

# South Bay Cities Council of Governments

RFP No. 2013-R-1

## Measure R South Bay Highway Program On-Call Program Development /Project Oversight Technical Bench Services

*Please note: This list is a collaboration of questions asked prior to the June 11 Pre-Proposal Conference, at the June 11 Pre-Proposal Conference and following the June 11 Pre-Proposal Conference.*

### Here are answers to the questions submitted in writing by June 5, posted on June 7:

Q1: Page 10 of 36, Section 1 - The last sentence states "This section shall have a maximum of 15 pages of text." Do exhibits B-1, B-2, B-3 and B-4 count in the 15 page limit?

A: No.

Q2: Page 10 of 36, Section 3 - The last sentence states "This section shall have a minimum of 5 pages of text." Is the graphic for an organization chart included in the 5 page limit?

A: Yes.

Q3: Exhibits B-1 and B-2 – Pricing information is confidential. Can these exhibits be submitted in a separate sealed envelope?

A: Yes.

Q4: My firm specializes in one specific area of expertise. May I still participate in the bid process?

A: Yes. Your firm is asked to check off the professional services areas in which your firm proposes to provide professional services by submitting a completed Exhibit B-3. Your firm may propose services that are not listed in the form. Your firm is also asked to identify the areas of relevant expertise and key resources availability by submitting a completed form B-4.

Q5: My firm is very small, and we do not normally bid on projects as a Prime. Will there be a Meet and Greet on June 11 with Prime companies so that they can know that we are interested in sub-consulting with them on this RFP? In addition, small firms may not have the capacity to spend non-billable hours on proposals, putting them at a severe disadvantage to have the opportunity to work with you on this RFP.

A: The SBCCOG requires that each proposer submit a proposal separately from other firms. The SBCCOG is not allowing firms to propose as a prime / sub team of contractors, and will not be using a prime/sub format to issue task orders. After firms have been selected and approved for the bench, the SBCCOG will make up teams of disciplines that will be needed for each specific task order. No exceptions may be made at this time. For the purposes of this RFP, we are not incorporating an official meet and greet on June 11.

The SBCCOG is providing program development and project oversight services to L.A. Metro for the South Bay Highway Program (SBHP). The scope of work of the current RFP does not include management of the projects that are funded within the SBHP. Projects within the SBHP are delivered by a lead agency, not the SBCCOG (e.g.: a local jurisdiction, Caltrans). The lead agency enters into a project funding agreement directly with Metro to deliver the individual project. The project lead agency will decide if it needs to use consultants to complete their project and these consultant contracts would be solicited and awarded by the project lead agency rather than the SBCCOG.

Q6: Teaming isn't allowed (page 8) however under project team qualifications (page 11) the RFP mentions subs. Would you please clarify that?

- A: As the RFP was being developed we decided not to allow teams. Unfortunately, the RFP text was not changed to reflect the policy change. For this RFP, no subs are allowed. Each proposer interested in providing services must submit its own proposal.
- Q7: The RFP initially states that teaming and subconsultants are not allowed but then later seems to conflict itself. Can you clarify if teaming is allowed?
- A: As noted in A6, sub consultants are not allowed.
- Q8: When consultants are under contract and task orders are issued that require a range of services, will the on-call consultants be encouraged to form teams to provide the requested services?
- A: That will be determined by the SBCCOG specific to each task.
- Q9: Can we assume that the requirement to include Exhibits B-1 and B-2 in Section 1 as stated in Section 1 requirements is incorrect?
- A: Yes.
- Q10: Instead, can we assume the instructions are correct to include Exhibit B-1 and B-2 as part of the cost proposal?
- A: Yes.
- Q11: Would you like Exhibit A included in the cost proposal as it is implied or should we include it with the technical proposal with Exhibits B-3 and B-4 instead?
- A: Include Exhibit A in the technical proposal.
- Q12: Do Exhibits B-1, B-2, B-3, and B-4 contribute to any page count restrictions?
- A: No.
- Q13: Can we include exhibits (assuming Exhibits A, B-3, and B-4) as an appendix in the technical proposal instead of within Section 1?
- A: Yes.
- Q14: Can we assume that resumes do not count toward the total page count in Section 4?
- A: Yes.
- Q15: Can we include resumes as an appendix or must resumes be integrated within Section 4?
- A: Resumes can be included in an appendix rather than being integrated within Section 4.
- Q16: Are there any formatting requirements such as a minimum font size?
- A: There are no other formatting requirements. There is no required minimum font size. Bidders are encouraged to submit their proposals in a format that is easy to read - typically between 10 and 12 font size.
- Q17: Is an email electronic copy or a CD electronic copy preferred?
- A: E-mail.
- Q18: Should the cost proposal be a separate PDF from the technical electronic PDF submittal?
- A: Yes, please submit the cost proposal in a sealed envelope per the RFP instructions in Section XI "Cost Proposal".
- Q19: Do you require an original signature on the unbound copy or would electronic signatures be acceptable as well on said unbound copy?
- A: An original signature is required on one copy.
- Q20: It is our understanding that Metro has established a small business contracting goal for Metro-funded contracts. If possible, it would be great to find out if the contracts arising out of the "Measure R South Bay Highway Program On-Call Program Development /Project Oversight Technical Bench Services" will include a small business goal and if so, what is that goal.
- A: The SBCCOG does not have a small business contracting goal. Any firm with relevant qualifications may submit a proposal in response to this RFP to provide technical assistance to

SBHP program management. Individual projects implemented within the South Bay Highway Program are managed under separate funding agreements between the lead agency for the project and Metro. Small business requirements for these projects, if any, would be the responsibility of the lead agency that is implementing the project.

**Q21:** Could the COG please clarify what is meant by electronic copy (p1 of the RfP)? A pdf on CD/DVD or submit by email.

A: An electronic copy in a pdf format submitted via e-mail. If the file is too large to e-mail, a CD is acceptable.

**Q22:** On p. 8 of the RFP in Section VII/Teaming, it says that the SBCCOG will not accept proposals from teams. But on p. 11 in Section X.4/Project Team Qualifications and Section XI/Cost Proposal, the RFP speaks of providing qualifications and cost information for sub-consultants, which would imply teams. Can you clarify whether or not the SBCCOG is looking for proposals from teams?

A: As noted in Q6, the SBCCOG is not accepting proposals from teams for this RFP.

**Q23:** Currently, Iteris is under contract to perform the services being requested by the SBCCOG. In the future, is that single contract is being replaced by the consultant "bench"?

A: Currently Iteris and its sub consultants are managed under a prime/sub contract between the SBCCOG and Iteris. In addition, direct contracts have been executed between the SBCCOG and some of the sub consultant firms. However, all existing contracts will be terminated and the current firms will be converted to the new bench contract. This RFP is being issued to expand the bench beyond the existing firms.

**Q24:** Will there be a separate "bench" for each Service Category?

A: No.

**Q25:** Has it been determined how many consultants will be selected for the "bench" or "benches"?

A: No.

## **Here are the answers to questions asked on June 11 at the Pre-Proposal Conference:**

**Q26:** How will you decide which firms will be assigned to a team for an individual task order?

A: It is yet to be determined how the assignment process will be conducted The SBCCOG will consult with firms added to the bench prior to developing a procedure.

**Q27:** After the bench is selected, how will you allocate the task orders to the firms?

A: Quick letter proposal process. It is expected that a best value assignment process will include consideration of the proposed fee.

**Q28:** How is the 4<sup>th</sup> criteria box "Qualification of Team Members" on page 10 different from Section 4 "Project Team Qualifications" on page 11?

A: Qualification of Team Members on page 10 is asking for the general qualifications of the firm. Project Team Qualifications on page 11 is asking for the individual qualifications of key personnel.

**Q29:** What is Exhibit B-2 "Cost and Price Form: Schedule II- Other Direct Costs Schedule" asking for?

A: Travel unit costs (first class, business class or coach for air travel, mileage costs for auto), per diem rates, reproduction costs, and any types of costs that the firm typically bills as direct costs.

**Q30:** On Exhibit B-4 "Areas of Expertise and Key Resource Availability" may we add things that are not listed, if our firm offers it?

A: Use the "OTHER" section on this exhibit to add this type of information. Tell us if you have relevant and available expertise within the firm that is not itemized elsewhere. While the additional information may not be needed, it is better to provide more compared to less.

**Q31: How will Section 11 "Budget Development," work? Task orders have not been allocated yet.**

A: Although the exact process has yet to be developed, the SBCCOG expects to develop a scope of work for each task order and request a quick letter proposal of approach, schedule, key personnel, hours for each and total proposed cost. Task orders will be awarded on a best value basis. Cost effectiveness is important to the SBCCOG evaluation.

**Q32: I understand that there is no teaming, but may a firm bring in others within the firm?**

A: It is fine to bring in others within the firm, but this information should be detailed in your proposal. Key personnel within the firm may be substituted with the written approval of the SBCCOG. The firm may not sub-contract tasks. The SBCCOG will determine if multiple disciplines requiring multiple firms are needed to complete a task. Each firm must propose to be added to the bench individually. If a firm regularly partners with other firms, it should encourage the other firm to submit a proposal for the bench and note in each proposal the other firm under other resources on Exhibit B-4. Please, identify your key players as much as possible.

**Q33: Which is preferred - hardcopy submittal versus PDF deliverable?**

A: Please refer to the RFP which details that both hardcopy and electric copies are required. The Cost of Proposal and technical services should be submitted separately. (2 PDF submittals)

**Q34: Ten copies of both?**

A: Per the RFP: "Proposals must be submitted in electronic format as well as a total of ten (10) hard copies, with one (1) unbound and nine (9) bound, to the SBCCOG office at the address given in the previous and subsequent section of this RFP by 2:00 p.m. PDT by June 28, 2013."

In addition one copy should be submitted of the Cost Proposal as follows: "Proposers shall submit a sealed cost proposal in a separate envelope with the name and address of the Proposer(s) and the words "COST PROPOSAL – RFP No. 2013-R-1" clearly marked on the outside of the envelope."

## **Here are answers to questions submitted in writing between June 11 and June 14 (deadline for all questions):**

**Q35: Will SBCCOG revise the indemnification language in the proposed contract format to be negligence based to comply with California Civil Code Section 2782.8?**

A: If the consultant is within the category of professionals covered by Civil Code section 2782.8, then we will revise the indemnification clause accordingly.

**Q36: Please clarify the primary intent of services to be contracted under Service Category #2: Project Development Activities; does SBCCOG intend to utilize bench consultants to perform design work for projects, or perform design review services? Mr. Lantz's description of the work to be performed implies that design contracts will be managed by individual member cities, with design review to be performed by consultants contracted to SBCCOG.**

A: SBCCOG consultants could be tasked to provide conceptual designs in order to develop conceptual cost estimates and PSRs, scopes of work for project funding agreements and to review work created by lead agencies and their consultants for feasibility, scope, cost and schedule estimation and oversight of the projects to ensure delivery of the scope, schedule and budget agreed to by the lead agency and Metro in a funding agreement for the project.

**Q37. Related to this, would SBCCOG bench consultants be in conflict of interest/precluded from pursuing design contracts with individual member cities?**

A: The SBCCOG conflict of interest policy does not allow a SBCCOG Bench consultant to simultaneously provide technical services to the SBCCOG for any SBHP project in which the consultant has been engaged by a SBHP Project lead agency to participate in delivery of the project. Immediately upon being engaged by a lead agency, the SBCCOG Bench Consultant must notify the SBCCOG and will be replaced by another SBCCOG Bench Consultant for the duration of the specific project. The same conflict of interest policy would also apply to a SBCCOG Bench Consultant that is providing Metro project and program oversight of the SBCCOG or SBHP Project Lead Agencies.

- Q38:** Will the bench contractors be responsible for preparing documents such as PSRs and CEQA/NEPA environmental documents or will they only be tasked with providing project oversight and guidance?
- A:** The task order scopes have not yet been determined. However, SBCCOG has provided technical assistance to lead agencies in preparation of PSRs and conceptual project development technical documents related to funding agreements between Metro and the lead agency for SBHP projects. Once the funding agreement is executed, the lead agency is responsible for delivering the project so the SBCCOG only provides program oversight and project delivery technical reviews. Recommendations are provided to the project lead agency for their consideration.
- Q39:** Should the cost proposal be a separate PDF from the technical proposal PDF?
- A:** In addition one copy should be submitted of the Cost Proposal as follows: "Proposers shall submit a sealed cost proposal in a separate envelope with the name and address of the Proposer(s) and the words "**COST PROPOSAL – RFP No. 2013-R-1**" clearly marked on the outside of the envelope."
- Q40:** How many hardcopies of Exhibits B-1 and B-2 (the cost proposal) should be submitted?
- A:** Per the RFP: "Proposals must be submitted in electronic format as well as a total of ten (10) hard copies, with one (1) unbound and nine (9) bound, to the SBCCOG office at the address given in the previous and subsequent section of this RFP by 2:00 p.m. PDT by June 28, 2013."
- In addition one copy should be submitted of the Cost Proposal as follows: "Proposers shall submit a sealed cost proposal in a separate envelope with the name and address of the Proposer(s) and the words "**COST PROPOSAL – RFP No. 2013-R-1**" clearly marked on the outside of the envelope."
- Q41:** Steve verbally stated that Exhibit B-1 requires firms to fill out both "Key Personnel" and "Other Labor," but "hourly rates" were only required for "Key Personnel." The form indicates that both "Key Personnel" and "Other Labor" require rates. Please clarify whether or not we should fill out rates for "Other Labor."
- A:** Please fill out labor rates for Key Personnel and Other Labor as required in the RFP.
- Q42:** Since the question-and-answer document permits resumes to be added in an appendix, may firms add additional materials not requested in the RFP to the appendix as well?
- A:** No.
- Q43:** Will SBCCOG waive the Professional Liability Insurance requirement for a non-engineer sole practitioner? This type of insurance is difficult to obtain and expensive for small firms, while the risk exposure to SBCCOG is low.
- A:** If the proposing firm does not have Professional Liability Insurance, please request a waiver and provide justification for the request (e.g.: years in business without liability insurance, number of engagements, dollar value range of previous engagements, etc.) It depends on what the non-engineer's profession is and whether such insurance is readily available in the market, and whether a professional error could harm the COG. We would consider a waiver.
- Q44:** Will SBCCOG accept a personal automobile liability insurance policy covering owned vehicles from a sole practitioner? Non-owned vehicles are covered in a commercial general liability policy. SBCCOG would not be named on the personal policy but the firm remains responsible for any claims.
- A:** Request a waiver and provide justification. We would consider personal auto insurance.
- Q45:** Please clarify what should go into the separate cost proposal and how many copies of that proposal are required.
- A:** Per the RFP: "Proposals must be submitted in electronic format as well as a total of ten (10) hard copies, with one (1) unbound and nine (9) bound, to the SBCCOG office at the address given in the previous and subsequent section of this RFP by 2:00 p.m. PDT by June 28, 2013."

In addition one copy should be submitted of the Cost Proposal as follows: "Proposers shall submit a sealed cost proposal in a separate envelope with the name and address of the Proposer(s) and the words **"COST PROPOSAL – RFP No. 2013-R-1"** clearly marked on the outside of the envelope."

Per page 11 of RFP:

...cost proposals and Exhibit B-1: SCHEDULE I- HOURLY RATE SCHEDULE shall be submitted separately for the prime, and each sub-consultant in the Proposer's team per each applicable year. The "fully loaded" rates shall include all overhead, general administrative costs, and profit related to each Key Personnel's name and by each labor category for non-Key Personnel support staff.

Other direct costs (e.g.: mileage, meals, reproduction, travel, per diem, etc.) must be delineated on Exhibit B-2: Schedule II - OTHER DIRECT COSTS SCHEDULE for the prime and each sub-consultant in the proposing Proposer's team.

Proposers are cautioned to develop adequate but lean budgets for the differing levels of expertise required to implement a range of task orders types.

**Q46: May we use the SBCCOG logo in our proposal graphics?**

A: Yes

**Q47: I can't bid if I am required to have E&O insurance. Insurance companies do not understand what planners do. If it is even available, it is very expensive. For almost 30 years I have gotten waivers whenever necessary and have never had a claim.**

A: If the proposing firm does not have Professional Liability Insurance, please request a waiver and provide justification for the request (e.g.: years in business without liability insurance, number of engagements, dollar value range of previous engagements, etc.) It depends on what the non-engineer's profession is and whether such insurance is readily available in the market, and whether a professional error could harm the COG. We would consider a waiver.

**Q48: If we are selected for the bench, would we be conflicted out of bidding on future South Bay city projects?**

A: No. A firm on the SBCCOG Bench may bid on SBHP projects. If engaged by the lead agency for the project, the SBCCOG Bench firm must immediately notify the SBCCOG and will be replaced by another SBCCOG Bench firm on any task orders related to the specific project for the duration of that project

**Q49: In the Schedule of Fees (Exhibit B-1) does "Job Function" mean role on the Project Team for the Bench (Project manager, Team Lead, Project Engineer), title (VP, Principal), category (modeling, PS&E,...) or some other designation?**

A: Job Function means the role the key personnel would be expected to play in any task order issued to the firm. Title within the firm, professional qualifications, areas of expertise, and other related information should be contained in resumes.