. Worker's compensation insurance as required by law.

This insurance shall not be canceled or changed without a minimum of thirty (30) days advance written notice given to Fresno COG. The Consultant 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 satisfaction, that such insurance coverages 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 and general liability only), but only insofar as the operations under the contract are concerned; and 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 only and not contributing with insurance provided under the Consultant's policies herein.

In the event the Consultant 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.

H. Disadvantaged Business Enterprise (DBE) Certification

DBE Bidders Listing (Attachment B) must be completed for all Consultants and Subconsultants regardless of DBE affiliation.

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 Consultants on the basis of DBE participation, who demonstrate that they have used good faith efforts to achieve DBE participation.

Consultants 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 Consultants are required to maintain records and document payments to all Subconsultants 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 Subconsultant. The Consultant shall maintain records showing the name and address of each Subconsultant, the date of payment, and total dollar figure paid to each Subconsultant.

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.

I. Conflicts of Interest

The prospective Consultant shall disclose any financial, business, or other relationship with Fresno COG that may have an outcome on the selection.

J. Summary of Qualifications

Proposals shall include a summary of the firm's qualifications, including resumes of assigned staff.

K. Signing of Proposal/Authorization to Negotiate

The proposal shall be signed by an official authorized to bind the Proposer 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, address, email address and telephone number of individuals with authority to negotiate and contractually bind the company.

L. Attachments

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

- Attachment A: Title VI Assurance
- Attachment B: DBE Participation
- Attachment C: Budget and Cost Breakdown

IV. PROPOSAL SUBMITTAL

A. Preparation of Proposal

The proposal shall be formatted in accordance with the requirements specified in *Section III: Proposal Requirements* of this RFP. Proposal forms shall be executed by an authorized signatory as described in *Section III-K: Signing of Proposal/Authorization to Negotiate*. All proposals shall be prepared by and at the expense of the Proposer.

B. Examination of RFP Document

The Proposer shall be solely responsible for examining, with appropriate care, the RFP, including any addenda issued during the proposal period. The Proposer shall also be responsible for informing itself with respect to any and all conditions which may in any way affect the amount or nature of the proposal or the performance of the work in the event the Proposer is selected. Failure of the Proposer to examine and inform itself in this manner shall be at the Proposer's own risk and no relief for error or omission shall be given.

C. Submission of Proposal/Period of Acceptance

One reproducible master and seven copies of all proposals must be delivered to Fresno COG no later than 5:00 p.m. Pacific Standard Time on January 29, 2010. Proposals will not be accepted after 5:00 p.m. PST. Postmarks will not be accepted. Proposals should be delivered to:

John Downs, Project Manager
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 Fresno COG and a part of its official records without obligation on the part of Fresno COG.

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

D. 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 Proposer. To be considered, however, the modified proposal must be received by the proposal due date and time specified previously.

All verbal modifications to these conditions or provisions are ineffective for proposal evaluation purposes. Only written changes issued by Proposer to Fresno COG are authorized and binding.

E. Rejection of Proposals

Failure to meet the requirements for the request for proposals will be cause for rejection of the proposal. Fresno COG may reject any proposal if it is conditional, incomplete, or contains irregularities or inordinately high cost rates. Fresno COG may waive an immaterial deviation in a proposal. Waiver of an immaterial deviation shall in no way modify the Request for Proposals document or excuse the Proposer from full compliance with the contract requirements if the Proposer is awarded the contract.

V. CONSULTANT SELECTION

All Consultant proposals submitted in response to this request will be screened by a selection committee. The committee will determine, through the screening process, which consultants will 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 actual award of the contract will be by the Fresno COG Policy Board (tentatively set for the March 25, 2010 meeting). Proposal opening does not constitute the awarding of a contract. The contract is not in force until it is awarded by Fresno COG and executed by the Fresno COG designees.

VI. PROPOSER OBJECTIONS

A Proposer may object to any of the terms or provisions set forth in the RFP's Scope of Work or to the selection of a particular Proposer on the grounds that Fresno COG's 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 the Proposer does not state any objections, Fresno COG will assume that the RFP scope of services are acceptable to the Proposer and have been fully factored into its response. If the Proposer intends to negotiate with Fresno COG concerning any part of the proposed scope of services that the Proposer finds objectionable, the Proposer must provide specific language in its response that will address or cure its objections.

VII. FRESNO COG RIGHTS

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.

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 Proposals;
4. Remedy technical errors in the Request for Proposals process;
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 Subconsultants;

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 an offer other than the lowest price offer; and
13. Waive informalities and irregularities in proposals and the bid process.

This RFP does not commit Fresno COG to enter into a contract, nor does it obligate 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.

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 which are considered necessary for the successful performance of the contract.

VIII. RFP QUESTIONS

All questions on the RFP should be submitted in writing by January 15, 2010 to:

John Downs, Project Manager
Council of Fresno County Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721
John.Downs@fresno.gov

Attachment A

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 businesses 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 nation origin in consideration of an award.

Attachment C

BUDGET AND COST SCHEDULE TEMPLATE

TASKS	(Name)		(Name)		(Name)		Total Task Hours	Total Task Cost
	(Role)		(Role)		(Role)			
	(Hourly Billing Rate)		(Hourly Billing Rate)		(Hourly Billing Rate)			
Task	Hours	Cost	Hours	Cost	Hours	Cost		
Tasks Subtotal								

DIRECT COSTS

Direct Cost	Amount
Direct Costs Subtotal	

SUBCONSULTANTS

Subconsultants	Total Cost
Subconsultants Subtotal	

PROPOSAL GRAND TOTAL		
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