

APPENDICES

1. Sole Source Approval Form
2. Procurement Requisition Form
3. AMBAG Standard of Conduct Policy
4. Contractor's Statement of Experience and Financial Condition
5. Protest Procedures for Procurements
6. Recommendation for the Selection of a Contractor Memo Template
7. AMBAG Evaluator (Consultant/Contractor Evaluation Committee) Guidelines
8. Declaration Concerning Conflicts for Evaluators
9. Sample - Cost Proposal
10. Method of Procurement Selection Form
11. Responsive Bidder/Proposer Checklist for RFP/RFQ
12. Bid Summary
13. Subconsultant List
14. U/DBE Information
 - 14a. Bidders List
 - 14b. Local Agency U/DBE Commitment Form
 - 14c. DBE/UDBE Information – Good Faith Efforts Form
 - 14d. Final Report – Utilization of U/DBE and SB, First-Tier Subconsultants
15. Solicitation Notification
16. Notice of Intent to Award
 - 16a. IFB Notice of Intent to Award

- 16b. Notice of Intent to Award RFP's
17. Notice of Intent to Enter Negotiations with Another Proposer
18. Notice to Short-Listed Proposers
19. Notice to Proposers Not Making Short-List
20. Request for Cost Proposal
21. Post-Award Notice to Unsuccessful Proposers
22. Notice to Proceed
23. Independent Cost Estimate (ICE) Justification
 - 23a. Independent Cost Estimate (ICE) Justification for Small Procurements
 - 23b. Independent Cost Estimate (ICE) Justification for Project-Specific/
Regulated-Rate Procurements
24. Independent Cost Estimate Scope of Work, Summary, and Staffing Plan
25. Limited Competition Approval Form
26. Procurement Closeout and Encumbrance Liquidation
 - 26a. Contracts, Task Orders and Job Orders - Close-Out Instructions
 - 26b. AMBAG Consultant Performance Evaluation Tool
 - 26c. Final Report – Utilization of Underutilized/Disadvantaged Business
Enterprises and Small Business, First-Tier Subconsultants
27. Record of Negotiation
28. On-Call Consultant Selection Form Sample
29. Purchasing Schedule Worksheet
30. Contract Payment Type Selection Form
31. Purchase Order Checklist

32. DBE Complaint Procedures and DBE Complaint Process Description for Staff
33. Cost Analysis Form
34. Price Analysis
35. Credit Card Purchase Form

SOLE SOURCE APPROVAL	Appendix 1
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Project Manager: _____ Date: _____

Contractor/Consultant/Vendor: _____

Project Number: _____ Contract Amount: \$ _____

Project Description:

Notice: Contracting without providing for full and open competition is prohibited unless justified on one or more of the bases below. A requisition must be attached to this form.

THE FOLLOWING MUST BE ANSWERED AFFIRMATIVELY (W/EITHER TYPE OF FUNDING)
<p style="text-align: center; color: blue;">BY MARKING THE BOXES BELOW, YOU ARE AFFIRMING THAT THE FOLLOWING STATEMENTS ARE TRUE.</p> <p><input type="checkbox"/> The need for a sole source is not due to a failure to plan or a lack of advanced planning.</p> <p><input type="checkbox"/> The need for a sole source is not due to concerns about the amount a federal assistance available to support the procurement (for example, expiration of Federal assistance available for award).</p>

JUSTIFICATION FOR AWARD OF SOLE SOURCE CONTRACT (W/FEDERAL FUNDING)
<p><input type="checkbox"/> Staff solicited competitive bids and was unable to obtain a responsive bidder.</p> <p><input type="checkbox"/> The grantor agency providing the federal funds has approved sole source procurement.</p> <p><input type="checkbox"/> The service is only available from a single source because contractor will be required to use confidential information, intellectual property, or trade secrets owned by contractor.</p> <p><input type="checkbox"/> The federal grantor agency made the award of funds being used based on RTPA's use of a particular team of contractors, and the contractor listed above is one of the team members identified in the funding application.</p> <p><input type="checkbox"/> The work is necessary to continue development or production of highly specialized equipment or components thereof, and it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition or when it is likely that award to another contractor would result in unacceptable delays in fulfilling RTPA's needs.</p> <p><input type="checkbox"/> Sole source is authorized by statute, or only one contractor can comply with specific statutory requirements.</p> <p><input type="checkbox"/> A national emergency exists, and a particular facility or contractor is needed to achieve mobilization.</p> <p><input type="checkbox"/> The disclosure of RTPA's needs in a public procurement process would compromise national security.</p> <p><input type="checkbox"/> A particular expert or neutral person's services are needed for a current protest, dispute, claim, or litigation.</p> <p><input type="checkbox"/> A competitive procurement is precluded by the terms of an international agreement or treaty or the written directions of a foreign government providing reimbursement for the cost of the supplies or services.</p> <p><input type="checkbox"/> To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.</p>

ADDITIONAL JUSTIFICATIONS FOR AWARD OF SOLE SOURCE CONTRACT (W/NO FEDERAL FUNDING)

- Only one contractor/consultant/vendor who can provide unique/highly specialized item/ service.
- Economy or efficiency supports award to existing contractor/consultant as a logical follow-on to work already in progress under a competitively awarded contract.
- Cost to prepare for a competitive procurement exceeds the cost of the work or item.
- The item is an integral repair part or accessory compatible with existing equipment.
- The item or service is essential in maintaining research or operational continuity.
- The item/service is one with which staff members who will use the item/service have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

EXPLANATION:

PROCUREMENT REQUISITION

(STARTS THE PROCUREMENT PROCESS FOR A PURCHASE OR CONTRACT)

Contract #:	Contract Amendment # (If applicable)	CONTRACTS USE ONLY Date Complete Package is Received by Contracts Officer Procurement Type: Purchase Order #: Vendor ID:	
Task Order # (if applicable):	Task Order Amendment # (If applicable)		
Is this procurement a sole source? <input type="checkbox"/> YES <input type="checkbox"/> NO			
COMPLETE ALL APPLICABLE FIELDS BEGINNING HERE DOWN TO THE CONFIRMATION SIGNATURE SECTION			
Requestor Name:	Date:		
Department:	Extension:		
OWP Number(s):	Cost Code:		
Total Contract: \$	<input type="checkbox"/> UDBE ____%	<input type="checkbox"/> DBE ____%	<input type="checkbox"/> Not Applicable
This Task Order: \$	<input type="checkbox"/> UDBE ____%	<input type="checkbox"/> DBE ____%	<input type="checkbox"/> Not Applicable

Procurement Justification:

Independent Cost Estimate (ICE): \$

Every procurement requires a cost or price analysis that begins with an ICE. Procurements less than \$5,000 may use a simplified ICE form. Procurements over \$50,000 should use a standard ICE form listing hours, classifications, and rates by tasks. By approving this requisition, the requester attests that the ICE is a fair and reasonable estimation of costs that was independently prepared prior to solicitation.

QTY - use "1" U/M - use "lot" DESCRIPTION - describe services or product UNIT COST - individual cost EXTENDED COST - QTY multiplied by UNIT COST

QTY	U/M	DESCRIPTION	UNIT COST	EXTENDED COST
				\$0.00
				0.00
				0.00
				0.00
SUBTOTAL				\$0

ATTACHMENTS (as applicable): <input type="checkbox"/> Scope of Work and Schedule <input type="checkbox"/> Payment/Fee Schedule <input type="checkbox"/> Quotes <input type="checkbox"/> ICE <input type="checkbox"/> RON <input type="checkbox"/> Sole Source Justification <input type="checkbox"/> Other (SPECIFY):	TAX	
	FREIGHT	
	TOTAL PRICE	\$

Funding Source: (CHECK/DEFINE ALL THAT APPLY)

Federal	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> FTA	<input type="checkbox"/> FHWA	<input type="checkbox"/> Other (DEFINE):
State	<input type="checkbox"/> YES <input type="checkbox"/> NO	Caltrans or Other State Funding Description:		
Local	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> Other (DEFINE):		
Grant	<input type="checkbox"/> YES <input type="checkbox"/> NO	Contract Number (for grant):	Grant Number:	\$ Amount:
Grant Description:				
Grantor Pass-Thru Funding Obligations? <input type="checkbox"/> YES <input type="checkbox"/> NO				

VENDOR INFORMATION	DELIVERY ADDRESS
Name: _____	
Address: _____	
Tax ID: _____	
Phone: _____ Fax: _____	
Contact: _____ Email: _____	

CONFIRMATION/APPROVAL SIGNATURE(S)
 *By approving the requisition, project manager asserts that the SOW for this procurement is within the SOW of the underlying agreement.

Project Manager: _____	Date: _____
Finance Director: _____	Date: _____
Executive Director: _____	Date: _____

RTPA Standard of conduct

I. Introduction and Applicability

This document established the standard of conduct applicable to all RTPA staff.

II. Guide to Ethical Decision Making

To assist in fostering a climate of ethical awareness, conduct, and decision making at RTPA, staff may find it useful to refer to or consider, either by themselves or if they are uncertain, in conjunction with the Executive Director and RTPA legal counsel, the following five questions:

1. Is the decision or conduct lawful?
2. Is the decision or conduct consistent with RTPA's policies and goals?
3. Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?
4. What will the outcome be for the staff member, other staff, RTPA, and others?
5. Do these outcomes raise a conflict of interest or lead to private gain to the staff member or the staff member's family at RTPA expense?

Recognizing a Conflict of Interest

1. In addition to the provisions of the Political Reform Act, as enforced by the Fair Political Practices Commission, conflict of interest exists when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties of employment. Conflict of interest that leads to biased decision making may constitute corrupt conduct.
2. No staff member shall participate in the selection, or in the award or administration of, a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the staff member, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
3. Some related interests that may give rise to a conflict of interest include:
 - a. Personal beliefs or attitudes that influence the impartiality of advice given;
 - b. Personal relationships with the people RTPA is dealing with that go beyond the level of a professional working relationship;
 - c. Secondary employment that compromises the integrity of the employee and RTPA.
4. In all purchases for RTPA, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. RTPA staff are specifically prohibited from participating in the selection process when those staff have a close personal relationship, family relationship, or business relationship with a person or business entity seeking a contract. An individual employee may often be the only person aware of the potential for conflict. It is, therefore, their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflict of interest to the Executive Director.
5. If a staff member is uncertain whether a conflict exists, he/she should discuss the related interest matter with the Executive Director and attempt to resolve any conflicts of interest that may exist. To resolve any conflict of interest that occurs, or could occur, a range of options is available, depending upon the significance of the conflict. These options include:

- a. Recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
 - b. The staff member relinquishing the personal interest;
 - c. The staff member being removed from the task/activity/situation where the conflict could occur.
6. Disputes over alleged conflicts of interest should be resolved by the Executive Director.

Prohibition Against Financial Interest in a Contract

1. It is unlawful for any Designated Staff to be financially interested in any contract made by them in their official capacity.
2. It is unlawful for any contract to be made by the RTPA Board or any committee established by RTPA's Board or a committee if any individual member of the body has a financial interest in the contract.
3. For purposes of the prohibitions set forth above in subsections 1 and 2 of this section, the term financial interest means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a non-interest prescribed in California Government Code section 1091.5, which would prevent the Designated Staff involved from exercising absolute loyalty and undivided allegiance to the best interests of RTPA.
4. Any Designated Staff with a remote interest in a prospective contract of RTPA's must disclose the existence of the remote interest to the committee or other body on which the Designated Staff is a member if that committee has any role in creating, negotiating, reviewing, or approving the contract; and the Designated Staff must abstain from influencing or anticipating in the creation, negotiation, review, or approval of the contract.

Prohibition Against Influencing RTPA Decisions Affecting Economic Interests

1. It is unlawful for any Designated Staff to knowingly influence a RTPA decision if it is reasonably foreseeable that the RTPA decision will have a material financial effect on:
 - a. the Designated Staff or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or
 - b. any of the following economic interests:
 - 1) any business entity in which the Designated Staff or a member of the Designated staff's immediate family has invested \$2,000 or more; and
 - 2) any business entity for which the Designated Staff or a member of the Designated Staff's immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and
 - 3) any real property which the Designated Staff or a member of the Designated Staff's immediate family has invested \$2,000 or more; and
 - 4) any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received (or by whom you have been promised) \$500 or more in income within twelve months prior to the municipal decision; and
 - 5) any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received gifts which total \$420 or more within twelve months prior to the municipal decision. This gift threshold is subject to adjustment as set forth in Title 2, section 18940.2, of the California Code of Regulations; and
 - 6) the personal expenses, income, assets, or liabilities of a Designated Staff or a member of the Designated Staff's immediate family.

2. For purposes of this section, "material financial effect" has the same meaning as that term is used in Title 2, sections 18705 through 18705.5 of the California Code of Regulations.

Prospective Employment of Designated Staff

1. It is unlawful for any Designated Staff to make, participate in making, or use his or her official position with RTPA to influence a RTPA decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.
2. It is unlawful for any person who has a matter pending before RTPA to negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a Designated Staff who is making, participating in making, or using his or her official position to influence, a RTPA decision concerning that matter.

Restrictions Concerning Contracts and Procurements by Current and Former Employees

1. Notwithstanding any other section of this Policy, RTPA shall not contract with, and shall reject any bid or proposal submitted by, the persons or entities specified below, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:
 - a. Persons employed by RTPA;
 - b. Profit-making firms or businesses in which RTPA employees serve as officers, principals, partners, or major shareholders;
 - c. Persons who, within the immediately preceding six (6) months, were employed by RTPA and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; and
 - d. Profit-making firms or businesses in which the former employees described in subsection (c) serve as officers, principals, partners, or major shareholders.

III. Definitions

- **Compensation:** The receipt of any monetary or non-monetary payment for the services or time of a person. Compensation includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public.
- **Confidential Information:** (a) At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to RTPA; or (b) the information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of RTPA; or (c) the information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of RTPA; or (d) the information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of RTPA to successfully defend, prevail in, or resolve the litigation.
- **Designated Staff:** Any RTPA staff member who is required to file a statement of economic interests pursuant to the California Political Reform Act of 1974 (Form 700), as amended.
- **Person:** Means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert, whether for profit or not for profit.

- **Public Agency:** Means the United States or any of its agencies; the State of California; a city; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.
- **Position of Substantial Responsibility:** Means a position in which a person took part personally and substantially by rendering a decision, approval, or disapproval for a department's projects; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.
- **RTPA Decision:** (a) The drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and (b) the amendment of any ordinance or resolution; and (c) a report by RTPA staff to the Board or a committee; and (d) contracts; and (e) quasi-judicial decisions, including: (1) any decision on a land development permit, map, or other matter; or (2) any declaration of debarment; and (f) any other decision of the Board or a RTPA committee.

IV. Goals And Objectives

RTPA staff, Board members and the community at large have a right to expect the business of RTPA to be conducted with efficiency, fairness, impartiality, and integrity. Employment at RTPA carries with it an obligation to the public interest. It requires standards of professional behavior from staff that promote and maintain public confidence and trust. At the same time, staff should not be subject to unnecessary restrictions simply because they work for RTPA. Staff has all the normal rights of persons under state and federal law. Although no one set of rules can answer all ethical questions, this Standard of Conduct provides RTPA staff with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of staff. Staff is expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

V. General Principles

Staff must abide by the following principles when doing their work:

1. Staff are to implement the policies and decisions of RTPA in an impartial manner. In particular, staff shall comply with all applicable laws regarding conflicts of interest, including, but not limited to, the California Political Reform Act, and the provisions of the California Government Code regarding Prohibited Interests in Contracts, as these laws may be amended from time to time.
2. Staff are to treat their colleagues and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, staff should perform their duties in a professional and responsible manner. They should ensure that their decisions and actions are reasonable, fair, and appropriate to the circumstance, based upon consideration of all the relevant facts and supported by adequate documentation.
3. Staff are to promote confidence in the integrity of RTPA and always act in the public interest and not in their private interest while conducting RTPA business. Staff should protect the reputation of RTPA. They should not engage in activities, at work or outside work, that would bring RTPA into disrepute.
4. Staff are to provide relevant and responsible service to the public and other staff, providing necessary and appropriate assistance. They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, and complete.
5. Staff should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of work. They should use their authority, available resources, and information only for the work-related purpose intended.

VI. Acceptance of Gifts, Benefits, or Gratuities

In addition to requirements set forth in the Political Reform Act, as enforced by the Fair Political Practices Commission, staff should not accept gifts or benefits that are intended to, likely to, or be perceived to cause staff to act in a partial manner in the course of their duties. Staff will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value equal to or in excess of \$50 on an annual, aggregate basis from

potential or current consultants or contractors, parties to sub-agreements, or other contracting parties. General guidance regarding these limitations may be found below. Gifts: Staff are prohibited from accepting gifts from vendors or from representatives of any non-governmental organization that provides, or is desirous of contracting with RTPA if the aggregate annual value of the gift or gifts will equal or exceed \$50. This prohibition applies to any gift, gratuity, favor, entertainment, or loan, and includes such items as liquor, lodging, travel, food, and tickets to public functions (sports events, theater, etc.).

1. **Business Related Functions:** Acceptance of an invitation to join a vendor at a function being attended for official agency business may be permitted by the Executive Director. Included in this category are luncheon meetings, lunches incidental to a business meeting held before or after the lunch period, and business-related dinners.
2. **Industry Meetings:** At industry meetings, seminars, or other related functions where the employee's attendance is being funded by RTPA, it is permissible to accept hospitality at activities that are provided for the benefit of all industry people and are commonly accepted as being a part of the group activities. The maximum annual aggregate amount of gifts an employee may accept from a particular vendor must be less than \$50.
3. **Entertainment:** RTPA staff may not be guests of a vendor, purchaser, contractor, or representative of a service organization at a sports event, theater, etc. These activities are not connected with RTPA business and could be criticized by the public or competitors of the host. The reason a company would act as such a host could be because the vendor, purchaser, contractor, etc. wants to solidify its position, influence the decision of the guest, or show its appreciation. When confronted with doubtful situations, RTPA staff should refuse the offer. The possibility of placing oneself, or RTPA, in a compromising position is thus avoided.

VII. Reporting Corrupt Conduct

Staff is urged to report suspected corrupt conduct to the Executive Director.

Contractor's Statement of Experience and Financial Condition

CONFIDENTIAL
Contractor's Statement of Experience
and
Financial Condition
(Updated ____ 2014)

To be submitted to the Association of Monterey Bay Area Governments (RTPA)

Submitted by: _____
Name of Firm

Address: _____
Street or P.O. Box

City	State	ZIP Code
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Contractor Primary Point of Contact: _____

Telephone: _____ Email: _____
(Area Code) xxx-xxxx

Contract No.: _____

Contract Bid Amount: _____ Project CIP No.: _____

Bid Date: _____

Submittal Date: _____

All pages of the questionnaires and financial statements should be marked "CONFIDENTIAL".

RTPA
Address

TABLE OF CONTENTS

CONTENTS

Instructions.....

For Submitting.....

 Frequency of Submission.....

 Evaluation of CSOEFC.....

 Age of Financial Information.....

 Data Required.....

 Affidavits.....

 Accountant’s Certificate.....

 Licensing.....

 Completeness.....

 Bidding Information.....

 Review Process.....

 RTPA Qualification Regulations.....

TABLE OF EXHIBITS

EXHIBIT No.	DESCRIPTION	PAGE No.
1	CONTRACTOR’S STATEMENT OF EXPERIENCE	
2	AFFIDAVIT	
3	INDEPENDENT AUDITOR’S REPORT	
4	CONTRACTOR’S FINANCIAL STATEMENT	
5	SUBORDINATION OF NOTES OR ACCOUNTS PAYABLE	
6	GENERAL STATEMENT OF BANK CREDIT	

INSTRUCTIONS FOR SUBMITTING

Contractor's Statement of Experience and Financial Condition (CSOEFC)

FREQUENCY OF SUBMISSION

A new CSOEFC will be required each time a bidder responds to an invitation for bid for a RTPA project containing a requirement for submission of a CSOEFC. The CSOEFC will no longer be valid for one year. It shall be the contractor's responsibility to ensure that the CSOEFC will be applicable to the project for which the CSOEFC is being submitted and that all information in the CSOEFC is up to date and accurate.

EVALUATION OF CSOEFC

For Invitations for Bids (IFBs), RTPA shall only evaluate the CSOEFC of the apparent lowest bidder. If the apparent low bidder does not meet the required qualifications, only then will RTPA evaluate the next apparent lowest bidder.

AGE OF FINANCIAL INFORMATION

RTPA reserves the right to reject statements in which the financial condition shown is twelve months or more prior to the date the CSOEFC was required to be submitted.

DATA REQUIRED

All applicable portions of the form should be filled out completely, with schedules being attached if the space provided is not sufficient.

It will be acceptable, in lieu of completing the specific schedules in the financial portion of the statement, for the contractor to submit the customary accountant's report and schedules, provided that they include all of the information specifically requested in the form.

It is essential that the questions regarding construction experience be completed as such experience is a major consideration in establishing qualifications.

AFFIDAVITS

The appropriate affidavit must be completely executed or the statement will be returned. Where a consolidated statement is submitted to obtain joint qualification of several organizations, an appropriate affidavit must be executed for each entity that is a part of the joint venture. If firms are bidding or responding as a joint venture and have no consolidated statement, each partner in the joint venture must submit their own CSOEFC.

ACCOUNTANT'S CERTIFICATE

The certificate of a Certified Public Accountant or Public Accountant will be required in all cases. A suggested form of unqualified certificate is included which may be used if appropriate. However, it will be acceptable for the accountant to submit a certificate in his own words, including such qualifications as may be necessary in view of the scope of this assignment; provided that such qualifications shall not be so extensive as to nullify the value of the statement or its usefulness to RTPA.

Bearing in mind that working capital and the dollar value of previous construction projects worked on are important factors in determining the qualification of a contractor, the accountant will perform a valuation service for his or her client and at the same time assist RTPA by furnishing supplementary schedules, or as a part of his or her certificate, any information not specifically called for by the statement which in the accountant's opinion may be properly taken into consideration.

In the event that the contractor's job income and expenditures are accounted on a completed-contract basis and the balance sheet includes an item reflecting the excess of costs-to-date over billings-to-date, or vice versa, the elements of "Accumulated Costs" and "Billings to Date" must be shown in support of the balance sheet item.

LICENSING

Contractor requirements shall be guided by Division 3 of the Business and Professional Code concerning the licensing of contractors."

COMPLETENESS

All forms must be completed, or the bidder must note where the required information is reflected in the attachments.

BIDDING INFORMATION

1. Any contractor may download an Invitation for Bid (IFB) package free of charge from the RTPA website.
2. Should contractors desire to bid or respond jointly, a joint-qualification statement containing information regarding each of the contractors must be submitted. Attention is called to the "Contractors' License Law" with respect to the license requirements for joint bids or responses.

REVIEW PROCESS

Qualification approvals are based on showing evidence of the availability of sufficient working capital, the dollar value of previous contracts worked on, and the successful completion of previous contracts exceeding five times the annual value of the RTPA contract, subject to adjustment upon consideration of experience, equipment, and performance factors.

Working capital may be augmented by submission of Statement of Bank Credit (See Exhibit 6).

RTPA QUALIFICATION REGULATIONS

RTPA requires a CSOEFC for all contracts where the estimated cost exceeds \$500,000. RTPA may require a CSOEFC for projects where the estimated cost is under \$500,000. When completed, the CSOEFC shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

RTPA shall apply a uniform system of reviewing bidders on the basis of the CSOEFC.

In no event shall any bidder be awarded a contract if such contract award would result in the bidder having under contract an amount of work in excess of that authorized by its qualification approval. The CSOEFCs will be treated as confidential records.

RTPA shall furnish to each bidder a bid booklet, which shall be filled out, executed, and submitted as the bid (Section 1.4.1). Bid proposals shall be presented on the forms furnished. RTPA shall review all bid proposals to determine which bidder is the lowest responsive and responsible bidder.

**Contractor's
Statement of Experience
and
Financial Condition**

EXHIBIT 1 – CONTRACTOR'S STATEMENT OF EXPERIENCE

A Corporation

A Copartnership

An Individual

Combination

Name: _____

(Name Must Correspond with Contractor's License in Every Detail)

Principal Office: _____
(Street or P.O. Box) (City) (State) (ZIP Code)

The signatory of this questionnaire guarantees the truth and accuracy of all statements and of all answers to Interrogatories hereinafter made.

1. Are you licensed as a contractor to do business in California? _____ License No. _____ Type _____
Classification (Type) of Specialty Contractor: _____
2. How many years has your organization been in business as a contractor under your present business name: _____

3. How many years' experience in _____ construction work has your organization had?
(Type)
(a) As a general contractor? _____ (b) As a Subcontractor? _____
4. Show the projects your organization has completed or are under construction during the last five years in the following tabulation. (Attach additional sheets as needed).

To assure maximum consideration for your qualification, be specific as to the nature of the work your firm actually performed.

Year	Type of Work	Value of Work Performed	Location of Work	Project Duration (Months)	For Whom Performed and Phone Number to Contact for Verification

A contractor that wishes to bid on projects handled by RTPA shall be licensed in accordance with the laws and regulations of California. The licensing must correspond to the applicable types of work and organization. Corporations not incorporated in the State of California must take the necessary steps to register to conduct business in the state.

For Questions 5-13, please also provide name of owner, title of project, contract amount, location of project, date of contract, and name of bonding company as applicable (attach additional pages if needed). All references to "bidder" should be treated as a reference to "proposer" and all references to a "bid" as a reference to a "proposal" where applicable.

5. List how many construction projects your organization will be working on in conjunction with the RTPA project:

-
-
6. Bidder or proposer must submit a summary of all claims made in the last five years arising out of previous contracts listed (including all claims by owner against bidder or proposer or bidder or proposer against owner, and the final status of each claim): _____

 7. Have you or your organization, or any officer or partner thereof, failed to complete a contract? _____ if so, give details: _____

 8. Have you, your organization, or any officer or partner thereof, defaulted on a construction project within the last two years? _____

 9. Have you or your organization, or any officer or partner thereof, ever been terminated by an owner or client, or rejected from bidding or responding on a public works project in the last five years? _____

 10. Has a surety ever completed any portion of work of your organization's projects within the last five years: _____

 11. Have you or your organization, or any officer or partner thereof, been formally found to be a nonresponsive bidder by a public agency within the last two years? _____

 12. List any violation of the Apprenticeship Requirements under a State Business and Professions Code or Labor Code found by an appropriate authority within the last two years? _____

 13. Have you or your organization, or any officer to partner thereof, been found guilty of failure to pay required prevailing wages on a public contract within the last two years? _____

 14. In what other liens of business are you financially interested? _____

 15. Name the persons with whom you have been associated in business as partners or business associates in each of the last five years? _____

 16. What is the construction experience of the principal individuals of your present organization?

Individual's Name	Length of Employment	Present position or office in our organization	Has individual been involved in the same level of responsibility on successfully completed contracts during the previous five years that together exceeds the value of this RTPA contract?	Years of Construction Experience	Magnitude and Type of Work	In What Capacity?

<p>If a Corporation, answer:</p> <p>Capital paid in cash, \$ _____</p> <p>When Incorporated? _____</p> <p>In What State? _____</p> <p>President's Name: _____</p> <p>Secretary's Name: _____</p> <p>Treasurer's Name: _____</p>	<p>If a co-partnership, answer:</p> <p>Date of organization: _____</p> <p>State whether partnership is general, limited, or association: _____ _____</p> <p>_____ Name and address of each partner: _____ _____ _____ _____ _____</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

18. Attach a resume for the individuals listed above, including the name, title, address, and phone number of an individual or organization who could verify the individual's experience.

19. Have you or your organization, or any officer or partner thereof, or any employee of such organization who has a proprietary interest in such organization ever been disqualified, removed, or otherwise prevented from bidding or responding on or completing a federal, state, or local government project because of a violation of a law or safety regulation? If so, please explain the circumstances below:

EXHIBIT 2 – AFFIDAVIT

WHERE PREQUALIFICATION IS BASED ON A COMBINATION OF ORGANIZATIONS, THE APPROPRIATE AFFIDAVITS BELOW MUST BE EXECUTED FOR EACH MEMBER OF SUCH COMINATION

AFFIDAVIT FOR INDIVIDUAL

(Name of Individual)

Doing business as: _____

certifies and says: That she/he is the person submitting the statement of experience and financial condition: that she/he has read the same, and that the same is true of his/her own knowledge; that the statement is for the purpose of inducing RTPA to supply the submitter with plans and specifications, and that any depository, vendor, or other agency therein named is hereby authorized to supply said RTPA with any information necessary to verify the statement and that furthermore, should the foregoing statement at any time cease to properly and truly represent his financial condition in any substantial respect, she/he will refrain from further bidding on RTPA work until she/he shall have submitted a revised and corrected statement.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed at _____, _____, State of _____
(City) (County)

Note: Statement will be returned unless affidavit on _____, 20____

Is complete including the date of signature

(Applicant must sign here)

AFFIDAVIT FOR CO-PARTNERSHIP

_____, certifies and says: That she/he/it is a partner of

(Name of firm)

that said partnership submitted the statement of experience and financial condition: that she/he has read the same and that the same is true of his/her own knowledge; that the statement is for the purpose of inducing RTPA to supply the submitter with plans and specifications, and that any depository, vendor, or other agency therein named is hereby authorized to supply RTPA with any information necessary to verify the statement; and that furthermore, should the foregoing statement at any time cease to properly and truly represent the financial condition of said firm in any substantial respect, he/she/it will refrain from further bidding on RTPA work until he/she/it has submitted a revised and corrected statement.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed at _____, _____, State of _____
(City) (County)

Note: Statement will be returned unless affidavit on _____, 20____

Is complete including the date of signature

(Member of firm must sign here)

(Remaining members of firm sign here)

(Name of firm)

AFFIDAVIT FOR CORPORATION

_____, certifies and says: That she/he is _____

(Name of Officer)

(Official Capacity)

Of the _____

(Name of Firm)

the corporation submitting the statement of experience and financial condition; that she/he has read the same, and that the same is true of his/her own knowledge; that the statement is for the purpose of inducing RTPA to supply the submittor with plans and specifications, and that any depository, vendor, or other agency therein named is hereby authorized to supply said RTPA with any information necessary to verify the statement; and that furthermore, should the foregoing statement at any time cease to properly and truly represent the financial condition of said corporation in any substantial respect, it will refrain from further bidding on RTPA work until it shall have submitted a revised and corrected statement.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed at _____, _____, State of _____
(City) (County)

Note: Statement will be returned unless affidavit on _____, 20_____
Is complete, including the date of signature

(Officer must sign here)

Note: use full corporate name and attach corporate seal

CONTRACTOR’S COMMENTS

EXHIBIT 3 – INDEPENDENT AUDITOR’S REPORT

We have audited the accompanying balance sheet of _____ as of _____, and the related statements of income and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company’s management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards required that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion. In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of _____ as of _____, and the results of its operations and its cash flows for the year then ended in conformity with generally accepted accounting principles.

Signature

Date

Special Note to Accountant:

The above Certificate of Accountant must not be made by any individual who is in the regular employ of the individual, co-partnership, or corporation submitting this statement, nor by any individual who is a member of the concern, unless she/he discloses his/her financial interest therein. A determination will be made by RTPA if the financial interest is excessive.

THE CERTIFICATE OF A LICENSED ACCOUNTANT WILL BE REQUIRED IN ALL CASES.

ACCOUNTANT COMMENTS

EXHIBIT 4 – CONTRACTOR’S FINANCIAL STATEMENT

NAME: _____

Condition at close of business _____, 20_____

ASSETS		DETAIL				TOTAL	
Current Assets							
1.	Cash						
2.	Notes Receivable						

3.	Accounts receivable from completed contracts						
4.	Sums earned on incomplete contracts						
5.	Other accounts receivable						
6.	Advances to construction joint ventures						
7.	Materials in stock not included in Item 4						
8.	Negotiable securities						
9.	Other current assets						
	TOTAL						
Fixed and Other Assets							
10.	Real Estate						
11.	Construction plant and equipment						
12.	Furniture and fixtures						
13.	Investments of a non-current nature						
14.	Other non-current assets						
	TOTAL						
	Total Assets						
LIABILITES AND CAPTIAL							
Current Liabilities							
15.	Current portion of notes payable, exclusive of equipment obligations and real estate encumbrances						
16.	Accounts payable						
17.	Other current liabilities						
	TOTAL						
Other Liabilities and Reserves							
18.	Real estate encumbrances						
19.	Equipment obligations secured by equipment						
20.	Other non-current liabilities and non-current notes payable						
21.	Reserves						
	TOTAL						
Capital and Surplus							
22.	Capital Stock Paid Up						
23.	Surplus (or Net Worth)						
	TOTAL						
	Total Liabilities and Capital						
CONTINGENT LIABILITIES							
24.	Liability on notes receivable, discounted or sold						
25.	Liability on accounts receivable, pledged, assigned or sold						
26.	Liability as bondsman						
27.	Liability as guarantor on contracts or on accounts of others						
28.	Other contingent liabilities						
	Total Contingent Liabilities						

Note: Show details under main headings in that column, extending totals of main headings to second column.

1	(a) On hand _____ \$ _____			
	Cash: (b) Deposited in banks named below _____ \$ _____			
	(c) Elsewhere – (state where) _____ \$ _____			
	Name of Bank	Location	Deposit in Name of	Amount

2*	(a) Due within one year _____ \$ _____ Notes Receivable: (b) Due after one year _____ \$ _____ (c) Past Due _____ \$ _____				
	Receivable From	For What	Date of Maturity	How Secured	Amount
3*	Accounts receivable from completed contracts exclusive of claims not approved for payment \$ _____				
	Receivable From	Type of Work	Amount of Contract	Amount Receivable	
	Have any of the above been assigned, sold, or pledged? _____ If so, state amount, to whom, and reason _____				

EXHIBIT 4 (CONTINUED) – DETAILS RELATIVE TO ASSETS

4*	Sums earned on incomplete contracts, as shown by engineers' or architects' estimates \$ _____			
	Receivable From	Type of Work	Amount of Contract	Amount Receivable
	Have any of the above been assigned, sold, or pledged? ___ If so, state amount, to whom, and reason _____			

	*List separately each item amounting to 10 percent or more of the total and combine the remainder.			

EXHIBIT 4 -DETAILS RELATIVE TO ASSETS (Continued)

5*	Accounts receivable not from construction contracts _____			
	\$ _____			
	Receivable From	For What	When Due	Amount

What amount, in any, is past due? _____ \$ _____
Assigned, sold, or pledged _____ \$ _____

6 Advances to construction joint ventures _____ \$ _____

Name of Joint Venture	Type of Work	Amount

What amount, in any, has been assigned, sold or pledged? _____ \$ _____

7 Materials in stock and not included in Item 4
(a) For use on incomplete contracts (inventory value) _____ \$ _____
(b) For future operations (inventory value) _____ \$ _____
(c) For sale (inventory value) _____ \$ _____

Description	Quantity	VALUE	
		For Incomplete Contracts	For Future Operations / For Sale

What amount, in any, has been assigned, sold, or pledged? _____ If so, state amount, to whom, and reason _____

8> Negotiable Securities (List non-negotiable items under Item 13)
(a) Listed – Present market value For use on incomplete contracts (inventory value) _____ \$ _____
(b) Unlisted – Present value) _____ \$ _____

Issuing Company	Class	Quantity	Book Value		Present Value (Actual or Estimated)	
			Unit Price	Amount	Unit Price	Amount

Who has possession?
If any are pledged or in escrow, state form whom and reason _____
Amount pledged or in escrow _____
\$ _____

*List separately each item amounting to 10 percent or more of the total and combine the remainder.

>Important: items listed under this heading will be given no consideration as working capital unless actual or estimated market value is furnished.

9 Other current assets
Bid deposits, prepaid expenses, cash value of life insurance, accrued interest, etc. _____ \$ _____

Description	Amount

10*	Real Estate Book Value	(a) Used for business purposes _____ \$ _____ (b) Not used for business purposes _____ \$ _____	
	Location	Description	Held in Whose Name
			Value
11	Construction plant and equipment _____		\$ _____
11A	What is your approximate annual income from rental of equipment owned by you, Exclusive of such income from associated concerns having same ownership \$ _____		
12*	Furniture and Fixtures _____		\$ _____
13	Investments of non-current nature		\$ _____
	Description	Amount	
14	Other non-current assests _____		\$ _____
	Description	Amount	
			Total Assets \$ _____

*Show book value (Cost less Depreciation) unless an appraisal schedule prepared by an independent appraiser is attached; in which case, appraised value may be shown.

EXHIBIT 4 – DETAILS RELATIVE TO ASSETS (Continued)

15	Current portion of Notes Payable, exclusive of equipment obligations and real estate obligations \$ _____			
	To Whom Payable	What Security	When Due	Amount
16	Accounts Payable: (a) Not past due \$ _____ (b) Past due..... \$ _____			

	To Whom Payable	What Security	When Due	Amount
17	Other current liabilities			\$ _____
	Accrued interest, taxes, insurance, payrolls, etc.			
	Description			Amount
18	Real Estate encumbrances			\$ _____
19	Construction Equipment obligations		(a) Total payments due within six months \$ _____	
	Secured by equipment:		(b) Total payments due after six months \$ _____	
	To Whom Payable	How Payable**		Amount
20	Other non-current liabilities and non-current notes payable			\$ _____
	Description	For What	When Due	Amount
21	Reserves \$ _____			
	Description			Amount
22	Capital stock paid up:	(a) Common.....		\$ _____
		(b) Preferred.....		\$ _____
23	Surplus (or Net Worth)			\$ _____
	Total Liabilities and Capital \$ _____			

EXHIBIT 5 – SUBORDINATION OF NOTES OR ACCOUNTS PAYABLE

Amounts owing to officers or stockholders of a corporation may be considered as advances of capital, and may be added to net worth for approval purposes, in those cases where verified subordination agreements are executed stating:

The amount of \$ _____ due me from _____

(Name of Corporation)

Represents an advance of Working Capital and will not be withdrawn without prior notice to RTPA nor during the life of any contract with said RTPA on which the corporation may be the successful bidder or proposer.

(Signature of Creditor)

(Date)

EXHIBIT 6 – GENERAL STATEMENT OF BANK CREDIT

In connection with the prequalification of _____,

(Name of Contractor)

a contractor seeking to be awarded a contract(s) with RTPA, we hereby declare that said contractor has been extended a line of credit in a total amount exceeding \$ _____, and that such credit will not be withdrawn or reduced without notice to RTPA.

This letter is signed with the understanding that it is a document to be used by RTPA for the purpose of determining the financial resources of said contractor available for use in performing work under contracts which may be awarded to him by RTPA during the term of his prequalification.

This General Statement of Bank Credit will EXPIRE with the Contractor's Statement of Experience and Financial Condition for which the line of credit was issued.

(Name of Bank)

(Address)

By _____

(Title)

PLEASE NOTE: The above form may be used to augment your Working Capital and completed by your bank, or if they prefer, one with substantially the same provisions may be issued on their own letterhead, referencing the contract number.

(RTPA USE ONLY)

CONTRACTOR'S STATEMENT OF EXPERIENCE AND FINANCIAL CONDITION (CSOEFC)
REVIEW SHEET

1. Contract: _____

2. Contract Bid Amount: \$ _____

Remarks

3. Total Working Capital \$ _____ [Current Assets – Current Liabilities]

4. Statement of Bank Credit \$ _____ See Exhibit 6

5. Subtotal \$ _____

6. Subtotal x 10 (Line 5 x 10) \$ _____

7. Is Line 6 \geq Line 2? yes / no (Circle one)

8. Does the largest value of all work bidder or proposer has had under contract over a previous similar time frame as the subject contract meet or exceed the total amount bid? If so, please explain.

9. Does the dollar value of at least one of the previous individual contracts listed have at least 50 percent of the dollar value bid on the RTPA contract? If so, please explain.

10. Has the bidder or proposer successfully completed contracts during the previous five years that together exceeds five times the annual value of the RTPA contract? If so, please explain.

RTPA USE ONLY

I have reviewed the contractor-furnished information contained in the CSOEFc and have determined that the submittal is in compliance with RTPA Policy No. _____. Therefore, this firm can be recommended for the award of this contract.

Initial Review Completed by _____, Firm Name: _____ Date: _____

[Enter person name, role and Firm Name here if applicable]

Experience Reviewed and Checked for Completeness by _____ Date: _____
Contracts & Procurement

Financials Approved by _____ Date: _____
Finance/Accounting Dept.

Experience Reviewed by _____ Date: _____

PROTEST PROCEDURES FOR PROCUREMENTS*

I. PROTESTS

The following procedures shall be used by RTPA to fairly and promptly respond to any protests received regarding third-party contracts or the contracting process. RTPA will consider all protests or objections regarding the contracting process or the award of an Agreement received by RTPA by 4 p.m. on the deadlines discussed below. RTPA will review only protests submitted by an actual or prospective Proposer. Protests by prospective subcontractors will be rejected. A protest by any adversely affected Proposer must be made in writing and must be mailed or hand delivered to RTPA. A protest which does not strictly comply with the RTPA protest procedures will be rejected.

A. Protests Before Bid/Proposal Opening

Protests relating to the content of the solicitation (i.e., RFP, IFB, RFQ), including protests related to DBE/UDBE requirements, must be filed within five (5) business days after the date the solicitation or addendum with the revised content is released to the public by RTPA. Failure to file a protest concerning the content of the solicitation or addendum prior to this deadline constitutes a waiver of any protest on these grounds.

B. Protests Related to Determination of Responsiveness

In the event the RFP contains a DBE/UDBE goal and RTPA makes a determination that Proposer has not met the goal or good faith effort requirements set forth in this RFP, RTPA will send the Proposer a Notice of Non-Responsiveness. Protests relating to any Notice of Non-Responsiveness must be filed within five (5) business days after the date of such notice. Failure to file a protest concerning the non-responsiveness determination prior to this deadline constitutes a waiver of any protest on these grounds and RTPA shall not be obligated to send Proposer any further notices.

C. Protests After Bid/Proposal Due Date

After Proposers are shortlisted and/or selected for negotiations, notices will be sent to all relevant Proposers. Protests relating to failure to make the shortlist must be filed within five (5) business days following protester's receipt of a notice regarding the shortlisting. Protests relating to the intent to make an award must be filed within five (5) business days following protester's receipt of the notice regarding the intent to negotiate. The date of filing shall be the date RTPA receives the protest. Untimely protests will be rejected. If deemed necessary, RTPA shall notify all Proposers of record that a protest has been filed and the award has been postponed until further notice. If necessary, Proposers will be asked to extend the time for acceptance of their proposal in order to avoid the need for readvertisement of the solicitation.

D. Protest Contents

A letter of protest must set forth detailed grounds for the protest and be fully supported with technical data, documentary evidence, names of witnesses, and other pertinent information related to the subject being protested. The protest also must state the law, rule, regulation, or policy upon which the protest is based. Protests concerning the relative weight of the evaluation criteria or the formula used in assigning points to make an award determination will be rejected. The protester must allege or establish a clear violation of a specific law, rule, regulation, or policy. If the protester considers that the protest contains proprietary material that should be withheld, a statement advising of this fact must be affixed to the front page of the protest document, and alleged proprietary information shall be so identified wherever it appears. Protests shall be mailed to:

The Protest Administrator

Reference: RTPA Contract Solicitation No. Solicitation #

E. Role Of The Protest Administrator

If a protest raises solely a question of law, the Executive Director shall retain the services of RTPA legal Counsel to serve as the Protest Committee. RTPA Legal Counsel will prepare a recommendation regarding the protest, in writing, to the RTPA Executive Director within ten (10) business days.

The Protest Administrator shall review each protest to determine if it is in compliance with the deadline, format, content, and notice requirements set forth in this Section. If a protest does not meet such requirements it may be rejected without further consideration. A written notice of such rejection shall be sent to the protester.

If the protest requires resolution of questions of fact, the Protest Administrator, his/her designee will appoint individuals to participate on a Protest Committee. The Protest Administrator will endeavor to appoint at least one of the Protest Committee members from an outside agency, and no one may sit on the Protest Committee that has a known and direct connection to the procurement that is the subject of the protest. The Protest Administrator also will appoint a chairperson for the Protest Committee. The Protest Administrator will gather the documents that the Protest Committee will need for its investigation and prepare a memo to the Protest Committee containing background information regarding the protest. Any communication regarding the protest between the protester and RTPA shall be through the Protest Administrator during the protest proceedings. Protesters may not contact anyone at RTPA other than the Protest Administrator. Protest Committee

The Protest Committee shall ensure the protest was received within the timeline specified and review the protest to determine if it itemizes in appropriate detail each matter contested as well as any factual reason(s) for the requested protest. The Committee chairperson shall schedule the

date of the Protest Committee meeting, contact the Committee panel members, and distribute all protest documentation.

F. Reply To Protest

The Protest Committee will review all qualifying protests in a timely manner and may hold an informal hearing if deemed necessary in order to complete its investigation. The Protest Committee will prepare a recommendation regarding the protest, in writing, to RTPA's Executive Director within ten (10) business days of the date of receipt of the protest. All materials included with the original protest at time of submittal will be considered. Supplemental materials filed by a protester after the protest deadline will not be considered unless there are extenuating circumstances in the opinion of the Protest Committee. Protest documents will not be withheld from any interested party outside of RTPA, with the exception that information will be withheld when required by law or regulation. The Executive Director or his/her designee will either sustain or reject the protest in writing based upon the recommendation of the Protest Committee and the best interests of RTPA. This decision will be communicated in writing to the protestor and/or the party whose proposal is the subject of the protest and delivered by email or overnight delivery.

G. Results Of The Protest

If the protest relating to a contract award is sustained, the original Notice of Intent to Award may be withdrawn after the deadline for protest reconsideration has passed. RTPA then may issue a new Notice of Intent to Award to a different bidder/Proposer and a new protest period will commence using the same timelines discussed above. If the protest is rejected, the original Notice of Intent to Award will stand and RTPA will continue with contract negotiations with the awardee.

H. Federal Transit Administration Requirements Not Applicable if no FTA Funding

1. FTA Review of Protests

- a. In the case of contracts funded by the FTA, the FTA will review only protests regarding the alleged failure of RTPA to have written protest procedures or alleged failure to follow such procedures.
- b. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities. Alleged violations of a specific federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with that federal regulation. See Buy America Requirements, 49 C.F.R. 661.15; Participation by Minority Business Enterprise in DOT Programs, 49 C.F.R. 23.73.
- c. The FTA will review only protests submitted by an interested party defined as an actual or prospective bidder or Proposer whose direct economic interest would be affected by the award of the contract or by failure to award the contract in accordance with FTA Circular 4220.1F. A subcontractor does not qualify as an "interested party." (See FTA Circular 4220.1E, Chapter VII, Section I (1)(c))."

2. Time for Filing

- a. Protesters shall file a protest with the FTA not later than five (5) business days after a final decision is rendered under the RTPA protest procedure. A copy of any protest documents filed with the FTA must be provided concurrently to RTPA. In instances where the protester alleges that RTPA failed to make a final determination on the protest, protesters shall file a protest with the FTA not later than five (5) business days after the protester knew or should have known of the failure of RTPA to render a final determination on the protest.
 - b. RTPA shall not award a contract for five (5) business days following its decision on a bid protest except in accordance with the provisions and limitations of subparagraph 6. After five (5) business days, RTPA shall confirm with the FTA that the FTA has not received a protest on the contract in question.
3. Submission of Protest to the FTA
 - a. The protester must exhaust its administrative remedies by pursuing the recipient's protest procedures to completion before appealing the recipient's decision to the FTA. (FTA Circular 4220.1F, Page VII-3, November 1, 2008).
 - b. Protests should be filed with the FTA Region 9 office and a copy must be sent to RTPA by the protester.
 - c. The protest filed with the FTA shall:
 - Include name and address of protester
 - Identify RTPA as the grantee, the RTPA Contract Administrator, and number of the contract solicitation
 - Contain a statement of the grounds for protest and any supporting documentation. This should detail the alleged failure to follow protest procedures or the alleged failure to have procedures and be fully supported to the extent possible
 - Include a copy of the local protest filed with RTPA and a copy of the RTPA decision, if any
4. RTPA Response
 - a. The FTA shall notify RTPA in a timely manner of receipt of a protest.
 - b. RTPA shall submit the following information not later than ten (10) business days after receipt of notification by the FTA of the protest:
 - a copy of RTPA's protest procedure
 - a description of the process followed concerning the protester's protest
 - any supporting documentation

c. RTPA shall provide protester with a copy of the above submission.

5. Protester Comments

The protester must submit any comments on the RTPA submission not later than ten (10) business days after the protester's receipt of the RTPA submission.

6. *Withholding of Award*

When a protest has been timely filed with RTPA before award, RTPA shall not make an award prior to five (5) business days after the resolution of the protest, or if a protest has been filed with the FTA, during the pendency of that protest, unless RTPA determines that:

- a. The items to be procured are urgently required;
- b. Delivery or performance will be unduly delayed by failure to make the award promptly; or
- c. Failure to make prompt award will otherwise cause undue harm to RTPA or the federal government.

The FTA reserves the right not to participate in the funding of any contract awarded during the pendency of a protest.

7. FTA Action

Upon receipt of the submissions, the FTA will either request further information or a conference among the parties, or will render a decision on the protest.

MEMO

Date

TO: Executive Director

FROM: Project Manager

SUBJECT: Subject

1. Introduction

This memorandum contains the *Insert Name Of Project* Selection Committee's recommendation for the selection of a contractor for *Insert Description Of Project*.

Copies of the RFP, legal notices, the proposal from the recommended consultant, sample evaluation form, and scoring/ranking of contractors are attached for your review. The Selection Committee's recommendation is (*state whether vote was unanimous or identify split of approval*) and is in full compliance with RTPA's policies and procedures for the procurement of such services.

The Selection Committee seeks your approval of its recommendation and authorization for staff to proceed with notification of the selected contractor and contract execution.

2. Background

[Include the dollar amount authorized for the project.]

3. Procurement and Selection Process

Include the following information:

- date RFP was sent out
- methods of publication of RFP
- whether a pre-posal meeting was held and if so, where and when it was held
- deadline for submitting proposals
- selection process used
- names and titles of individuals on selection committee

- number of proposals received and names of the contractors
- name of and names of contractors interviewed
- ranking of each proposal and dollar amount of bid in each proposal

4. Statement of Necessity and Lease Versus Purchase Analysis

The sender of this Recommendation Memo asserts that the amount of property or services being procured does not exceed RTPA's current and reasonably expected needs. To the best of the sender's knowledge, this procurement does not include property or services that are duplicative or that are unlikely to be used. If this procurement concerns the procurement of equipment, supplies, or real property, the sender of this memo has analyzed the economic advantages and disadvantages of leasing versus purchasing and has concluded that [insert "leasing" or "purchasing"] is the best value for RTPA.

5. Responsibility Determination

The sender of this Recommendation Memo, with the assistance of the Contracts Officer has concluded that the selected consultant/contractor is responsible based on the following findings regarding the consultant/contractor:

- Has a satisfactory record of integrity and business ethics;
- Has not been debarred or suspended from Federal programs and is not listed on the Excluded Parties List System at <http://www.sam.gov>;
- Is in compliance with Disadvantaged Business Enterprise requirements;
- Has the necessary organization, experience, accounting, operational controls, and technical skills, or the ability to obtain them;
- Is in compliance with applicable licensing and tax laws;
- Has or can obtain sufficient financial resources to perform the contract;
- Has or can obtain the necessary production, construction, and/or technical equipment and facilities to perform the contract;
- Is able to comply with the required delivery or performance schedule;
- Has a satisfactory current performance record;
- Has or can obtain key personnel with adequate experience and key subcontractors with adequate experience and past performance; and
- Has experience carrying out similar work.

6. Contract Period Selection

The duration of the contract period chosen for this procurement is [insert number] years with the possibility of [insert number]years of extensions. This contract period is reasonable for the following reasons [insert number].

7. Recommendation

[insert recommendation] [You must state the reasons the selected consultant/contractor was selected, including reasons why the consultant/contractor presents the best value to RTPA taking experience, price, and other evaluation factors into account.]

8. Approval

I hereby approve the recommendation of the *[insert title of project]* Selection Committee and staff, and authorize and direct staff to begin and contract negotiations with the selected consultant/contractor named above.

Approved:

Executive Director

Date

Attachments: list attachment
list attachment

RTPA EVALUATOR GUIDELINES

I. PURPOSE

RTPA thanks you for your willingness to serve as one of its evaluators. Proposal and bid evaluators are tasked with assisting RTPA in selecting a grantee, consultant, or contractor through a competitive process. Non-RTPA members are invited to serve as evaluators when RTPA believes they can provide valuable additional experience and input that will assist in the ranking or selection process. These guidelines are intended to provide you with information regarding your responsibilities as an evaluator for RTPA.

II. ROLE AS AN EVALUATOR

You were most likely asked to assist RTPA in evaluating proposals or bids due to your experience and/or position as an elected official or as a representative of a public agency, regional interest group, or community stakeholder. The interests of the public with regard to the RTPA procurement or grant program may or may not coincide with the interests of the public or private organization you represent or with your personal interests. Since the funds used by RTPA to pay its grantees, consultants, and contractors are public funds, however, you will be expected to evaluate proposals or bids using objective standards that will best serve the interests of the public and RTPA.

You will be asked to review written proposals or bids from, and/or interview grantees, consultants, or contractors who would like to be awarded a grant or contract by RTPA using evaluation criteria or specifications that vary depending upon the type of grant or contract to be awarded. All of RTPA's solicitations contain a section that sets forth specifications and/or assigned weights for each of the evaluation criteria.

If you are asked to review proposals, you will be given a score sheet and asked to evaluate each proposal based on the criteria in the solicitation. You must use only the criteria discussed in the solicitation when scoring the proposals. Only persons who are members of the evaluation committee may fill out a score sheet and have their scores tabulated as part of the selection process. You may or may not see the costs or bid portion of proposals, depending on the evaluation criteria and selection method determined by RTPA. You maybe asked to take part in interviewing proposers after the written proposals are reviewed and scored. The weight of the interview portion of the evaluation process will be indicated in RTPA's solicitation and interviewers will use standardized questions to ensure proposers compete on equal ground.

If you are asked to review all or a portion of the bid documents, you will be limited to advising RTPA of whether the bid is responsive to the specifications or contains errors. You must use only the criteria discussed in the solicitation.

RTPA staff may carry out additional tasks as part of the evaluation process that you will not be involved in, such as checking proposers' references and holding additional meetings among RTPA staff to further evaluate the proposals. After the evaluation process is complete, a recommendation memo will be prepared for RTPA's executive director. Evaluation committee members do not have authority to approve entry into negotiations or a grant or contract award with a particular proposer or bidder.

From time to time a proposer or bidder who is not selected for contract award is disgruntled regarding the evaluation process and files a protest with RTPA. RTPA has protest procedures for dealing with this scenario. If a protest is filed, the objectivity of the evaluators and the integrity of the evaluation process may be closely scrutinized by persons outside of RTPA. Additionally, all proposals, bids, and evaluation score sheets are potentially public records subject to disclosure to the public. Therefore, evaluators should exercise care so that their score sheets and other evaluation documents are legible and do not contain comments that could be perceived as ambiguous, discriminatory, or derogatory.

III. CONFLICTS OF INTEREST

Conflicts of interest may arise as a consequence of the many and varied roles you play in our community. One of the goals of these Guidelines is to manage real or perceived conflicts of interest. RTPA has determined that a system of self-disclosure is most effective since conflicts of interest must be dealt with on a case-by-case basis. Discussion and disclosure generally can resolve issues related to conflict of interest.

A conflict of interest occurs when there is or could be a divergence between an individual's professional, private, or personal relationships or interests and his/her obligations to RTPA as an evaluator such that an independent observer might reasonably question whether the evaluator's actions or decisions are determined by considerations of private benefit, gain, or advantage. A conflict of interest or the appearance of it depends on the situation, and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict.

Potential conflicts of interest are not unusual and must be addressed. For example, sometimes people from the private sector are selected to serve as a member of one of RTPA's evaluation committees because of their experience in a particular industry. Therefore, it is expected that situations may arise where a person that has served as an evaluation committee member may work for a private sector employer or client that will in the future want to submit a proposal or bid to RTPA in response to a solicitation. In order to prevent an actual or perceived conflict of interest, a person serving as an evaluator must disqualify him or herself and the private organization he/she is employed by from submitting a proposal/bid to RTPA or receiving compensation from RTPA for a prospective period of one year for work related to the project for which RTPA is conducting its competitive solicitation. The foregoing sentence will not apply, however, if your organization is under contract with RTPA to perform proposal/bid evaluation work as part of its scope of work following a conflict evaluation related to your contract. This one-year bar also applies to persons who were employed in the public sector when serving as an evaluator, but who eventually take a position as a consultant for, employee of, or owner of a private sector firm. California law states that certain financial interests are automatically a conflict of interest. RTPA has listed these prohibited interests as well as others that it chooses to avoid in the attached Declaration Concerning Conflicts.

2

It is wrong for an individual's actions or decisions made in the course of his or her RTPA activities to be determined by considerations of personal financial gain or illegal bias. Such behavior calls into question the professional objectivity and ethics of the individual and it also reflects negatively on RTPA. As a RTPA evaluation committee member you must respect RTPA's status as a recipient of public funds and conduct your affairs in ways that will not compromise RTPA's integrity.

For all of the above reasons, evaluators must fill out the attached "Declaration Concerning Conflicts" and return it to RTPA before they begin evaluating any proposals or bids, and must report potential conflicts that may arise during the evaluation process. Potential conflicts must be reported up until the time a contract or grant is actually awarded or until an evaluator's role in the evaluation process is complete, whichever occurs first, so that appearances can be separated from reality. If an evaluator believes she/he may have a potential conflict and it arises subsequent to submitting the Declaration Concerning Conflicts, the evaluator has an affirmative duty to immediately disclose any potential conflict of interest to the RTPA project manager or contract analyst. Notification of the actual or potential conflict should be given to the project manager or contract analyst. Evaluators with an actual or potential conflict of interest will be excused from assisting in the evaluator process.

IV. CONFIDENTIAL INFORMATION

Proprietary or other confidential information that a RTPA evaluator may be exposed to at RTPA may never be used in external activities or disclosed to others unless written approval is given in advance by RTPA's Executive Director or designee.

V. PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT

RTPA has a policy of nondiscrimination as required by federal and state law due to RTPA's use of federal and state money to fund contracts. This policy applies to the selection of consultants and contractors. RTPA's policy prohibits discrimination on the basis of sex, age (over 40), religion, creed, race, nationality, color, disability, sexual orientation, or marital status. All evaluators are expected to abide by this policy when evaluating consultants. RTPA's policies prohibiting harassment, discrimination, or violence when dealing with RTPA's employees or using RTPA's facilities or property also apply. Evaluators suspected of actual or potential discrimination in violation of RTPA policy will be excused from assisting in the evaluation process.

3

DECLARATION CONCERNING CONFLICTS FOR EVALUATORS

INSTRUCTIONS

Please review the language in this declaration carefully prior to signing below. Once you have signed the declaration, please enclose it in an envelope marked “confidential” and submit it to the RTPA project manager or to the contracts officer who requested that you serve on RTPA’s evaluation committee.

For purposes of this declaration “interest in a firm” means having a financial interest (either personal or organizational) including, but not limited to, owning stock or having an investment or profit-sharing interest in, receiving commissions or fees from, owning property with, or having a management or policy making position with a firm.

For purposes of this declaration “relationship with a firm” means employee, consultant, officer, attorney, agent, broker, supplier of services or goods, landlord or tenant, or officer or employee of a firm.

For purposes of this declaration “firm” means a person, corporation, or unincorporated association.

DECLARATION

I, _____, have been asked to serve as a member of RTPA’s evaluation committee for proposals or to help evaluate bids submitted for:

_____ (“the Project”).

I have reviewed the RTPA EVALUATOR GUIDELINES. I understand that I cannot serve as an evaluation committee member or as a bid evaluator if I have an actual or potential conflict of interest or am unwilling or unable to serve without discriminating against proposers/bidders on the basis of sex, age (over 40), religion, creed, race, nationality, color, disability, sexual orientation, or marital status. I understand that I will be expected to abide by RTPA policy prohibiting discrimination when serving as an evaluator. I also understand that RTPA’s policies prohibiting harassment, discrimination, or violence when dealing with RTPA’s employees or using RTPA’s facilities or property will also apply to me.

RTPA has provided me with a list of the firms who have submitted proposals or bids for the Project and any firms that may have assisted RTPA with the preparation of any development criteria, specifications, scope of work, grant solicitation, request for proposals or request for qualifications, or bid documents related to the Project.

Appendix 8

The name of my employer is: _____.

My employer is:

- a public agency
- a non-profit corporation
- a corporation
- a sole proprietorship
- an unincorporated association (partnership, joint venture, LLC, LLP, etc.).

Mark the box below that applies:

- I do not have an interest in, or relationship with, any firm awarded a contract by RTPA in the last calendar year; or
- I do have an interest in, or relationship with, a firm awarded a contract by RTPA in the last calendar year and the names of those firms and the scope of work performed by each are:

or;

- I do not know if I have an interest in, or relationship with, a firm awarded a contract by RTPA in the last calendar year.

I understand that I must immediately report any potential conflicts of interest that I become aware of after signing this declaration to RTPA's project manager or contract analyst.

In order to affirmatively establish that I do not have an actual or potential conflict interest, I make the following statements of fact:

1. I do not have an interest in, or relationship with, a firm that has submitted a proposal or bid to RTPA for the Project.
2. I have not received a gift with a value in excess of \$50 during the last calendar year from a firm that has submitted a proposal or bid for the Project.
3. Neither my spouse nor children (if applicable) have an interest in, or relationship with, a firm that has submitted a proposal or bid to RTPA for the Project.
4. I do not have, and do not plan to have, a direct or indirect interest in a business, transaction, or professional activity that is in substantial conflict with the proper discharge of my duties as an evaluator that would interfere with my ability to serve RTPA's best interests in objectively selecting a consultant/contractor/grantee for the Project.
5. I have not, and do not plan to incur, an obligation of any nature in a business or transaction or professional activity that is in substantial conflict with the proper discharge of my duties as an evaluation committee member or bid evaluator to serve RTPA's best interests in objectively selecting a consultant/contractor/grantee for the Project.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge on this ____ day of _____, 20__.

Signature of Declarant

Printed Name of Declarant

DO NOT WRITE BELOW THIS LINE – FOR RTPA’S USE ONLY

- No conflict of interest issues; or
- Potential conflict of interest issue – referred to Deputy General Counsel for review

Signature of Contract Officer

Date

- Conflict of interest confirmed
- Potential conflict of interest issue reviewed and no conflict of interest was found.

Notes:

Signature of Executive Director

Date

Attachment XX - Cost Proposal

Project: _____
 Consultant: _____

Combined Overhead (%) = Fee (%) =

		Actual Hours	Actual Rate/Hr	Loaded Rate*/Hr	Labor Amount	Total	Date Due
Task 1.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 2.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 3.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 4.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 5.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 6.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 7.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Other Direct Cost							
Item 1					\$0.00		
Item 2					\$0.00		
						<u>\$0.00</u>	

Prime Consultant Total Hours	0	Prime Consultant Total Cost	\$0.00
		Prime Consultant Other Direct Cost	\$0.00
		PRIME CONSULTANT TOTAL COST	\$0.00
Subconsultant Total Hours	0	Subconsultant Total Cost	\$0.00
		Subconsultant Other Direct Cost	\$0.00
		SUBCONSULTANT TOTAL COST	\$0.00

TOTAL PROJECT COST:

* Includes Labor Overhead, Fringe Benefit and General Administrative Expenses (% of Total Direct Labor Cost)
 Loaded Hourly Rate Calculation: \$ Actual Hourly Rate X (1+Combined of Overhead&Fringe%) X (1+Fee%)

 Name/Title of Authorized Representative

 Signature Date

Attachment XX - Cost Proposal

Project: _____

Subconsultant: _____

Combined Overhead (%) = Fee (%) =

		Actual Hours	Actual Rate/Hr	Loaded Rate/Hr*	Labor Amount	Total	Date Due
Task 1.	type task description						tbd
Name	Classification	0	\$25.00	\$25.00	\$0.00		
Name	Classification	0	\$100.00	\$100.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 2.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$15.00	\$15.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 3.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 4.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 5.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 6.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Task 7.	type task description						tbd
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
Name	Classification	0	\$0.00	\$0.00	\$0.00		
		<u>0</u>				<u>\$0.00</u>	
Other Direct Cost							
Item 1					\$0.00		
Item 2					\$0.00		
						<u>\$0.00</u>	

Subconsultant Total Hours 0 Subconsultant Total Labor Cost \$0.00
 Subconsultant Total Other Direct Cost \$0.00

SUBCONSULTANT TOTAL COST

Loaded Hourly Rate Calculation: \$ Actual Hourly Rate X (1+Combined of Overhead&Fringe%) X (1+Fee%)

Appendix 9
Proposals

--

Date
Due

tbd

tbd

tbd

tbd

tbd

tbd

tbd

METHOD OF PROCUREMENT SELECTION (MOPS)

This form shall be used to document how the method of procurement was selected. To best determine which method of procurement is suitable, classify the situation by checking off the appropriate boxes below. All elements must apply to us selected method.¹

COMPETITIVE SOLICITATIONS					
SMALL PURCHASE (INFORMAL IFB OR RFP)		SEALED BID (FORMAL IFB)	REQUEST FOR PROPOSALS (FORMAL RFP)	TWO STEP PROCUREMENT (QUALITATIVE BASED RFQ FOLLOWED BY RFP)	
<input type="checkbox"/> Price or rate quotes can be obtained from an adequate number of qualified sources <input type="checkbox"/> Procurement has not been divided or reduced to keep within small purchase category <input type="checkbox"/> Conforms to informal IFB or informal RFP elements listed below		<input type="checkbox"/> Supplies, construction, or property more than \$25,000 <input type="checkbox"/> Bids can be publicly solicited and advertised <input type="checkbox"/> Award can be made to the lowest responsive and responsible bidder who conforms to all material terms and conditions of solicitation	<input type="checkbox"/> Professional services more than \$5,000 <input type="checkbox"/> Nature of procurement does not lend itself to sealed bidding <input type="checkbox"/> More than one source will be willing to submit a proposal <input type="checkbox"/> Performance or functional specification <input type="checkbox"/> Need for discussion following receipt of proposals <input type="checkbox"/> Evaluation factors and relative importance can be specified in solicitation <input type="checkbox"/> Award can be made to the responsible offeror whose proposal is most advantageous to SANDAG with price and other factors considered	<input type="checkbox"/> Ability to evaluate technical qualifications of proposers to make prequalified selection (Step 1) <input type="checkbox"/> Ability to solicit and review bids or proposals submitted by prequalified firms (Step 2) <input type="checkbox"/> Proposals can be solicited from at least three qualified firms	
INFORMAL IFB	INFORMAL RFP			A&E, PROGRAM MANAGEMENT, CONSTRUCTION MANAGEMENT, AND OTHER RELATED SERVICES ²	NON-A&E SERVICES
<input type="checkbox"/> Supplies or property less than \$25,000 <input type="checkbox"/> Bids can be publicly solicited and advertised <input type="checkbox"/> Award can be made to the lowest responsive and responsible bidder who conforms to all material terms and conditions of solicitation <input type="checkbox"/> Complete, adequate, precise, and realistic specification or purchase description is available <input type="checkbox"/> Two or more responsible bidders are willing to compete <input type="checkbox"/> Successful bidder can be selected on basis of price alone <input type="checkbox"/> Discussions with one or more bidders after bids have been submitted are unnecessary	<input type="checkbox"/> Professional services less than \$5,000 <input type="checkbox"/> Nature of procurement does not lend itself to sealed bidding <input type="checkbox"/> More than one source will be willing to submit a proposal <input type="checkbox"/> Performance or functional specification <input type="checkbox"/> Need for discussion following receipt of proposals <input type="checkbox"/> Evaluation factors and relative importance can be specified in solicitation <input type="checkbox"/> Award can be made to the responsible offeror whose proposal is most advantageous to SANDAG with price and other factors considered	<input type="checkbox"/> Complete, adequate, precise, and realistic specification or purchase description available <input type="checkbox"/> Two or more responsible bidders are willing to compete <input type="checkbox"/> Successful bidder can be selected on basis of price alone <input type="checkbox"/> Discussions with one or more bidders after bids have been submitted are unnecessary		<input type="checkbox"/> Services are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property <input type="checkbox"/> Price is excluded as an evaluation factor <input type="checkbox"/> Qualifications are evaluated to determine contract award	<input type="checkbox"/> Services are not directly in support of, directly connected to, directly related to, or do not lead to construction, alteration, or repair of real property <input type="checkbox"/> Price is included as an evaluation factor and award is based upon technical qualifications as well as cost

¹ FTA Circular 4220.1F, Chapter V and Chapter VI, Section 29

METHOD OF PROCUREMENT SELECTION (MOPS)

NON-RTPA PROCUREMENT		NONCOMPETITIVE SOLICITATIONS		
JOINT PROCUREMENT (SANDAG IS NOT LEAD AGENCY)	STATE OR LOCAL GOVERNMENT PURCHASING SCHEDULE	ASSIGNMENT OF CONTRACT RIGHTS FROM ANOTHER AGENCY (PIGGYBACK³)	INTERGOVERNMENTAL (MOU/MOA)	SOLE SOURCE
<input type="checkbox"/> RTPA and one or more other purchasers agreed from the outset to use a single solicitation document <input type="checkbox"/> Entities entered into a single contract with a vendor for delivery of property or services in a fixed quantity <input type="checkbox"/> Solicitation was not drafted for the purpose of accommodating the needs of other parties that may later want to participate in the benefits of the contract <input type="checkbox"/> Ability to obtain goods and services that match each participant's requirements are better than those likely to be available through an assignment of another recipient's contract <input type="checkbox"/> All State or Federal requirements, required clauses, and certifications have been properly followed and included depending on funding and type of recipient.	<input type="checkbox"/> A purchasing arrangement will be used that a State or local government has established with several vendors <input type="checkbox"/> The vendors agreed to provide an option to RTPA or a category of agencies RTPA falls within to acquire specific goods or services in the future at established prices <input type="checkbox"/> Soliciting agency sought the agreement of the vendor to provide the listed goods or services to others with access to the schedule, or it permitted the vendor to determine whether or not it wished to do so <input type="checkbox"/> All State and Federal requirements, required clauses, and certifications have been properly followed and included dependent on funding and type of recipient.	<input type="checkbox"/> Original contract was competitively procured <input type="checkbox"/> Contract is still in effect <input type="checkbox"/> Specifications in contract will meet RTPA needs <input type="checkbox"/> Terms and Conditions are acceptable <input type="checkbox"/> Requirements needed by RTPA are within original contract scope <input type="checkbox"/> The original contract price remains fair and reasonable <input type="checkbox"/> The original contract provisions are in compliance with all federal requirements and federal certifications were completed (if federally funded) <input type="checkbox"/> Requirements of Piggybacking Worksheet have been met <input type="checkbox"/> Acquired contract rights through assignment by another agency <input type="checkbox"/> The quantities the assignor acquired, coupled with the quantities RTPA is being assigned, do not exceed the amounts available under the assignor's contract	<input type="checkbox"/> Another governmental agency can provide the goods or services <input type="checkbox"/> All Federal requirements, required clauses, and certifications have been properly followed and included (if federally funded)	<input type="checkbox"/> Is not due to a failure to plan or a lack of advanced planning <input type="checkbox"/> Is not due to concerns about the loss or amount of federal assistance available to support the procurement <input type="checkbox"/> Meets the requirements of the Sole Source Approval form (attach form)

I hereby affirm that the procurement method selected above complies with all the elements noted for the selected method.

Contracts Officer		
Print Name	Signature	Date

RELATED PROCUREMENT FILES ⁴
Solicitation Number (if applicable)
Contract Number(s) (if applicable)
Purchase Order Number(s) (if applicable)

³ FTA Best Practices Procurement Manual Section 1.3.3.5

⁴ This original signed document shall be filed with the solicitation. Any resulting contracts or purchase orders shall contain copies of this form for informational purposes only.

1	Responsive Bidder/Proposer Checklist to RFP											APPENDIX 11
---	----------------------------------------------------	--	--	--	--	--	--	--	--	--	--	-------------

2	Contract Description: _____											Contract No.: _____
---	-----------------------------	--	--	--	--	--	--	--	--	--	--	---------------------

	Company Name	Proposal Clearly Marked	Submitted to Correct Location	Submitted on Time	Sufficient Copies	Signed Transmittal Letter	Signed Transmittal Letter by SUBs	DBE Information	DBE Good Effort	Organizational Chart	Required Forms	Exceptions to RFP or Agreement
--	--------------	-------------------------	-------------------------------	-------------------	-------------------	---------------------------	-----------------------------------	-----------------	-----------------	----------------------	----------------	--------------------------------

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22												

SAMPLE

BID SUMMARY

PROJECT NAME

CONTRACT NUMBER

Bids Due to RTPA: _____, 20__ at 0:00 AM/PM

Lowest Bidder Name*	Schedule A	\$X,XXX,XXX
Lowest Bidder Street Address	Schedule B	<u>\$X,XXX,XXX</u>
Lowest Bidder City, State, Zip	Total	\$X,XXX,XXX
Second Bidder Name	Schedule A	\$X,XXX,XXX
Second Bidder Street Address	Schedule B	<u>\$X,XXX,XXX</u>
Second Bidder City, State, Zip	Total	\$X,XXX,XXX
Third Bidder Name	Schedule A	\$X,XXX,XXX
Third Bidder Street Address	Schedule B	<u>\$X,XXX,XXX</u>
Third Bidder City, State, Zip	Total	\$X,XXX,XXX

Etc.

*Apparent low bid

RTPA Estimate: \$ _____

Name of Project Manager

Name of Contracts Officer

SEE PAGE 2 FOR LIST OF SUBCONTRACTORS FOR EACH BIDDER.

PROJECT NAME

CONTRACT NUMBER

Bid Opening date:

LISTED SUBCONTRACTORS

Lowest Bidder Name*	Total	\$X,XXX,XXX
Subcontractor 1, City, State (Type of Work)		\$XX,XXX
Subcontractor 2, City, State (Type of Work)		\$XX,XXX
Subcontractor 3, City, State (Type of Work)		\$XX,XXX
Subcontractor 4, City, State (Type of Work)		\$XX,XXX

Second Lowest Bidder Name	Total	\$X,XXX,XXX
Subcontractor 1, City, State (Type of Work)		\$XX,XXX
Subcontractor 2, City, State (Type of Work)		\$XX,XXX
Subcontractor 3, City, State (Type of Work)		\$XX,XXX
Subcontractor 4, City, State (Type of Work)		\$XX,XXX

Third Lowest Bidder Name	Total	\$X,XXX,XXX
Subcontractor 1, City, State (Type of Work)		\$XX,XXX
Subcontractor 2, City, State (Type of Work)		\$XX,XXX
Subcontractor 3, City, State (Type of Work)		\$XX,XXX
Subcontractor 4, City, State (Type of Work)		\$XX,XXX

Etc.

*Apparent low bid

SUBCONSULTANT LIST

The proposal shall include a complete list of all proposed subconsultants. All subconsultants listed must be provided a meaningful element of work within the defined scope of work. Changes to this Subconsultant List will not be allowed without prior written approval from RTPA.

PROPOSED SUBCONSULTANTS

Subconsultant Firm Name and Address	Scope of Work	Dollar Amount of Work
Name Address		\$0.00
Name Address		\$0.00
Name Address		\$0.00
Name Address		\$0.00
Name Address		\$0.00
Name Address		\$0.00

-
Name of Firm

-
Printed Name and Title of Signatory

-
Signature

-
Date

BIDDERS LIST

Proposer

RFP/TO No.

The U.S. Department of Transportation (DOT) requires the Association of Monterey Bay Area Governments (RTPA) to create and maintain a Bidders List containing information about all firms (Disadvantaged Business Enterprise (DBEs) and non-DBEs) that bid, propose, or quote on the RTPA DOT-assisted contracts in accordance with 49 C.F.R. 26.11. The Proposer is to complete all requested information for every firm that submitted a bid, proposal, or quote, including the Proposer itself and any proposed subconsultants. The Bidders List form shall be submitted with the proposal. RTPA will utilize this information to assist in the Overall Annual DBE Goal Setting process. ***The Bidders List content will not be considered in evaluating the proposal or determining award of any contract.***

[NOTE: Delete the text box above and use the following one instead if this document does not need to be provided until the Agreement or Task Order execution stage because the DBE commitment will be decided at a later date.]

The DOT requires RTPA to create and maintain a Bidders List containing information about all firms (DBEs and non-DBEs) that bid, propose, or quote on the RTPA DOT-assisted contracts in accordance with 49 C.F.R. 26.11. Prior to the time a Task Order is executed, Consultant will be required to complete all requested information for every firm that submitted a bid, proposal, or quote, including the Consultant itself, and any proposed subconsultants. RTPA will utilize this information to assist in the Overall Annual DBE Goal Setting process.

Proposer's Information			
Name of Prime's Firm:		Phone: () -	
Firm Address:		Fax: () -	
City		ST	ZIP
Number of years in business:		Type of work/services/materials provided:	
Contact Person:		Title:	
Is the firm currently certified as a DBE under 49 C.F.R. 26? <input type="checkbox"/> Yes <input type="checkbox"/> No		Check the box below for your firm's annual gross receipts last year:	
Proposer has DBE Certification in the following categories (place an "X"):		<input type="checkbox"/> Less than \$1 million	
<input type="checkbox"/> African American	<input type="checkbox"/> Asian Pacific American	<input type="checkbox"/> Less than \$5 million	
<input type="checkbox"/> Native American	<input type="checkbox"/> Woman	<input type="checkbox"/> Less than \$10 million	
<input type="checkbox"/> Hispanic American	<input type="checkbox"/> Subcontinent Asian American	<input type="checkbox"/> Less than \$15 million	
<input type="checkbox"/> Other		<input type="checkbox"/> More than \$15 million	

**RFP ATTACHMENT 10
PROPOSER U/DBE COMMITMENT
(AKA CALTRANS LAPM EXHIBIT 10-01 - CONSULTANT PROPOSAL DBE COMMITMENT)**

(Inclusive of all U/DBEs listed at proposal/Task Order stage. Refer to instructions on the next page.)

Proposer to Complete this Section			
1. Local Agency Name: RTPA _____			
2. Project Location: _____			
3. Project Description: _____			
4. Proposer Name: _____			
5. Contract DBE Goal %: _____			
DBE Commitment Information			
6. Description of Services to be Provided	7. DBE Firm Contact Information	8. DBE Cert. Number	9. DBE %
Local Agency to Complete this Section		10. Total % Claimed	_____ %
16. RTPA Contract Number: _____			
17. Federal-Aid Project Number: _____			
18. Proposed Contract Execution Date: _____ RTPA certifies that all DBE certifications are valid and the information on this form is complete and accurate:		11. Preparer's Signature _____	
19. RTPA Representative Name (Print) _____		12. Preparer's Name (Print) _____	
20. RTPA Representative Signature	21. Date	13. Preparer's Title _____	
22. RTPA Representative Title	23. (Area Code) Tel. No.	14. Date	15. (Area Code) Tel. No.

Distribution: (1) Original –Proposer submits to local agency with proposal
(2) Copy – RTPA files

INSTRUCTIONS - CONSULTANT PROPOSAL DBE COMMITMENT

Consultant Section

1. **Local Agency Name** – RTPA has been entered as the agency that is funding the contract.
2. **Project Location** - Enter the project location as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
4. **Consultant Name** - Enter the Consultant's firm name.
5. **Contract DBE Goal %** - Enter the contract DBE goal percentage, as it was reported on the Exhibit 10-I *Notice to Proposers DBE Information* form. See LAPM Chapter 10.
6. **Description of Services to be Provided** - Enter item of work description of services to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100 percent of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
7. **DBE Firm Contact Information** - Enter the name and telephone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and telephone number, if the prime is a DBE.
8. **DBE Cert. Number** - Enter the DBEs Certification Identification Number. All DBEs must be certified on the date bids are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract.)
9. **DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
10. **Total % Claimed** – Enter the total DBE participation claimed. If the Total % Claimed is less than item "6. Contract DBE Goal," an adequately documented Good Faith Effort is required (see Exhibit 15-H *DBE Information - Good Faith Efforts* of the LAPM).
11. **Preparer's Signature** – The person completing this section of the form for the Consultant's firm must sign their name.
12. **Preparer's Name (Print)** – Clearly enter the name of the person signing this section of the form for the Consultant.
13. **Preparer's Title** - Enter the position/title of the person signing this section of the form for the Consultant.
14. **Date** - Enter the date this section of the form is signed by the preparer.
15. **(Area Code) Tel. No.** - Enter the area code and telephone number of the person signing this section of the form for the Consultant.

Local Agency (RTPA) Section

16. **Local Agency Contract Number** - Enter the RTPA Contract Number.
17. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
18. **Contract Execution Date** - Enter date the contract was executed and Notice to Proceed issued. See LAPM Chapter 10, Page 23.
19. **Local Agency Representative Name (Print)** - Clearly enter the name of the person completing this section.
20. **Local Agency Representative Signature** - The person completing this section of the form for RTPA must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
21. **Date** - Enter the date the RTPA Representative signs the form.
22. **Local Agency Representative Title** - Enter the position/title of the person signing this section of the form.
23. **(Area Code) Tel. No.** - Enter the area code and telephone number of the RTPA representative signing this section of the form.

**EXHIBIT K - CONSULTANT CONTRACT U/DBE COMMITMENT INFORMATION
(AKA CALTRANS LAPM EXHIBIT 10-02 - CONSULTANT CONTRACT DBE INFORMATION)**

(Inclusive of all U/DBEs listed at Agreement/Task Order award. Refer to instructions on the next page.)

Selected Consultant to Complete this Section			
1. Local Agency Name: _____ RTPA			
2. Project Location: _____			
3. Project Description: _____			
4. Total Contract Award Amount: \$ _____			
5. Consultant Name: _____			
6. Contract DBE Goal %: _____			
7. Total Dollar Amount for all Subconsultants: \$ _____			
8. Total Number of all Subconsultants: _____			
Award DBE/DBE Information			
9. Description of Services to be Provided	10. DBE/DBE Firm Contact Information	11. DBE Cert. Number	12. DBE Dollar Amount
Local Agency to Complete this Section		13. Total Dollars Claimed	\$ _____
20. RTPA Contract Number: _____		14. Total % Claimed	_____ %
21. Federal-aid Project Number: _____			
22. Contract Execution Date: _____ RTPA certifies that all DBE certifications are valid and the information on this form is complete and accurate:			
23. RTPA Representative Name (Print) _____			
24. RTPA Representative Signature 25. Date _____		15. Preparer's Signature _____	
26. RTPA Representative Title 27. (Area Code) Tel. No. _____		16. Preparer's Name (Print) _____	
Caltrans to Complete this Section		17. Preparer's Title	
Caltrans District Local Assistance Engineer (DLAE) certifies that this form has been reviewed for completeness: _____		_____	
28. DLAE Name (Print) 29. DLAE Signature 30. Date		18. Date 19. (Area Code) Tel. No.	

- Distribution:**
- (1) Copy – Email a copy to the Caltrans District Local Assistance Engineer (DLAE) within 30 days of contract award. Failure to send a copy to the DLAE within 30 days of contract award may result in delay of payment.
 - (2) Copy – Include in award package sent to Caltrans DLAE
 - (3) Original – RTPA files

INSTRUCTIONS - CONSULTANT U/DBE COMMITMENT INFORMATION

Consultant Section

1. **Local Agency Name** – RTPA name entered as agency that is funding the contract.
2. **Project Location** - Enter the project location as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. **Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
5. **Consultant Name** - Enter the Consultant's firm name.
6. **Contract DBE Goal %** - Enter the contract DBE goal percentage, as it was reported on the Exhibit 10-I *Notice to Proposers DBE Information* form. See LAPM Chapter 10.
7. **Total Dollar Amount for all Subconsultants** – Enter the total dollar amount for all subcontracted consultants. SUM = (DBE's + all Non-DBE's). Do **not** include the prime consultant information in this count.
8. **Total number of all subconsultants** – Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do **not** include the prime consultant information in this count.
9. **Description of Services to be Provided** - Enter item of work description of services to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100 percent of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
10. **DBE Firm Contact Information** - Enter the name and telephone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and telephone number, if the prime is a DBE.
11. **DBE Cert. Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract.)
12. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE, and include DBEs that are not identified as subconsultants on the Exhibit 10-O1 *Consultant Proposal DBE Commitment* form. See LAPM Chapter 9 for how to count full/partial participation.
13. **Total Dollars Claimed** – Enter the total dollar amounts for column 13.
14. **Total % Claimed** – Enter the total DBE participation claimed for column 13. SUM = (item "14. Total Participation Dollars Claimed" divided by item "4. Total Contract Award Amount"). If the Total % Claimed is less than item "6. Contract DBE Goal", an adequately documented Good Faith Effort is required (see Exhibit 15-H *DBE Information - Good Faith Efforts* of the LAPM).
15. **Preparer's Signature** – The person completing this section of the form for the Consultant's firm must sign their name.
16. **Preparer's Name (Print)** – Clearly enter the name of the person signing this section of the form for the Consultant.
17. **Preparer's Title** - Enter the position/title of the person signing this section of the form for the Consultant.
18. **Date** - Enter the date this section of the form is signed by the preparer.
19. **(Area Code) Tel. No.** - Enter the area code and telephone number of the person signing this section of the form for the Consultant.

Local Agency (RTPA) Section

20. **Local Agency Contract Number** - Enter the RTPA Contract Number.
21. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
22. **Contract Execution Date** - Enter the date the contract was executed and Notice to Proceed issued. See LAPM Chapter 10, Page 23.
23. **Local Agency Representative Name (Print)** - Clearly enter the name of the person completing this section.
24. **Local Agency Representative Signature** - The person completing this section of the form for RTPA must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
25. **Date** - Enter the date the RTPA Representative signs the form.
26. **Local Agency Representative Title** - Enter the position/title of the person signing this section of the form.
27. **(Area Code) Tel. No.** - Enter the area code and telephone number of the RTPA representative signing this section of the form.

Caltrans Section:

Caltrans District Local Assistance Engineer (DLAE) shall:

28. **DLAE Name (Print)** – Clearly enter the name of the DLAE.
29. **DLAE Signature and Date** – DLAE must sign this section of the form to certify that it has been reviewed for completeness. Enter the date that the DLAE signs this section the form.

Appendix 14c

E. Efforts made to assist interested U/DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to U/DBEs:

F. Efforts made to assist interested U/DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the U/DBE subconsultant/subcontractor purchases or leases from the proposer/bidder or any affiliate:

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting, and using U/DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, web page download, etc.):

Name or Agency/Organization	Method/Date of Contact	Results

H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

Date

TO: Interested Firms

FROM: Regional Transportation Planning Agency (RTPA)

SUBJECT: Notification of insert type of Procurement for Project Name, Agreement Number Agreement
####

The Regional Transportation Planning Agency (RTPA) is soliciting Procurement Type from qualified firms for Program Name and Description, Agreement Number Agreement ####. Procurement Type are due by Closing Date.

Insert paragraph providing project background and add'l project description

A copy of the Procurement Type has been posted on RTPA's World Wide Web site at www.RTPA.org.

[If a pre-Procurement Type meeting will be held include the following paragraph.]

A pre-Procurement Type meeting will be held on [Date, Time and Location]. Attendance at the pre-proposal meeting is mandatory. [Delete this last sentence if the pre-proposal meeting will not be mandatory.]

A summary of the questions and answers from this meeting will be posted on the Web page noted above by [Posting Date].

If your firm is interested, please print the Procurement Type for more information and detail. If you do not have World Wide Web access, a copy of the Procurement Type can be mailed to you. A summary of the pre-Procurement Type meeting questions and answers can also be mailed to you. [Delete this last sentence if there will not be a pre-proposal meeting.]

Please contact [Name of Project Manager], Project Manager, at RTPA, 445 Reservation Road Marina, CA 93933, (831) 883-3750 or e-mail [E-mail Address]@RTPA.org if you have any questions or would like this information mailed to you.

Thank you for your interest in providing services to RTPA.

AUTHOR'S INITIALS/

DATE

Contract No. xxxx

Mr./Mrs. Contractor Full Name Here
Contractor Title
Company Name
Address 1
Address 2

Dear Mr. XXX:

Subject: NOTICE OF INTENT TO AWARD – ENTER PROJECT NAME HERE,
CONTRACT #

On Enter BIDS DUE DATE, the Regional Transportation Planning Agency (RTPA) received [Enter total # of Bids received] for the above-referenced project. RTPA staff has determined that [Enter Lowest Responsible & Responsive Bidder Name Here] submitted the lowest responsive, responsible bid. Therefore, pursuant to RTPA policy, staff intends to recommend award of the contract to [Enter Lowest Responsible & Responsive Bidder Name Here].

This Notice of Intent to Award is not binding on RTPA; it is merely notice that [Enter Lowest Responsible & Responsive Bidder Name Here] has been identified as the lowest responsive, responsible bidder. No formal determination of the other bidders has been made at this time.

If you have any questions regarding the award of this contract, please call the Contracts Officer, CA Name, at (xxx) xxx-xxxx.

Sincerely,

Xxxxx

Cc: [Enter PM Name here]

Appendix 16.B

Date

Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice of Intent to Award
Name of Project/Study

We have reviewed your proposal and have selected Name of Selected Proposer for contract negotiations. This Notice of Intent to Award is not binding on RTPA; it is merely notice that your company was selected for negotiations. If a contract with mutually-acceptable terms cannot be negotiated between Name of Selected Proposer and RTPA within a reasonable period of time, RTPA's Executive Director may choose to cease negotiations with your company and pursue negotiations with the next highest-ranked proposer.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM's Last Name at the above address or at (831) 883-3750. In the coming weeks Mr./Ms./Mrs. PM's Last Name will be working with you to negotiate the terms of the proposed contract. Name of Selected Proposer must forward all required insurance certificates and endorsements to Mr./Ms./Mrs. PM's Last Name within 15 days.

[Add the following paragraph if applicable]

The Name of Project/Study will be funded in whole or in part with Federal funds. Therefore, a pre-award audit by RTPA will be necessary. During the pre-award audit RTPA will examine your accounting, administrative and estimating systems; proposed costs; quantities; and financial condition. The audit will be broad in scope and should take approximately 30 days if there are no complications. Detailed cost negotiations between RTPA and your company cannot commence until after RTPA has completed its audit and issued an Authorization to Proceed. RTPA expects Name of Selected Proposer to cooperate fully in order to expedite satisfactory completion of the audit.

We look forward to working with you to negotiate a contract that benefits both RTPA and Name of Selected Proposer.

Sincerely,

AUTHOR NAME
Author Title

AUTHOR UPPERCASE INITIALS/

Attachment/Enclosure

Date

Name

Title

Firm

Address

City, State ZIP

Dear Name:

SUBJECT: Notice of Intent to Enter Negotiations with Another Consultant for:
Contract Number(s): Contract ###(s)
Contract/Project Name or Description

Thank you for your response to the RTPA Request for Procurement Type for the above-referenced contract(s). RTPA received a number of high quality proposals and recognizes the hard work that went into preparing them.

Based on the written qualifications and interviews, your firm was not selected for contract negotiations. A final decision to award is not completed, but RTPA has issued a Notice of Intent to Award to the consultant(s) as follows:

*If there is more than one contract awarded
list Consultants in alphabetical order.*

Name of Selected Firm(s)

Protests regarding the prospective award to the selected Consultant(s) must be received by RTPA within five business days after the date of this notice. If you have any questions, please contact me at the number listed below. RTPA appreciates the interest shown by your firm.

Sincerely,

AUTHOR NAME

Author Title

(xxx) xxx-xxxx

AUTHOR INITIALS/

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice to Short-Listed Proposers, Name of Project/Study, Agreement
Number Insert Number

Congratulations! This letter serves as your notice that you have been placed on RTPA's short-list of qualified proposers for the Name of Project/Study, Agreement Number Insert Number. Thank you for responding to RTPA's Request for Proposals (RFP) or Qualifications (RFQ). We realize that a considerable amount of time must be spent to prepare a Proposal or Statement of Qualifications (SOQs) in response to an RFP or RFQ. RTPA's consultant evaluation committee has reviewed and evaluated all of the RFPs or RFQs. The top-ranked proposers submitting a Proposal or SOQ have been placed on a short-list. For SOQs - Only the proposers on the short-list will be asked to submit a technical proposal and cost estimate. Enclosed with this letter is a request for Cost Proposal. Cost Proposals are due on Insert Date.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to ~~Date~~ Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxx.

Sincerely,

AUTHOR NAME

Author Title

Author Initials/

Click To Insert Addressee
Click To Insert Address

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice to Proposers Not Making Short-List
Name of Project/Study, Agreement Number Insert Number

Thank you for responding to RTPA's Request for Proposals (RFP) or Qualifications (RFQ). We realize that a considerable amount of time must be spent to prepare a Proposal or Statement of Qualifications (SOQs) in response to an RFP or RFQ. RTPA's consultant evaluation committee has reviewed and evaluated all of the Proposals or SOQs. The top-ranked companies submitting a Proposal or SOQ have been placed on a short-list. This letter will serve as your notice that you have not been placed on RTPA's short-list of qualified proposers for the Name of Project/Study.

You will not receive any further notices from RTPA regarding the Name of Project/Study. Protests regarding lack of inclusion of your company on the short-list must be received by RTPA within five business days after the date of this Notice.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxxx.

Date

Again, thank you for your interest in working with RTPA.

Sincerely,

AUTHOR NAME

Author Title

Author Initials/

Appendix 20

Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Request for Cost Proposal for Name of Project/Study, Agreement Number
insert number

Congratulations! This letter serves as your notice that you have been preliminarily selected as the top-ranked proposer for the Name of Project/Study, Agreement Number insert number. Thank you for responding to RTPA's Request for Qualifications (RFQ). We realize that a considerable amount of time must be spent to prepare a Statement of Qualifications (SOQs) in response to an RFQ. RTPA's consultant evaluation committee has reviewed and evaluated all of the SOQs. At this time, RTPA requests that you submit a cost proposal for the project. Please provide a cost proposal for the project by date. Failure to provide a complete and detailed cost proposal by the deadline may disqualify your firm from consideration.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxxx.

Sincerely,

AUTHOR NAME

Author Title

Author Initials/

Appendix 21

Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Post-Award Notice
Name of Project/Study

Thank you for your response to the RTPA Request for Proposal (RFP) for Name or Description of RFP. RTPA received a number of high quality proposals and recognizes the hard work that went into preparing them.

On or about Date, RTPA sent you a Notice of Intent to Enter Negotiations with another Proposer. At that time we informed you that RTPA had commenced negotiations with Name of Selected Firm. Since that time, RTPA has finalized its contract negotiations with Name of Selected Firm.

Although your firm was not selected for this contract work, we hope you will respond again should similar opportunities become available at RTPA.

Please feel free to contact me at (xxx) xxx-xxxx if you have any questions. Again, thank you for your interest in contracting opportunities with RTPA.

Sincerely,

AUTHOR NAME

Author Title

Author Initials/

[

Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice to Proceed
Name of Project/Study

This letter will serve as your Notice to Proceed, effective Date.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxxx.

We look forward to working with you in the development of a valuable and meaningful Outcome of Project/Study.

Sincerely,

AUTHOR NAME

Author Title

Author Initials/

**INDEPENDENT COST ESTIMATE (ICE) JUSTIFICATION
FOR SMALL PROCUREMENTS** **(Equipment,
Supplies, & Construction-\$3,001 to \$50,000; Services other than A&E-\$3,001 to \$100,000)**

Date _____ ICE For Project: \$ _____
 Project _____
 Project Manager _____ Please print

In accordance with the Federal Transit Administration Circular 4220.1F, Third Party Contracting Guidance, an ICE is required for all purchases over \$3,000. The Small Procurement ICE may be used for simple procurements under the formal procurement thresholds as follows: for professional services other than A&E under \$100,000 and for Supplies, Equipment and Construction under \$50,000.

The ICE must be completed prior to requesting quotes from prospective vendors, contractors, and consultants.

Please indicate which of the statements apply with a check mark.

<input type="checkbox"/>	I performed market research for the pricing of the products and/or services being procured through one or more of the following sources: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Internet <input type="checkbox"/> Trade Show </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Catalog <input type="checkbox"/> Other Contracts </div>
<input type="checkbox"/>	I contacted other agencies that may have procurement knowledge/experience for the product or service being procured to determine the prices they paid.
<input type="checkbox"/>	I reviewed/compared RTPA historical or established labor rates or product pricing in order to determine my estimate for this procurement.
<input type="checkbox"/>	The service and cost already has been negotiated and approved in a RTPA contract.
<input type="checkbox"/>	The service is being procured based on rates regulated by the government (i.e., utilities).
<input type="checkbox"/>	Other (explain):

NOTE: A more detailed ICE may be required for more complex procurements.

Provide a brief explanation of your analysis that is the basis of your estimate.

Example: I found the price of a computer printer on the Internet at \$50 each from Dell on 1/18/09. The total for 100 printers is \$5,000 and was the basis of my estimate. A copy of the Internet ad is enclosed.

 Signature Title

Appendix 23.B

INDEPENDENT COST ESTIMATE (ICE) JUSTIFICATION PROJECT-SPECIFIC / REGULATED-RATE PROCUREMENTS

Date			ICE for Project	\$
Project				
Project Manager				

In accordance with recent revisions per the Federal Transit Administration Circular 4220, 1F, Third Party Contracting Guidance, the ICE is required for all professional services, including architecture and engineering services, construction services, and equipment/products. This project-specific ICE must be completed prior to requesting additional services from a consultant on already negotiated agreements.

Please indicate which of the statement(s) apply with a check mark.

- The service and cost already has been negotiated and approved in a RTPA contract.
- The service is being procured based on rates regulated by the government (i.e., utilities)
- Other (explain).

Provide a brief explanation of your analysis that is the basis of your estimate.

Independent Cost Estimate Template

Staffing Plan

	A	B	C	D	E	F	G	H	I	J	K
1	Contract No.:			Task Order No.:		Project Center:					
2	Project:			Project No.:							
3											
4	Task / SubTask	Description	Schedule		Fiscal Years (Hours)					Totals	
Principal					PM	Sr Analyst	Analyst	Support			
Begin Date			End Date								
8	1.0				Hrs	Hrs	Hrs	Hrs	Hrs		
9	1.1										
10	1.2										
11	1.3										
12	1.4										
13	1.5										
14	1.6										
15	1.7										
16	1.8										
17	1.9										
18	1.10										
19	Totals =										
21	2.0				Hrs	Hrs	Hrs	Hrs	Hrs		
22	2.1										
23	2.2										
24	2.3										
25	2.4										
26	2.5										
27	2.6										
28	2.7										
29	2.8										
30	2.9										
31	2.10										
32	Totals =										
34	3.0				Hrs	Hrs	Hrs	Hrs	Hrs		
35	3.1										
36	3.2										
37	3.3										
38	3.4										
39	3.5										
40	3.6										
41	3.7										
42	3.8										
43	3.9										
44	3.10										
45	Totals =										
47	4.0				Hrs	Hrs	Hrs	Hrs	Hrs		
48	4.1										
49	4.2										
50	4.3										
51	4.4										
52	4.5										
53	4.6										
54	4.7										
55	4.8										
56	4.9										
57	4.10										
58	Totals =										
60	5.0				Hrs	Hrs	Hrs	Hrs	Hrs		
61	5.1										
62	5.2										
63	5.3										
64	5.4										
65	5.5										
66	5.6										
67	5.7										
68	5.8										
69	5.9										
70	5.10										
71	Totals =										
73	6.0				Hrs	Hrs	Hrs	Hrs	Hrs		
74	6.1										
75	6.2										
76	6.3										
77	6.4										
78	6.5										
79	6.6										
80	6.7										
81	6.8										
82	6.8										
83	6.10										
84	Totals =										

Independent Cost Estimate Template

Staffing Plan

	A	B	C	D	E	F	G	H	I	J	K
1	Contract No.:			Task Order No.:			Project Center:				
2	Project:			Project No.:							
3											
4	Task / SubTask	Description	Schedule		Fiscal Years (Hours)					Totals	
5					Principal	PM	Sr Analyst	Analyst	Support		
6			Begin Date	End Date							
85											
86	7.0				Hrs	Hrs	Hrs	Hrs	Hrs		
87	7.1										
88	7.2										
89	7.3										
90	7.4										
91	7.5										
92	7.6										
93	7.7										
94	7.8										
95	7.9										
96	7.10										
97					Totals =						
98											
99	8.0				Hrs	Hrs	Hrs	Hrs	Hrs		
100	8.1										
101	8.2										
102	8.3										
103	8.4										
104	8.5										
105	8.6										
106	8.7										
107	8.8										
108	8.9										
109	8.10										
110					Totals =						
111											
112	9.0	Other Costs		Cost							
113	9.1										
114	9.2										
115	9.3										
116					Totals =						
117											

RTPA - Independent Cost Estimate / Engineer's Estimate

Procurements for services over \$50,000.00 or as required by Contract

Contract No.: _____

Project Manager: _____

Date: _____

Task Order No.: _____

Project No.: _____

Total Project Cost: _____

Project: _____

Average Cost Per Hour: #DIV/0!

Task	WBS Codes	Description	Schedule		Hours					Total Hours
			Begin Date	End Date	Principal	PM	Sr Analyst	Analyst	Support	
1										-
2										-
3										-
4										-
5										-
6										-
7										-
8										-
Totals =										

Task	WBS Codes	Description	Schedule		Cost					Total Cost
			Begin Date	End Date	Principal	PM	Sr Analyst	Analyst	Support	
1					\$ -	\$ -	\$ -	\$ -	\$ -	-
2					\$ -	\$ -	\$ -	\$ -	\$ -	-
3					\$ -	\$ -	\$ -	\$ -	\$ -	-
4					\$ -	\$ -	\$ -	\$ -	\$ -	-
5					\$ -	\$ -	\$ -	\$ -	\$ -	-
6					\$ -	\$ -	\$ -	\$ -	\$ -	-
7					\$ -	\$ -	\$ -	\$ -	\$ -	-
8					\$ -	\$ -	\$ -	\$ -	\$ -	-
Totals =					\$ -	\$ -	\$ -	\$ -	\$ -	-

Task	WBS Codes	Description	Other Direct Cost	Total Cost
9				
Totals =				

TOTAL ESTIMATED PROJECT COST = _____

LIMITED COMPETITION APPROVAL

Project Manager: _____ Date: _____

Contractor/Consultant/Vendor: _____

Project Number: _____ Contract Amount: \$ _____

Project Description:

Notice: Contracting without providing for full and open competition is a violation of statute unless justified on one or more of the bases below.

THE FOLLOWING MUST BE ANSWERED AFFIRMATIVELY
<p>BY MARKING THE BOXES BELOW YOU ARE AFFIRMING THAT THE FOLLOWING STATEMENTS ARE TRUE.</p> <p><input type="checkbox"/> The need for a limited scope procurement is not due to a failure to plan or a lack of advanced planning.</p> <p><input type="checkbox"/> The need for a limited scope procurement is not due to concerns about the amount a federal assistance available to support the procurement (for example, expiration of federal assistance available for award).</p>

JUSTIFICATION FOR LIMITED COMPETITION PROCUREMENT
<p><input type="checkbox"/> Documentation is attached establishing that full and open competition in connection with a particular acquisition is not in the public interest.</p> <p><input type="checkbox"/> Documentation is attached establishing that an unusual and urgent need for the services exists, and RTPA would be seriously injured unless it is permitted to limit the competition.</p> <p><input type="checkbox"/> Documentation is attached establishing that public exigency or emergency will not permit a delay resulting from a full formal competitive procurement for the supplies or services.</p> <p><input type="checkbox"/> Acquisition of an expert or neutral person's services are needed for a current or potential protest, dispute, claim, or litigation.</p>

EXPLANATION:

DESCRIPTION OF PROPOSED LIMITED COMPETITION PROCESS:

Contracts, Task Orders, and Job Orders – Close-Out Instructions

PM Responsibilities:

Keep Track of Contracts & Task Orders - Keep track of the amount of contract capacity and contract expiration date to be sure work can still be done by the Consultant.

Use an Excel or other file noting the original contract amount. Add any amended amounts. Subtract any authorized payments. Know how much is left.

Speak to the PM in charge of the contract ("Contract Manager") before using their contract capacity.

Keep calendar reminders at least a few months before the actual date your contract / task order expires so that you have time to work with Contracts to extend the time before it has expired.

Remember you are not authorized to promise to pay or let the Consultant work before a Notice to Proceed.

Close Out Steps for Contracts, Task Orders and Job Orders

1. RTPA Consultant Performance Evaluation Tool

Prepare an Evaluation of the Consultant/Contractor/Vendor and discuss with Consultant or email Consultant a copy.

2. Contract Close-Out Letter

Prepare the Contract Closeout Letter and request that any final invoices be marked FINAL INVOICE from the Prime Consultant and all Subconsultants.

3. Final Report – U/DBE and SB, First-Tier Subconsultants

For agreements with a DBE goal, final payment and release of retained funds cannot occur until the Consultant completes the Final Disadvantaged Business Enterprise Utilization Report and the PM submits it to the Contracts Inbox.

4. Finance Encumbrance Liquidation

When the final invoice is approved, work with Administration and Finance to liquidate the encumbrance.

Appendix 26b

AMBAG CONSULTANT PERFORMANCE EVALUATION TOOL

* Please fill in all green-shaded fields. Comments are optional.

Consultant Name:	Contract Phase: <input type="checkbox"/> Initial <input type="checkbox"/> Mid <input type="checkbox"/> Close
Contract #:	Project Name:
Date of Evaluation:	Type of Work Performed:
Evaluation Prepared By:	Small or DBE (Yes or No)

Please add any other specific factors you evaluated below.

SCORE IN SHADED CELLS:
1 = UNSATISFIED 2 = SATISFIED 3 = VERY SATISFIED

ENTER COMMENTS IN BOXES PROVIDED BELOW:

1) Quality / Technical Performance Met work product standards. Performed & documented according to approved plan. Met DBE/UDBE Goal/Commitment (if applicable). Managed subconsultants/DBEs effectively.	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> </table>					<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="height: 80px;"> </td></tr> </table>	

2) Cost Performance Finished within Contract budget. Invoices were accurate & timely, according to contract.	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> </table>			<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="height: 60px;"> </td></tr> </table>	

3) Schedule Performance Submitted accurate and timely deliverables. Met milestone or completion due date(s).	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> </table>			<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="height: 60px;"> </td></tr> </table>	

4) Business Relations/Negotiations Performance Responded to customer needs. Conducted business in a professional manner. Provided effective verbal and written communication.	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> <tr><td style="background-color: #e0ffe0;"> </td></tr> </table>				<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="height: 60px;"> </td></tr> </table>	

Grand Total Points:	0
Calculated Evaluation Score:	0%

AMBAG Project Manager:	Printed Name:	Date:
------------------------	---------------	-------

Signature of PM confirms that the evaluation has been provided to Consultant. If applicable, Consultant comments may be attached to the final assessment.

mail completed evaluation to Consultant & submit copy to Director of Finance & Administration to Close Out Contract

FINAL REPORT - UTILIZATION OF UNDERUTILIZED/DISADVANTAGED BUSINESS ENTERPRISES (U/DBE) AND SMALL BUSINESS (SB), FIRST-TIER SUBCONTRACTORS

Contract No.	County	Location	Project Description			Federal Aid Project No.	Administering Agency	Contract Completion Date						
Task/Job Order No.								Task/Job Order Completion Date						
Prime Consultant/Contractor (Company Name)	Prime Consultant/Contractor Business Address Address: City,State, Zip Code:			Business Ownership by Minority Code						Final Contract or Task/Job Order Amount \$				
				BA - Black American	NA - Native American	APA - Asian Pacific American		Federal Share \$						
		W - Woman	HA - Hispanic American	SCA - Subcontinent Asian American										
SUBCONTRACTOR	CERTIFICATE		TOTAL PAYMENTS			TOTAL PAYMENTS BY MINORITY GROUP					Date Work Complete	Date of Final Payment	Description of Work Performed & Material Provided	
	SB Cert #	DBE Cert #	SB*	DBE*	UDBE * (FTA Only)	APA	BA (UDBE)	HA (UDBE)	NA (UDBE)	SCA (UDBE)				W (UDBE)
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Total Payments			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	DBE Goal Attainment	0%	
Original UDBE/DBE/SB Commitment												UDBE Goal Attainment	0%	
												SB Participation	0%	

*If Sub is both SB, DBE & UDBE enter the total dollar amount in all three fields

The decision of which column to be used for entering the UDBE/DBE dollar value is based on what program(s) the firm is certified. This program status is determined by the Caltrans Civil Rights Certification Unit based on ethnicity, gender, ownership, and control issues at time of certification. DBE program status may be obtained by accessing the Civil Rights website DBE, SWBE DBE, SMBE, SWBE (www.dot.ca.gov/hq/bep/) and downloading the Calcert Extract or by calling (916) 227-2207.

List all first-tier subconsultants, SB, DBEs, and Underutilized DBEs, regardless of tier, whether or not the firms were originally listed for goal credit. If actual U/DBE utilization (or item of work) was different than that approved at time of award, provide comments on a separate page. List actual amount paid to each entity.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
CONSULTANT REPRESENTATIVE NAME	BUSINESS PHONE NUMBER	DATE
TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
AMBAG PROJECT MANAGER'S NAME	BUSINESS PHONE NUMBER	DATE

FINAL REPORT - UTILIZATION OF UNDERUTILIZED/DISADVANTAGED BUSINESS ENTERPRISES (U/DBE) AND SMALL BUSINESS (SB), FIRST-TIER SUBCONTRACTORS

Contract No.	County	Location	Project Description			Federal Aid Project No.	Administering Agency	Contract Completion Date						
Task/Job Order No.								Task/Job Order Completion Date						
Prime Consultant/Contractor (Company Name)	Prime Consultant/Contractor Business Address Address: City, State, Zip Code:			Business Ownership by Minority Code						Final Contract or Task/Job Order Amount \$				
				BA - Black American		NA - Native American		APA - Asian Pacific American		Federal Share \$				
				W - Woman		HA - Hispanic American		SCA - Subcontinent Asian American						
SUBCONTRACTOR	CERTIFICATE		TOTAL PAYMENTS			TOTAL PAYMENTS BY MINORITY GROUP					Date Work Complete	Date of Final Payment	Description of Work Performed & Material Provided	
	SB Cert #	DBE Cert #	SB*	DBE*	UDBE * (FTA Only)	APA	BA (UDBE)	HA (UDBE)	NA (UDBE)	SCA (UDBE)				W (UDBE)
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Total Payments			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	DBE Goal Attainment	0%	
Original UDBE/DBE/SB Commitment												UDBE Goal Attainment	0%	
												SB Participation	0%	

*If Sub is both SB, DBE & UDBE enter the total dollar amount in all three fields

The decision of which column to be used for entering the UDBE/DBE dollar value is based on what program(s) the firm is certified. This program status is determined by the Caltrans Civil Rights Certification Unit based on ethnicity, gender, ownership, and control issues at time of certification. DBE program status may be obtained by accessing the Civil Rights website DBE, SWBE DBE, SMBE, SWBE (www.dot.ca.gov/hq/bep/) and downloading the Calcet Extract or by calling (916) 227-2207.

List all first-tier subconsultants, SB, DBEs, and Underutilized DBEs, regardless of tier, whether or not the firms were originally listed for goal credit. If actual U/DBE utilization (or item of work) was different than that approved at time of award, provide comments on a separate page. List actual amount paid to each entity.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
CONSULTANT REPRESENTATIVE NAME	BUSINESS PHONE NUMBER	DATE
TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
SANDAG PROJECT MANAGER'S NAME	BUSINESS PHONE NUMBER	DATE

FINAL REPORT - UTILIZATION OF UNDERUTILIZED/DISADVANTAGED BUSINESS ENTERPRISES (U/DBE) AND SMALL BUSINESS (SB), FIRST-TIER SUBCONTRACTORS

Contract No.	County	Location	Project Description			Federal Aid Project No.	Administering Agency	Contract Completion Date						
Task/Job Order No.								Task/Job Order Completion Date						
Prime Consultant/Contractor (Company Name)	Prime Consultant/Contractor Business Address			Business Ownership by Minority Code			Final Contract or Task/Job Order Amount \$							
Address:				BA - Black American	NA - Native American	APA - Asian Pacific American								
City, State, Zip Code:				W - Woman	HA - Hispanic American	SCA - Subcontinent Asian American	Federal Share \$							
SUBCONTRACTOR	CERTIFICATE		TOTAL PAYMENTS			TOTAL PAYMENTS BY MINORITY GROUP					Date Work Complete	Date of Final Payment	Description of Work Performed & Material Provided	
	SB Cert #	DBE Cert #	SB*	DBE*	UDBE * (FTA Only)	APA	BA (UDBE)	HA (UDBE)	NA (UDBE)	SCA (UDBE)	W (UDBE)			
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Total Payments			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	DBE Goal Attainment _____ 0%		
Original UDBE/DBE/SB Commitment												UDBE Goal Attainment _____ 0%		
												SB Participation _____ 0%		

*If Sub is both SB, DBE & UDBE enter the total dollar amount in all three fields

The decision of which column to be used for entering the UDBE/DBE dollar value is based on what program(s) the firm is certified. This program status is determined by the Caltrans Civil Rights Certification Unit based on ethnicity, gender, ownership, and control issues at time of certification. DBE program status may be obtained by accessing the Civil Rights website DBE, SWBE DBE, SMBE, SWBE (www.dot.ca.gov/hq/bep/) and downloading the Calcert Extract or by calling (916) 227-2207.

List all first-tier subconsultants, SB, DBEs, and Underutilized DBEs, regardless of tier, whether or not the firms were originally listed for goal credit. If actual U/DBE utilization (or item of work) was different than that approved at time of award, provide comments on a separate page. List actual amount paid to each entity.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
CONSULTANT REPRESENTATIVE NAME	BUSINESS PHONE NUMBER	DATE
TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
AMBAG PROJECT MANAGER'S NAME	BUSINESS PHONE NUMBER	DATE

FINAL REPORT - UTILIZATION OF UNDERUTILIZED/DISADVANTAGED BUSINESS ENTERPRISES (U/DBE) AND SMALL BUSINESS (SB), FIRST-TIER SUBCONTRACTORS

Contract No.	County	Location	Project Description			Federal Aid Project No.	Administering Agency	Contract Completion Date						
Task/Job Order No.								Task/Job Order Completion Date						
Prime Consultant/Contractor (Company Name)	Prime Consultant/Contractor Business Address Address: City,State, Zip Code:			Business Ownership by Minority Code						Final Contract or Task/Job Order Amount \$				
				BA - Black American	NA - Native American	APA - Asian Pacific American		Federal Share \$						
		W - Woman	HA - Hispanic American	SCA - Subcontinent Asian American										
SUBCONTRACTOR	CERTIFICATE		TOTAL PAYMENTS			TOTAL PAYMENTS BY MINORITY GROUP					Date Work Complete	Date of Final Payment	Description of Work Performed & Material Provided	
	SB Cert #	DBE Cert #	SB*	DBE*	UDBE * (FTA Only)	APA	BA (UDBE)	HA (UDBE)	NA (UDBE)	SCA (UDBE)				W (UDBE)
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
Name _____														
Address _____														
\$ -	Total Payments		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	DBE Goal Attainment	0%	
Original UDBE/DBE/SB Commitment												UDBE Goal Attainment	0%	
												SB Participation	0%	

*If Sub is both SB, DBE & UDBE enter the total dollar amount in all three fields

The decision of which column to be used for entering the UDBE/DBE dollar value is based on what program(s) the firm is certified. This program status is determined by the Caltrans Civil Rights Certification Unit based on ethnicity, gender, ownership, and control issues at time of certification. DBE program status may be obtained by accessing the Civil Rights website DBE, SWBE DBE, SMBE, SWBE (www.dot.ca.gov/hq/bep/) and downloading the Calcert Extract or by calling (916) 227-2207.

List all first-tier subconsultants, SB, DBEs, and Underutilized DBEs, regardless of tier, whether or not the firms were originally listed for goal credit. If actual U/DBE utilization (or item of work) was different than that approved at time of award, provide comments on a separate page. List actual amount paid to each entity.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
CONSULTANT REPRESENTATIVE NAME	BUSINESS PHONE NUMBER	DATE
TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
SANDAG PROJECT MANAGER'S NAME	BUSINESS PHONE NUMBER	DATE

INSTRUCTIONS

Final Report – Utilization of Underutilized/Disadvantaged Business Enterprise (U/DBE) and Small Business, First-Tier Subcontractors

The form requires information from the AMBAG contract.

CONTRACT INFORMATION

The Contract/Task/Job Order fields are shown in green in the example.

Enter the following information:

- Contract No.:** AMBAG contract number
- County:** County in which work was performed
- Location:** Location in which work was performed
- Project Description:** Provide a brief description of the project (project title)
- Federal Aid Project No.:** Contact Director of Finance & Administration if unknown
- Administering Agency:** AMBAG
- Contract Completion Date:** As applicable
- Final Contract Amount \$:** Inclusive of all amendments/change orders
- Federal Share \$:** Contact Director of Finance & Administration, if unknown

PRIME CONSULTANT/CONTRACTOR INFORMATION

The Prime Consultant/Contractor fields are shown in blue in the example.

Enter the following information:

- Prime Consultant/Contract:** Prime company name
- Business Address:** Address, City, State, & Zip Code
- Business Ownership by Minority Code:** If applicable. This section is used to

SUBCONTRACTOR/SUBCONSULTANT INFORMATION

The Prime Consultant/Contractor fields are shown in purple in the example.

Enter the following information:

Subcontractor

- Name:** Subcontractor/Subconsultant company name
- Address:** Subcontractor/Subconsultant Address, City, State, & Zip Code
- Original UDBE/DBE/SB Commitment:** Commitment and not advertised

Certificate

- SB Cert #:** Small Business Certification number, if applicable
- DBE Cert #:** DBE Certification number, if applicable.

Total Payments

Enter the total payments for each subcontractor in the SB, DBE, and/or UDBE fields. If a subcontractor is more than one of the following:

- SB:** Total payments to this Subcontractor/Subconsultant, if they are a certified Small Business
- DBE:** Total payments to this Subcontractor/Subconsultant, if they are a certified DBE
- UDBE:** Total payments to this Subcontractor/Subconsultant, if they are a certified DBE and belong to one of the following minority groups:

Total Payments By Minority Group

[Enter the total payments for each subcontractor by Minority Group. The decision of which column to be used for](#)

- APA:** Asian Pacific American
- BA:** Black American
- HA:** Hispanic American
- NA:** Native American
- SCA:** Subcontinent Asian American
- W:** Women

Note: If a contractor performing work as a DBE on the project becomes decertified and still performs work after their decertification, the contractor should be reported as a DBE in the final report.

This screenshot shows a data entry form with several columns and rows. The top section, including fields for Contract No., County, Location, Project Description, Federal Aid Project No., Administering Agency, Contract Completion Date, Final Contract Amount, and Federal Share, is highlighted in green. Below this is a table with columns for various metrics and rows for individual subcontractors.

This screenshot shows the same data entry form, but with the fields for Prime Consultant/Contractor Information highlighted in blue. These fields include the Prime company name, Business Address, and Business Ownership by Minority Code.

This screenshot shows the data entry form with the fields for Subcontractor/Subconsultant Information highlighted in purple. These fields include the Subcontractor name, Address, and Commitment information.

Note: If a contractor performing work as a non-DBE on the project becomes certified as a DBE, enter the dollar value of al

Work

Enter the following information regarding the work for each subcontractor:

Date Work Complete: The date the subcontractor's work was finished

Date of Final Payment: The date the final check was sent to the subcontractor

Description of Work Performed & Material Provided: Description of services/materials provided.

Finalizing

The Totals fields are shown in orange in the example

< The totals payments will be automatically calculated as data is entered.

< The DBE Goal Attainment, UDBE Goal Attainment, and SB Participation field

The Authorization fields are shown in red in the example.

Consultant Representative Name: Enter the name of the Prime Contractor/Cons

Business Phone Number: Enter the phone number of the Prime Contractor/Cons

Date: Enter the date the form was completed and verified.

The image shows a screenshot of a software interface for data entry. It features a header section with various labels, a large table with multiple columns and rows, and a bottom section with several text input fields. Some fields in the table and the bottom section are highlighted in orange, while others are highlighted in red. The table appears to be a ledger or a list of items with columns for different categories and values.



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ity group.

and DBE or SBE, DBE and UDBE, enter the amount in each field.

ority groups: Black American, Hispanic American, Native American, Subcontinent Asian America, Women. ***This is for FTA-funded Contr***

[he total payments by minority group is based on their business' ownership, ethnicity, gender, and control issues at time of certificati](#)

ate, enter the total dollar value performed by this contractor under the appropriate DBE identification column.

red after certification as a DBE under the appropriate identification column.

red.

acts/Task/Job Orders only.

ion DBE certification. To confirm a subcontractor's DBE certification, access the CUCP database at: <http://www.dot.ca.gov/hq/bep/>

[find_certified.htm](#) or call (916) 324-1700.

RECORD OF NEGOTIATION

Contract Number _____

Task Order Number _____

Consultant _____

Functional/Project Manager (Print Name)

Task Order Manager (Print Name)

Task Order Description _____

DATE	DESCRIPTION OF ACTION	OUTCOME - CHANGES MADE
	I prepared the original draft Scope of Work.	
	I (or who) prepared the ICE or EE and amount.	

I have explained any variance of 10% or more from the original ICE and in my opinion the price negotiated remains fair and reasonable as described above.

Signature

Title

RTPA or other Agency Name

Note: It is the intent that the record of negotiation covers the period from the development of the first draft of the task order through the submittal of the final draft of the task order.

**ON-CALL TASK ORDER FIRM SELECTION FORM
(DO NOT USE FOR A&E FIRMS)**

Project Manager: _____ Date: _____
 Task Order No.: _____ Contract No.: _____
 Task Order Amount: _____
 Project Description/Title: _____

You must compare all eligible on-call firms to each other. You may not select one firm and then simply state why it is qualified because, in almost all cases, more than one on-call firm is eligible and qualified for the work. Therefore, a comparison of the firms is required. You must document a comparison of the eligible firms and explain why the firm selected is the best choice among the eligible firms based on the selection factors discussed in the procurement document.

SECTION I

Are you using this document to establish use of a particular on-call firm for work that will go on beyond this Task Order on a Project-wide basis and will be of the best value to RTPA? Yes No

If you have marked the "No" box above, skip to Section II of this form. If you have marked the "Yes" box above, briefly describe the range of work that will be expected for the entire Project, beyond what is being awarded in the current Task Order:

(Explanation)

The on-call firm identified below for award of this Task Order has already performed services on a Project that is in progress. The selected firm was evaluated as the best value to RTPA for the Project overall when price, qualifications, and other factors were considered previously in the Task Order Selection Form dated _____. If this box is marked, skip to Section III of this form.

SECTION II

By marking the box below, you are affirming that the following statements are true.

Selection of firm for this Task Order is based upon qualification(s) and cost (best value).

Describe any additional specialty qualifications and experience needed for Task Order or Project:

(Provide Brief Description of Qualifications and Experience)

If one or more eligible on-call firms were not considered for the work in this Task Order/Project, identify the firm(s) and provide an explanation for why the firms were not considered based on factors such as experience, rates, or past performance:

(Explanation)

Draft Scope of Work was discussed with or compared with the SOQs or proposal(s) of the on-call firms shown below:

- | | | | |
|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm |
| <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm |
| <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm | <input type="checkbox"/> Name of Firm |

SECTION III

Check all that apply for your comparison analysis. The selected firm:

- Offers the most relevant experience based on the complexity level of this Task Order/Project compared to the other firms evaluated.
- Can meet the schedule needed for completion of the scope of work for this Task Order/Project.
- Has availability to take on additional work without jeopardizing existing project deliverables and performance.
- Provides the most appropriately experienced and skilled key personnel for this Task Order/Project when compared to the other firms evaluated.
- Has prior work experience with this Project that will prevent work from being redone and; therefore, will provide a better value to RTPA compared to the other firms.
- Demonstrated best understanding of the Project and approach during interviews/discussions as compared to the other firms.
- Offered the best overall proposal for this Task Order/Project taking level of effort and rates into account.
- Was selected in previous documentation for the overall Project and has performed to RTPA's satisfaction on prior work for the Project.
- Performance ratings of firm on previous work establish it has performed satisfactorily for RTPA.
- Other (see explanation below)

Document discussions with on-call firms confirming information marked in boxes above and/or identifying information in proposals or other documents establishing that the qualifications and cost of selected firm for this Task Order/Project are the best value for RTPA's needs. Make sure to discuss rates/costs of selected firm compared to other eligible firms.

(Explanation)

I am not aware of any conflicts of interest or organization conflicts that would arise as a result of choosing (name of firm) and believe it is best qualified for this Task Order/Project.

Project (or Task Order) Manager

Date

Accepted by Contracts Officer

Date

PURCHASING SCHEDULE WORKSHEET

FTA grantees are encouraged to utilize available state and local intergovernmental agreements for procurement or use of common goods and services.¹ FTA uses the term “state or local government purchasing schedule” to mean an arrangement that a State or local government has established with several or many vendors in which those vendors agree to provide essentially an option to the State or local government, and its subordinate government entities, to acquire specific property or services in the future at established prices.²

Contract Officer: _____
 Project Manager: _____
 Date submitted to Contracts Officer: _____
 Brief description of goods/services: _____
 Requested Amount: \$ _____
 OWP Numbe: _____
 Will the purchase be paid for with FTA or FHWA funds?³ YES NO

Purchasing Schedule Details

Vendor Name: _____
 Name of Cooperative who offers the solicitation (i.e. WSCA): _____
 Name of Agency who issued the solicitation (i.e. State of Oregon): _____

Procurement Method: Invitation for Bid (IFB)
 Request for Proposal (RFP)
 Award was made to the lowest responsive and responsible bidder who conformed to all material terms and conditions of the solicitation. [IFBs]
 Basis of Award: Award was made to the responsible offeror whose proposal was most advantageous with price and other factors considered. The evaluation criteria used to score the proposals was included in the solicitation. [RFPs]

Was a geographical preference listed in the solicitation (i.e. gave in-state vendors a bidding preference)? YES⁴ NO

Names of vendors who were awarded contracts:
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____

In order to determine whether the utilization of a state or local government purchasing schedule is feasible, the following must be answered affirmatively by the Contracts Analyst and supporting documentation for each statement must be provided.

¹ FTA BPPM Section 4.7.2.2

² FTA Circular 4220.1F, Chapter V. Section 4

³ The FTA provisions must be included in the purchase order provisions and the vendor must sign the federal forms prior to the issuance of the purchase order.

⁴ FTA prohibits the use of geographical preference in competitive solicitations. A solicitation with geographical preference may not be used in the purchase will be paid for with federal funds.

BY MARKING THE BOXES BELOW, YOU ARE AFFIRMING THAT THE FOLLOWING STATEMENTS ARE TRUE.	
<input type="checkbox"/>	<p>I have obtained quotations from each of the vendors who were awarded a contract and selected the vendor with the lowest price for the item(s) I am purchasing.</p> <p>Required documentation:</p> <ul style="list-style-type: none"> • Quotations from all awarded vendors
<input type="checkbox"/>	<p>I have obtained a copy of the contract and the solicitation document, including the specifications.</p> <p>Required documentation:</p> <ul style="list-style-type: none"> • Solicitation (RFP, IFB, etc.) including the specifications • Addenda issued (if applicable) • Legal notices/advertisements • Successful bid/proposal • Scoring summary (if RFP process was used) • Notices of Award • Summary of procurement (number of respondents, how award determination was made, if any proposals/bids were deemed non-responsive, if there were any protests and what the outcome was, and any other information summarizing the procurement process and award to the selected consultant/contractor/vendor.) • Original Contract • Contract Amendments (if applicable)
	The contract price remains fair and reasonable.
	<p>Required documentation:</p> <ul style="list-style-type: none"> • Market analysis demonstrating price is fair and reasonable.
	The contract term complies with the five-year term limit established by the FTA.
	<p>Required documentation:</p> <ul style="list-style-type: none"> • Contract start and end dates, including all option periods in effect.

DOCUMENTATION OF CONTRACT PAYMENT TYPE SELECTION

This form shall be used to document how the contracting type was selected. To best determine which contract type is suitable, classify the situation by checking off the appropriate boxes below. All elements must apply to us selected type.¹ All references to "contractor" shall be treated the same as "consultant".

CONTRACT TYPE	Requirements to utilize contract type	SUBCONTRACT TYPE	Requirements to utilize subcontract type
<input type="checkbox"/> FIXED PRICE	<input type="checkbox"/> Commercial items, supplies, or low-risk service contracts with performance/functional/design specs <input type="checkbox"/> Product/service must be delivered as specified and no payment can occur until the product/service that meets the contract specification is delivered <input type="checkbox"/> Price that remains fixed irrespective of the contractor's cost experience in performing	<input type="checkbox"/> FIRM FIXED PRICE (LUMP SUM OR UNIT PRICE)	<input type="checkbox"/> Contractor has complete responsibility for costs of performance and resulting profit/loss
		<input type="checkbox"/> FIXED PRICE WITH ECONOMIC PRICE ADJUSTMENT	<input type="checkbox"/> Contingencies in contracting period will occur or contract is high risk <input type="checkbox"/> Doubt of stability of costs/prices over extended period of time <input type="checkbox"/> Price adjustment is based upon: <input type="checkbox"/> Published indices <input type="checkbox"/> Actual contractor costs <input type="checkbox"/> Increase/decrease of published prices <input type="checkbox"/> Contract defines circumstances under which economic price adjustment will be made and means by which it will be calculated
<input type="checkbox"/> COST REIMBURSEMENT	<input type="checkbox"/> Payment of allowable incurred costs to the extent prescribed in the contract <input type="checkbox"/> Estimate of total cost that contractor cannot exceed without a written amendment <input type="checkbox"/> Uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to establish fixed prices	<input type="checkbox"/> COMPLETION FORM	<input type="checkbox"/> Describes the scope of work by specifying an end product or definite goal <input type="checkbox"/> Contractor must complete work and deliver end item as condition for payment of entire fee
		<input type="checkbox"/> TERM FORM	<input type="checkbox"/> Describes work in general terms and obligates contractor to devote specified level of effort for a stated time period <input type="checkbox"/> Fixed fee is payable at expiration of stated period if contractor has furnished specified level of effort
<input type="checkbox"/> TIME AND MATERIALS	<input type="checkbox"/> Determination is made that no other type of contract is suitable <input type="checkbox"/> Services or supplies <input type="checkbox"/> Payment of labor costs is on basis of fixed hourly billing rates specified in contract (including wages, indirect costs, general & administrative expenses, and profit) <input type="checkbox"/> Labor hours are flexible <input type="checkbox"/> Materials are billed at cost <input type="checkbox"/> Maximum obligation (ceiling price) is included in contract that cannot be exceeded without an amendment	<input type="checkbox"/> LABOR HOUR	<input type="checkbox"/> Materials are not supplied by contractor

Contract Officer Signature: _____ Date: _____

¹ FTA Best Practices Procurement Manual, Section 2.4.3

PURCHASE ORDER CHECKLIST

This form shall be completed by the Contract Officer prior to routing a request for approval.

Contract Officer: _____
 Project Manager: _____
 Date submitted to Contract Officer: _____

Purchase Order Details

Vendor Name: _____
 Brief description of goods/services: _____
 OWP Number(s): _____
 Requested Amount: \$ _____

For Purchase Order Amendments, complete the following and attach original PO and amendments.

PO Number: _____
 Original PO Issuance Amount: \$ _____
 Current PO Amount (original and all amendments): \$ _____
 New PO Total (after approval of this amendment request) \$ _____

Procurement Method

Attach completed Method of Procurement Selection (MOPS) form and required supporting documentation.

Procurement Method	Required Supporting Documentation
<input type="checkbox"/> Competitive Solicitation	
<input type="checkbox"/> Invitation for Bid (IFB)	Solicitation email including specifications ¹ , and at least 3 quotes
<input type="checkbox"/> Request for Proposal (RFP)	Solicitation email including specifications ¹ , best value criteria, and at least 3 quotes
<input type="checkbox"/> Another Agency Procurement	
<input type="checkbox"/> Joint Procurement	Copy of solicitation and contract
<input type="checkbox"/> Purchasing Schedule	Completed Purchasing Schedule Worksheet with related documentation
<input type="checkbox"/> Assignment/Piggyback	Completed Piggyback Worksheet with related documentation
<input type="checkbox"/> Noncompetitive Solicitation	
<input type="checkbox"/> Intergovernmental	Copy of underlying MOU or Agreement
<input type="checkbox"/> Sole Source	Completed Sole Source Justification

Basis of Award:

- Award has been made to the lowest responsive and responsible bidder who conformed to all material terms and conditions of the solicitation. This is the required method for all IFBs.
- Award has been made to the responsible offeror whose proposal is most advantageous to RTPA with price and other factors considered. The evaluation criteria used to score the proposals must be included in the solicitation. This is the required method for all RFPs.

¹ When it was impractical or uneconomical to make a clear and accurate description of the technical requirements, a 'brand name or equal' description must have been used as a means to define the performance or other salient characteristics of the procurement. The specific features of the named brand which must be met by offerors must have been clearly stated in the IFB/RFP. – FTA BPPM

DOCUMENTATION TO REVIEW FOR PURCHASE ORDER REQUEST

Requisition

- The correct procurement requisition form is utilized.
- If the Purchase Order is related to an existing contract or formal procurement, the contract or solicitation number is listed and the document is attached. Also verify the items/services being purchased are within the scope of the underlying contract/solicitation.
- If the purchase order needs to be retroactively dated, a signed memo is included.
-
- The procurement justification clearly explains the purpose and benefit of the procurement.
- An Independent Cost Estimate (ICE) amount is listed and attached.
 - The PM made and documented an independent cost estimate containing a line item breakdown of each type of cost within the overall price before receipt of quotes.
- The quantity, unit of measure, description, unit cost, and extended cost fields are filled in accurately and correctly. Be sure the numbers are calculated correctly.
- If the procurement will be split among more than one OWP, a breakdown of costs per budget shall be listed.
- If this is a multi-year purchase against an OWP, the amount to be encumbered per fiscal year shall be listed.
- The attachments are checked and accurate.
 - A Record of Negotiation (RON) is included in the attachments, where applicable.
- Funding source(s) are checked and accurate.
 - A printout of the current budget book is attached as verification of funding sources in the fiscal year(s).
Funds are available for the cost code indicated.
- If FTA or FHWA funds, the vendor has completed and submitted the required Federal forms.
- The vendor information is filled in and a copy of SB/DBE certification is attached if applicable.
 - The vendor is not debarred. Attach a printout from the Federal System for Award Management (SAM) website (<http://www.sam.gov>) as well as the State of California DLSE website (<http://www.dir.ca.gov/dlse/debar.html>)
- The correct signature block is used.
- The item(s) or service(s) being procured will not present a high risk to RTPA if the item(s) fail to perform as expected or the service(s) are not performed in compliance with industry standards.

DBE COMPLAINT PROCEDURES AND DBE COMPLAINT PROCESS DESCRIPTION FOR STAFF

- A. Within 10 business days of being informed by RTPA that it is not responsive because it has not provided sufficient U/DBE documentation, a bidder/offeror may request administrative reconsideration. For DBE-related complaints arising during the administration of a contract or outside of the procurement process, the complaint must be filed within 30 days of the date of the alleged RTPA discretionary action forming the basis of the complaint. Complainants should make this request in writing to the following reconsideration official or his/her designee using the attached complaint form:

Arleicka Conley
Disadvantaged Business Enterprise Liaison Officer
RTPA
445 Reservation Road
Marina, CA 93933

- B. The reconsideration official will not have played any role in the alleged discretionary action that is the basis for the complaint. The reconsideration official will review the administrative record concerning the reconsideration request (AR) and determine if it requires resolution by a committee or may be resolved by an appointed reconsideration person as the committee.
- C. As part of this reconsideration, the complainant will have the opportunity to provide written documentation or argument concerning the issues. The complainant may also have the opportunity to meet in person with the reconsideration committee or official to discuss the issues.
- D. The reconsideration committee and/or official will review the reconsideration request in a timely manner and may hold an informal hearing if deemed necessary in order to complete its investigation. The reconsideration committee or official will prepare a recommendation regarding the complainant's reconsideration request, in writing, to RTPA's Executive Director within 30 (thirty) calendar days of the date of receipt of the request. All materials included with the AR at time of submittal will be considered. The Executive Director will either sustain or reject the reconsideration document in writing based upon the recommendation of the administrative committee or official and the best interests of RTPA. This decision will be communicated in writing to the complainant.

- E. The result of the RTPA reconsideration process is not administratively appealable to the Department of Transportation, however, the complainant may contact one or more of the following agencies that oversee various aspects of RTPA DBE Programs to file a complaint directly with those agencies:

Director, Office of Civil Rights
Federal Transit Administration
1200 New Jersey Ave, SE
Washington, DC 20590

Caltrans District 05 Local Assistance:

Mr. Garin Schneider, Local Assistance Engineer
Garin.Shneider@dot.ca.gov
(805) 542-4606

Ms. Reine Jones, Engineer, Monterey County
Rjones07@dot.ca.gov
(805) 546-4686

Ms. Kelli Hill, Engineer, San Benito County
khill@dot.ca.gov
(805) 549-3120

Mr. Donn Miyahara, Engineer, Santa Cruz County
dmiyahar@dot.ca.gov
(805) 549-3572

(Insert appropriate district contact info above)

DBE Complaint Process Description for Staff

1. INTRODUCTION

These processes are intended to assist RTPA staff in managing DBE-related complaints arising out of or related to a contract between a consultant/contractor, RTPA and/or any DBE prime consultants/contractors/subcontractors/subconsultant. It is important to note that DBE dispute/complaint references provided herein are examples and are not intended to be inclusive of all issues that can arise from DBE requirements. These processes are intended to serve as the framework for receiving, tracking, and resolving complaints, thereby creating an efficient method for handling these issues.

These procedures are meant to provide details for staff that supplement the DBE Complaint Procedures found on the RTPA DICSO/DBE Web page. The types of DBE complaints intended to be covered by these procedures, include, but are not limited to:

- Disputes related to whether a proposer/bidder has provided sufficient DBE documentation
- Disputes related to project participation by DBEs
- Termination of DBE contractor/subcontractor
- Nonpayment of a DBE firm
- Failure to provide a DBE the work to which the prime committed

The complaint resolution process will focus on gathering pertinent information, determining the responsibilities of the affected parties and achieving a thorough understanding of the issue(s) in dispute. RTPA staff should be committed to providing a timely response and resolution and evaluating complaints in accordance with the terms of the contract documents and applicable laws.

A. Governing Regulations and Statutes

All complaint resolution actions will be governed by any or all of the following non-exhaustive list of applicable laws, regulations, and documents :

- 49 CFR Part 26
- State of California Department of Industrial Relations Prevailing Wage Determinations
- California Labor Code
- RTPA solicitation documents
- RTPA contract documents

2. RECEIVING A COMPLAINT

Complaints addressed in these processes will typically originate from a compliance related issue/discrepancy discovered by RTPA or its authorized representative, as part of the standard DBE compliance monitoring review.

A. Evaluating a Complaint

Any contractor/consultant/subcontractor/subconsultant that believes that it has been subjected to a violation under DBE-related laws, regulations or contractual requirements as a result of a RTPA discretionary action, may file a complaint with RTPA. A complaint is a written or electronic statement concerning an allegation of noncompliance that contains a request for RTPA to take some type of remedial action. Complaints must be in writing and may be filed by mail or fax, in person, or online. Immediately upon receipt, the RTPA **DBE Reconsideration Official** should determine whether the correspondence constitutes a DBE-related complaint.

The following are examples of items that should not be considered a complaint:

- (a) Anonymous correspondence;
- (b) Inquiries seeking advice or information;
- (c) Courtesy copies of correspondence or complaints filed with other agencies; and
- (d) Oral allegations (exceptions should be made for people with disabilities or who require translation assistance on request).

Correspondence that is not a complaint but nevertheless potentially involves a DBE-related compliance deficiency should be recorded by RTPA staff as an inquiry if staff believes an issue might eventually evolve into a complaint.

B. Record and Track Complaint

A complaint (or potential complaint) should be date stamped by the receiving office immediately upon receipt. This step is important because the date that RTPA receives the complaint may affect a complainant's ability to seek redress. Once correspondence has been deemed a complaint, RTPA staff should document the appropriate information and assign a case or tracking number, and create an investigative case file to hold all documents and information pertaining to the complaint.

When recording a complaint, the following guidelines should be applied:

- (a) Each complaint should be assigned a separate number;
- (b) Complaints filed by more than one person that raise substantially identical allegations against the same recipient may be treated as one complaint and assigned one case number;

- (c) Complaints filed by more than one person against the same entity should be assigned separate case numbers if they contain different allegations;
- (d) New allegations filed by the same complainant against the same entity after the investigative process has begun should be reviewed on a case-by-case basis to determine whether the allegations should be added to the existing complaint or treated as a new complaint; and
- (e) Complaints filed by entities, such as advocacy groups, where there are multiple complainants, but one entity handling all complaints should receive one case number.

C. Initial Considerations After Receipt of Complaint

Once RTPA concludes that correspondence is a complaint staff should determine whether the complaint is “complete” in order to proceed with complaint processing and resolution. For a complaint to be complete it should include the following information if applicable:

- (a) A written explanation of the violation(s) of DBE-related laws, regulations or contractual requirements complainant believes has occurred and that involve RTPA
- (b) Information necessary to contact the complainant (if the complaint is filed by e-mail, RTPA should request the sender’s actual name and address, if not provided)
- (c) Identification of the person(s) or group(s) injured by the alleged violation
- (d) Identification of the person(s) or organization(s) alleged to have committed the violation
- (e) Sufficient information to understand the facts that led the complainant to a violation of DBE-related laws, regulations or contractual requirements occurred and when the violation took place

RTPA may contact the complainant by telephone or e-mail to obtain missing information. In instances in which further information is needed in writing, especially when the complainant cannot be reached by telephone, staff may wish to send the individual a complaint form. However, staff should always advise the complainant that he or she is *not required* to use the complaint form to submit the complaint or additional information, but rather may choose to provide the information it asks for in some other format.

Regardless of the method of contact or at what stage in the investigation information is requested, the complainant should be informed that RTPA will close the case if the information is not provided within 30 days. RTPA may extend the deadline depending on the extent of the information request or other special circumstances. The complainant should be notified in writing of closure of the investigation.

If the complaint contains sufficient information for at least one allegation, but lacks sufficient information for other allegations, staff should attempt to obtain the missing information, as described above. Complainant should be notified in writing that allegations lacking sufficient information that is not supplied within the 30-day timeframe will be closed;

Staff should work with each complainant to ensure receipt of sufficient information to evaluate the complaint. People with disabilities and limited English proficiency, in particular, may need assistance preparing complaint materials.

If the complaint is submitted on behalf of a complainant by an attorney, RTPA staff should call the attorney for additional information or to request permission to contact the complainant directly. In addition, if it appears the complainant may be represented by an attorney (especially if the complaint states that the matter raised has been or will be filed in court), staff should ask the complainant whether he or she is represented by an attorney concerning the complaint. If so, staff should contact the attorney for permission before further contacting the complainant directly.

D. Determining Whether the Complaint is Timely

RTPA DBE Complaint Procedures state that complaints that arise due to a proposer/bidder being found non-responsive due to failure to provide sufficient U/DBE documentation must be filed within 10 business days, and other types of DBE-related complaints must be filed within 30 days of the last date of the alleged discrimination. The filing date of the complaint is the earlier of: (1) the postmark of the complaint or (2) the date the complaint is received by RTPA's main office.

If a complaint is not filed within these timeframes, RTPA staff the RTPA Executive Director may grant an extension under any of the following circumstances:

- (a) The complainant could not reasonably be expected to know the act was a violation within the 30-day period, and the complaint was filed within 30 days after the complainant became aware of the alleged violation;
- (b) The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 30-day period, and the complaint was filed within 30 days after the period of incapacitation ended;
- (c) The complainant filed a complaint alleging the same discriminatory conduct within the 30-day period with another Federal, state, or local civil rights enforcement agency, and filed a complaint with RTPA within 30 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
- (e) The violation is of a continuing nature.

E. Closing an Investigation

The RTPA reconsideration official/committee may decide to send a letter to the complainant informing him/her/it that RTPA will not proceed further with investigation or reconsideration, if one or more of the following conditions exist:

- (a) The complaint is untimely filed;

- (b) The complaint is so weak, insubstantial, or lacking in detail that it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact;
- (c) The complainant fails to respond to repeated requests for additional information needed to process the complaint;
- (d) The complainant cannot be located after reasonable attempts;
- (e) There is no statutory or alleged basis for the complaint, or the complainant does not allege any harm with regard to current programs or statutes;
- (f) The complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial;
- (k) The same allegations and issues of the complaint have been addressed in a recently resolved complaint or compliance review;
- (l) The complainant decides to withdraw his or her complaint. If the complaint included class allegations, the office may close out the entire complaint, pursue resolution of the class allegations, or use the information to target future compliance review activity;
- (m) Litigation has been filed raising the same allegations with the same basis(es) and issue(s) involved in the complaint;
- (n) The death of the complainant or injured party makes it impossible to investigate the allegations fully, or when the death of the complainant or injured party forecloses the possibility of relief because the complaint involved potential relief solely for the complainant or injured party;

3. INVESTIGATION OF COMPLAINT

Upon receiving the complaint statement, and after acknowledging receipt of complaint statement, RTPA staff should review the complaint statement and all supporting documentation provided.

The investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues

The investigation will take the following steps (at a minimum) to arrive at a prompt resolution. The specific steps include:

- Identify the appropriate contacts and names of all persons affected by the dispute.
- Identify and review all relevant documents, practices and procedures to determine appropriate resolution, including but not limited to relevant DBE regulations, DBE program documents, solicitation, contract, etc.

- If the complaint involves a discrepancy in payment, look for supporting documentation provided by the Contractor/Subcontractor, such as invoices that conflict with RTPA records.

After deciding to proceed with investigation of the complaint, staff should notify the complainant and other parties alleged to have violated a DBE requirement that the complaint has been accepted for investigation. The notification letter to should contain the following:

- (a) RTPA understanding of the basis for the complaint;
- (b) Brief statement of the allegations;
- (c) Indication of when the parties will be contacted by RTPA;
- (e) Cautionary statement that recipients or other persons shall not intimidate, threaten, coerce, or discriminate against the complainant because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under Title VI or any other laws or regulations related to nondiscrimination;
- (f) RTPA contact information.

If during the course of the investigation/analysis, the complainant or another involved party wishes to submit additional information concerning the dispute, RTPA staff should accept such information, so long as it is pertinent to resolving the pending issue

4. DOCUMENTATION GUIDELINES

The following guidelines should be followed for keeping records and providing information when responding to Contractor/Subcontractor disputes, questions, and all other potential claims:

- Make sure that reports and documents (such as those submitted to RTPA counsel and the USDOT) are factual and accurate.
- The communication between RTPA and Contractor/Subcontractor concerning issue in dispute should be in writing.
- Record the full name and contact information of all Contractor/Subcontractor personnel (who work for the company raising the challenge).

5. RESPONSE

After the reconsideration official/committee comes to a decision, the recommendation(s) should be put in writing and provided to the Executive Director. The Executive Director should document whether she/he sustains or rejects the recommendation(s). The RTPA response to the complainant should include the following information:

- Information considered during the RTPA investigation
- Other parties with whom RTPA consulted
- Supporting documentation (USDOT or Caltrans decisions, regulations, laws, etc.)
- Final decision and recommendations for subsequent action by involved parties

RTPA Cost Analysis Form

PAGE _____ OF _____ PGS

Cost Analysis Summary (For New Contracts Including Letter Contracts) (See Instructions Below)	
Solicitation #	Supplies And/Or Services to be Furnished
Preparer's Name, Department, Title Phone	
Division(s) and Location Where Work Is to Be Performed	Approval Signature

Detail Description Of Cost Elements				
1. Direct Material	Vendor A Proposal	Vendor B Proposal	Independent Estimate	Analysis
A. Purchased Parts				
B. Subcontracted Items				
C. Other				
1. Raw Material				
2. Standard Commercial Items				
<i>Total Direct Material</i>				
2. Material Overhead (RATE % x \$ Base*)				

3. Direct Labor	Estimated Hours	Rate/Hour	Vendor A (\$)	Vendor B (\$)	Independent Estimate	Variance
<i>Total Direct Labor</i>						

4. Labor Overhead	Vendor A (\$)	Vendor B (\$)	Independent Estimate	Variance
OH Rate				
x Base (labor total above)				
<i>Total Labor Overhead</i>				

5. Other Direct Costs	Vendor A (\$)	Vendor B (\$)	Independent Estimate	Variance
A. Special Tooling/Equipment				
<i>Total Special Tooling/Equipment</i>				
B. Travel				
1) Transportation				
2) Per Diem or Subsistence				
<i>Total Travel</i>				

Detail Description Of Cost Elements (continued)	Vendor A (\$)	Vendor B (\$)	Independent Estimate	Variance
C. Individual Consultant Services				
<i>Total Individual Consultant Services</i>				
D. Other				
<i>Total Other</i>				
<i>E. Subtotal Direct Cost and Overhead</i>				
6. General and Administrative (G&A) Rate %				
X \$ Base (Use 5. E above)				
7. Royalties (if any)				
<i>8. Subtotal Estimated Cost</i>				
9. Contract Facilities Capital and Cost of Money				
<i>10. Subtotal Estimated Cost</i>				
11. Fee or Profit				
12. Total Estimated Cost and Fee or Profit				
13. Discounts				
14. Option Costs (specify)				
15. Adjusted Cost				

ANALYSIS GUIDELINES

A. DIRECT MATERIAL

A. Analyze Purchased Parts: Provide a consolidated price analysis of material quantities Included In the various tasks, orders, or contract line Items being proposed and the basis for pricing (vendor quotes, Invoice prices).

B. Subcontracted Items: Analyze the total cost of subcontract effort and supporting written quotations from the prospective subcontractors.

C. Other:

(1) Raw Material: Review any materials in a form or state that requires further processing. Analyze priced quantities of items required for the proposal. Consider alternatives and total cost impact.

(2) Standard Commercial Items: Analyze proposed Items that the offeror will provide, in whole or In part, and review the basis for pricing. Consider whether these could be provided at lower cost from another source.

B. MATERIAL OVERHEAD

Verify that this cost is not computed as part of labor overhead (Item 4) or General and Administrative (G&A) (Item 6).

C. DIRECT LABOR

Analyze the hourly rate and the total hours for each individual (If known) and discipline of direct labor proposed. Determine whether actual rates or escalated rates are used. If escalation is included, analyze the degree (percent) and rationale used. Compare percentage of total that labor represents for each bid.

D. LABOR OVERHEAD

Analyze comparative rates and ensure these costs are not computed as part of G&A. Determine If Government Audited rates are available.

E. OTHER DIRECT COSTS

A. Special Tooling/Equipment: Analyze price and necessity of specific equipment and unit prices.

B. Travel: Analyze each trip proposed and the persons (or disciplines) designated to make each trip. Compare and check costs.

C. Individual Consultant Services: Analyze the proposed contemplated consulting. Compare to Independent estimate of the amount of services estimated to be required and match the consultants' quoted daily or hourly rate to known benchmarks.

D. Other Costs: Review all other direct charge costs not otherwise included in the categories described above. (e.g., services of specialized trades, computer services, preservation, packaging and packing, leasing of equipment and provide bases for pricing.) Scan for duplication or omissions.

F. GENERAL AND ADMINISTRATIVE EXPENSE

See notes on labor overhead above and check whether the base has been approved by a Government audit agency for use in proposals.

G. ROYALTIES

If more than \$250, analyze the following Information for each separate royalty or license fee; name and address of licensor; date of license agreement; patent numbers, patent application serial numbers, or other basis on which the royalty Is payable; brief description (Including any part of model numbers or each contract item or component on which the royalty is payable); percentage or dollar rate of royalty per unit; unit price of contract item; number of units; and total dollar amount of royalties.

H. SUBTOTAL ESTIMATED COST

Compare the total of all direct and indirect costs excluding Cost of Money and Fee or Profit. Note reasons for differences.

I. CONTRACT FACILITIES CAPITAL AND COST OF MONEY

Analyze the offerors' supporting calculations and compare to known standards.

J. SUBTOTAL ESTIMATED COST

This is the total of all proposed costs excluding Fee or Profit.

K. FEE OR PROFIT

Review the total of all proposed Fees or Profit.

L. TOTAL ESTIMATED COST AND FEE OR PROFIT

Analyze the range of total estimated costs Including Fee or Profit, and explain variance to Independent estimate. Identify areas for negotiation or areas to be challenged. Explain your conclusions regarding fair and reasonable pricing.

M. DISCOUNTS

Review basis for Discounts and range between offers.

PRICE ANALYSIS

PO/Contract: _____

The evidence compiled by a cost/price analysis includes:

- Developing and examining data from multiple sources whenever possible that prove or strongly suggest the proposed price is fair.
- Determining when multiple data consistently indicate that a given price represents a good value for the money.
- Documenting data sufficiently to convince a third party that the analyst’s conclusions are valid.

DATE: _____ PREPARED BY: _____

The pricing quoted on the attached sheet(s) is deemed to be fair and reasonable based on the following type of analysis:

- Comparison with competing suppliers’ prices or catalog pricing for the same item. (Complete comparison matrix and attach supporting quotes or catalog pages.)
- Comparison of proposed pricing with in-house estimate for the same item. (Attach signed in-house estimate and explain factors influencing any differences found. Complete summary matrix.)
- Comparison of proposed pricing with historical pricing from previous purchases of the same item, coupled with market data such as Producer Price index or Inflation Rate over the corresponding time period. (Attach data and historical price record.)
- Analysis of price components against current published standards, such as labor rates, dollars per pound, etc. to justify the price reasonableness of the whole. (Attach analysis to support conclusions drawn.)

SUMMARY MATRIX

ITEM	Proposed or Pre-Negotiated Pricing	Average Market Price	Competitor A	Competitor B	In-House Estimate	Other

Attachments:

Analysis/Conclusions:

Credit Card Charges Summary (Last 4 Digits of Card _____)

Date	Est. Amt	Actual Amt	Description & Purpose	Account + WE

* Each use of the card should be on a separate line.

Card Received by: _____

Date Received: _____

Project Manager Approval: _____

Executive Director Approval: _____

Finance Director Approval: _____

Accounts
5300 Professional Services
5510 Communications (e.g. Postage, FedEx)
5600 Supplies
5610 Printing
5700 Travel
5800 Other Charges