



REQUEST FOR PROPOSAL:
REGIONAL RESILIENCY
IMPLEMENTATION PLAN AND
ADAPTATION GUIDANCE
(PHASE II)

Deadline: June 1, 2020

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PROJECT SUMMARY AND BACKGROUND

About SJCOG

The San Joaquin Council of Governments, SJCOG, is a Joint Powers Authority comprised of the County of San Joaquin and the cities of Stockton, Lodi, Manteca, Tracy, Ripon, Escalon, and Lathrop. SJCOG serves as the Regional Transportation Planning Agency (RTPA), the Local Transportation Authority (LTA), the Metropolitan Planning Organization (MPO), and the Congestion Management Agency (CMA). The SJCOG Board of Directors includes advisory representatives from the California Department of Transportation, the San Joaquin Regional Transit District, and the Port of Stockton. SJCOG's monthly board meetings provide the public forum and decision point for significant regional issues such as growth, transportation, environmental management, housing, open space, and air quality. SJCOG's Board of Directors adopt plans, allocate transportation funds, establish policies, and develop programs to address these regional issues which are used by the local governments of San Joaquin County. Citizens, special interest groups, and other agencies are involved in the planning and approval process by participating in SJCOG's committees as well as attending workshops and public meetings.

Introduction

SJCOG is currently concluding the Climate Adaptation and Resiliency Study (Phase 1 Study) for the San Joaquin region. This study was done alongside the Caltrans District 10 Vulnerability Assessment for the state highway system and The Delta Stewardship Council Climate Change Vulnerability Assessment and Adaptation Strategy for the Sacramento-San Joaquin Delta and Suisun Marsh. SJCOG's on-going phase one study will gather and review existing plans to pinpoint planning gaps, assess baseline climate conditions, identify key infrastructure vulnerable to disruption because of changes in climate patterns, determine the risks and consequences of current climate trends, and propose investment priorities to increase the resilience of these important assets to identified risks. This on-going study is the first step in SJCOG's commitment to addressing federal requirements, planning factors, added to the most recent RTP guidelines, adopted January 2017), related to improvement of the resiliency and reliability of the transportation system. SJCOG's on-going study, combined with the outcomes of the Caltrans Vulnerability Assessment and the Delta Stewardship Council's assessment of the delta region within San Joaquin County will synergistically provide the vital elements to now fully integrate transportation resiliency into SJCOG's planning and programming activities. The Regional Resiliency Implementation Plan and Adaptation Guidance (Phase 2) is the critical second step to achieving this goal.

The Regional Resiliency Implementation Plan and Adaptation Guidance seek to further the actionable recommendations of adaptation strategies from the Climate Adaptation and Resiliency Study. This will be done by providing specific solutions related to the risks and vulnerabilities that are discovered in the initial study, as well as include recommendations, project ideas, and specific needs assessments for climate-related issues found within the region. Risk factors may include but are not limited to, asset degradation, redundant/alternate systems, anticipated travel delay, emergency evacuation, safety, and environmental impacts.

This Plan will also specifically address climate vulnerabilities faced by disadvantaged communities within San Joaquin County. The 2018 SJCOG Regional Transportation Plan / Sustainable Communities Strategy discusses disadvantaged communities within the county as being “majority-minority” due to the county’s high Hispanic/Latino population (see table Q2-1 in attachment¹). During SJCOG’s RTP / SCS process, there was high interest from stakeholder groups for an analysis to be performed on the state-designated SB 535 disadvantaged communities as determined by CalEnviroScreen (CES). Through this study with CES, SJCOG identified 117 census blocks for the equity analysis (Table Q2-3 in attachment). While these census blocks have a significant concentration of disadvantaged populations, in a regional context SB 535 census blocks make up a large portion of San Joaquin County - accounting for 51.5% percent of the total regional population. Some of these communities experience greater disadvantage than others and thus may have greater needs.²

SJCOG seeks to address these communities as these “populations not only feel the immediate impacts of climate change more significantly but also have the least resources to adapt to climate changes.”³ The attached map, figure Q2-1, is the result of SJCOG’s CalEnviroScreen analysis of communities of concern. These are the specific communities the Phase 2 Plan will address.

PROJECT OBJECTIVES

The objective of the Regional Resiliency Implementation Plan and Adaptation Guidance is to take the data and recommendations from the phase one Climate Adaptation and Resiliency study and develop a plan that will provide the framework and tools to address the previously identified asset vulnerabilities, planning gaps, and any functional or governance hindrances to advancing projects and programs to increase climate resiliency in the county. The final deliverables will include data evaluation tools and an adaptation planning implementation guide. This planning guide will prioritize policy statements and specific implementation actions to be taken based on an overall level and timing of risk, cost of implementation, and likelihood of successful implementation. Specific project objectives are:

- Carry forward the data, vulnerability assessment, and implementation recommendations of SJCOG’s on-going phase one study to create a shared understanding between local, regional, and state agencies of adaptation planning needs in San Joaquin County
- Provide a focus on disadvantaged communities to ensure their needs are met and prioritized
- Provide a variety of tools for local and regional adaptation efforts to both ensure consistent approaches and methods for project development, but also recognize that communities will have different needs and capacity

- Strengthen existing collaboration and partnerships around climate impacts – and bring in new state and community partners as appropriate
- Expand SJCOG’s role as a source of technical assistance and up-to-date information, guidance, and leadership for county-wide integration of resilience for member agencies, stakeholders, and the public
- Ensure local jurisdictions and other partners are equipped with the technical tools needed to consider expected climate impacts on transportation infrastructure

SCOPE OF WORK

1.0 Engagement and Regional Needs Assessment

TASK 1.1: ANALYSIS WORKSHOP #1

- Conduct a workshop/study session with working group members and stakeholders to review outcomes and objectives for the Regional Resiliency Implementation Plan and Adaptation Guidance, to include: assess outcomes and actionable items/recommendations from Phase I Study regional summit and identify missing and critical information needed from jurisdictions, regional transportation asset managers, and stakeholders.
- SJCOC Responsibility: SJCOC to lead on convening working group, coordinating between SJCOC staff and Project Team, and administrative and logistical tasks related to workshop.
- Consultant Expectations: Consultant to lead on agenda development, preparation of workshop materials, and workshop facilitation
- Estimated Consultant Hours: 10-20

Task 1.2: Develop Needs Assessment Protocol

- Develop a needs assessment protocol that helps SJCOC understand any local barriers to moving regional adaptation and resiliency planning forward. Needs may include additional research, data, staff capacity, case studies, or evaluation tools. This needs assessment will provide the opportunity to collect missing and critical information on functional, governance, and other gaps that will impede the region's ability to respond to climate stressors. This will help to inform local, regional, and statewide planning efforts currently underway or on the verge of beginning (e.g. mitigation plan updates, climate action plans, General Plan updates, or regional planning documents).
- SJCOC Responsibility: SJCOC to provide advisory role throughout development of needs assessment protocol.
- Consultant Expectations: Consultant to lead on developing needs assessment protocol.
- Estimated Consultant Hours: 10-20

TASK 1.3: TARGETED INTERVIEWS WITH ASSET MANAGERS, LOCAL AGENCY STAFF, AND REGIONAL DECISION MAKERS

- Schedule and execute focused interviews with regional asset managers, jurisdictional staff, and other identified stakeholders. The interviewees should include as many non-transportation stakeholders as is practical so that potential co-benefits will be thoroughly understood (e.g. habitat, social, and environmental justice). Community groups and regional decision-makers should also be represented. These interviews will not only increase the understanding of local needs but help identify local resources and case studies from existing plans and previous efforts.
- SJCOC Responsibility: SJCOC to lead on identifying and scheduling interviews with stakeholders. SJCOC will support consultant team on administrative or logistical tasks related to conducting interviews.
- Consultant Expectations: Consultant to lead on conducting interviews using the protocol developed in Task 1.2.

- Estimated Consultant Hours: 20-30

TASK 1.4: COMMUNITY ENGAGEMENT

- Engagement with the public is to be scheduled through events and surveys to collect San Joaquin County community member’s priorities. The questionnaire used for the regional interviews will be the basis for the community engagement surveys. Specific engagement activities are to be scheduled within disadvantaged communities through the proposed mini-grant program.
- SJCOG Responsibility: SJCOG to lead on distributing questionnaires and conducting public engagement events, distributing questionnaires, and working with mini-grant program participants.
- Consultant Expectations: Consultant to lead on developing the questionnaire for collecting community input, with consideration to any required data entry. Consultant to lend expertise and support for developing public engagement strategy.
- Estimated Consultant Hours: 20-30

TASK 1.5: REGIONAL NEEDS ASSESSMENT REPORT

- Based on the results from Tasks 1.1 - 1.4, develop a Regional Needs Assessment Report that captures the adaptation planning needs of San Joaquin County. This report may also include research that is relevant to future studies or planning activities that will likely support local decision-making and policy changes. The report will also inform the development of technical support tools and identify communication needs.
- SJCOG Responsibility: SJCOG to provide an advisory role throughout report development.
- Consultant Expectations: Consultant to lead on analysis of interviews and questionnaire data in order to identify key findings and develop recommendations.
- Estimated Consultant Hours: 20-30

Task	Deliverables
1.1	Workshop results, materials from meeting, agendas, handouts, presentations, documentation of workshop, date, location, attendance, photos, notes, etc.
1.2	Needs Assessment methodology and survey/interview questions
1.3	Needs Assessment results/interview results
1.4	Community engagement survey results
1.5	Regional Needs Assessment Report

2.0 Draft Implementation Priorities List and Prioritization Protocol

TASK 2.1: DEVELOP PRIORITIZATION PROTOCOL

- Vulnerability assessment from SJCOG's phase one study, applicable outcomes from the currently on-going Caltrans District 10 Vulnerability Assessment, and outcomes from the Delta Stewardship Council's vulnerability assessment for San Joaquin's Delta region will be synthesized with the Task 1 needs assessment. This will produce an initial list of policy actions, additional research, data needs, and new transportation project elements needed to ensure increased resiliency of transportation infrastructure to extreme future climate events in San Joaquin County. Additional best practices from other regions will be reviewed and considered for inclusion, if applicable.
- Develop prioritization protocol - SJCOG will work with the consultant to research available data evaluation tools and select the appropriate tools for the prioritization protocol. Evaluation protocol will allow each option to be evaluated by cost of implementation, direct and co-benefits, time to full implementation, severity of timing of asset vulnerability addressed, likelihood of adoption, and several identified key transportation assets addressed. Results will be grouped by both climate risk and asset category.
- SJCOG Responsibility: SJCOG to provide an advisory role throughout development of the initial list. SJCOG to support requests for data or any other relevant resources to complete the task.
- Consultant Expectations: Consultant to lead on researching and producing an initial list of policy actions, data needs, etc.
- Estimated Consultant Hours: 40-50

TASK 2.2: STAKEHOLDER/WORKING GROUP WORKSHOP #2

- Host a second workshop for stakeholders and working group members to present Task 2.1. The group will provide feedback on the list of resiliency solutions and prioritization protocol for their ability to assist local and regional agencies in addressing planning gaps, barriers, issues, challenges, and constraints or advance policies, and projects that will advance resiliency implementation in San Joaquin County.
- SJCOG Responsibility: SJCOG to lead on convening working group, coordinating between SJCOG staff and Project Team, and administrative and logistical tasks related to workshop.
- Consultant Expectations: Consultant to lead on agenda development, preparation of workshop materials, and workshop facilitation
- Estimated Consultant Hours: 10-20

TASK 2.3: FINALIZE PRIORITIZATION PROTOCOL AND PRODUCE FINAL MATRIX OF PRIORITY IMPLEMENTATION ACTIONS

- Based on Task 2.2 results, develop final technical report of prioritization protocol
- Develop matrix of prioritized implementation actions
- Circulate to working group and key stakeholders for final comments
- SJCOG Responsibility: SJCOG to provide an advisory role throughout the development of the final technical report. SJCOG to support consultant team with circulating the final report for comment.

- Consultant Expectations: Consultant to lead on analysis and developing the final technical report.
- Estimated Consultant Hours: 20-30

Task	Deliverables
2.1	Preliminary list of implementation strategies, evaluation protocol methodology, draft matrix of prioritized strategies by transportation asset types and climate risk addressed.
2.2	Stakeholder/working group workshop notes, results, materials, agendas, handouts, presentations, documentation of workshop, date, location, attendance, photos, etc.
2.3	Technical report of prioritization protocol and revised matrix of prioritized strategies for distribution and comment.

3.0 Regional Resiliency Implementation Plan and Adaptation Guidance

TASK 3.1: REGIONAL RESILIENCY IMPLEMENTATION PLAN AND ADAPTATION GUIDANCE DRAFT

- Based on Task 2 results, develop final list of strategies and actions for inclusion in the draft plan. Content of the draft plan will include:
 - introduction to include a summary of previous work completed and the purpose of the plan
 - summary of the process of the plan development
 - a description of each strategy or action, the time frame for implementation, expected co-benefits, and implementation level (state, regional, local) – cross-referenced by transportation asset type and climate vulnerability addressed
- Circulate draft plan to working group and other key stakeholders for review and comments
- SJCOG Responsibility: SJCOG to provide an advisory role throughout the development of the draft plan. SJCOG to support consultant team with circulating the final report for comment.
- Consultant Expectations: Consultant to lead on developing the draft plan.
- Estimated Consultant Hours: 20-30

TASK 3.2: WORKSHOP/STUDY SESSION #3

- Convene working group and key stakeholders to discuss draft plan comments, needs of on-line toolkit/web data portal, and to identify next steps and implementation tracking
- SJCOG Responsibility: SJCOG to lead on convening working group, coordinating between SJCOG staff and Project Team, and administrative and logistical tasks related to workshop.
- Consultant Expectations: Consultant to lead on agenda development, preparation of workshop materials, and workshop facilitation
- Estimated Consultant Hours: 10-20

TASK 3.3: FINAL REGIONAL RESILIENCY IMPLEMENTATION PLAN AND ADAPTATION GUIDANCE

- Incorporate comments and feedback received into a final Plan, including next steps for implementation, further research needed, and appendices of technical reports
- SJCOG Responsibility: SJCOG to provide an advisory role throughout the development of the final plan.
- Consultant Expectations: Consultant to lead on addressing comments and feedback received and compiling the final plan.
- Estimated Consultant Hours:20-30

TASK 3.4: DEVELOP WEB-BASED PORTAL

- Develop adaptation webpage with final reports, data sources/downloads, best practices examples for projects and programs, further research needed, and appendices of technical reports
- SJCOG Responsibility: SJCOG to provide an advisory role throughout the development of web-based portal.
- Consultant Expectations: Consultant to lead on developing and preparing content for web-based portal.
- Estimated Consultant Hours:20-30

Task	Deliverables
3.1	Draft Regional Resiliency Implementation Plan and Adaptation Guidance
3.2	Workshop notes, results, materials, agendas, handouts, presentations, documentation of workshop, date, location, attendance, photos, etc.
3.3	Final Regional Resiliency Implementation Plan and Adaptation Guidance
3.4	Web portal including final reports, data sources/downloads, best practices examples for projects and programs, implementation tracking metrics.

SCHEDULE

Task	Date
RFP distributed to consultants	May 1, 2020
Qualifications & Proposals due to SJCOG	June 1, 2020 by 4:00pm
Proposal review is completed by SJCOG	June 12, 2020
Consultants interviewed (If deemed necessary)	June 15-16, 2020
SJCOG Board approval of Professional Services Agreement	June 25, 2020
Finalize Scope of Work and Execute Contract	July 2, 2020
Begin Work	July 6, 2020

PROPOSAL FORMAT

The consultant is free to submit a response to this RFP in a sequence and format of their choosing, as long as the end result is consistent with the stated intention of the project. There is no page limit.

Proposal content and completeness are important. Clarity and conciseness will be considered in assessing the proposal. The Consultant Selection Committee will screen all consultant proposals submitted in response to this request. The committee will determine, through the screening process, which consultants will be invited (If deemed necessary) to make formal presentations and be interviewed by the selection committee. The Consultant Selection Committee reserves the right to make a final selection for recommendation to the Board of Directors without an interview.

Submittal Requirements

One (1) electronic copy of the proposal must be submitted to SJCOG's office by **4:00 p.m. on June 1, 2020**.

To simplify the review process and maximize the degree of comparative analysis, the proposal should be organized in the following manner:

1. **Transmittal letter:** The transmittal letter should be signed by an official authorized to bind the consultant contractually and will contain a statement so that the proposal is a firm offer for ninety (90) days. The letter accompanying the proposal will provide the following: name, title, address, and telephone of individuals with the authority to negotiate and contractually bind the company.
2. **Table of Contents:** Include identification of the material by section and page number.
3. **Overview:** This section should convey the consultant's understanding of the nature of the work and the general approach to be taken in its performance. This section should include, but not be limited to, a discussion of the purpose of the project, the organization of the project effort, and a summary of the proposed approach.

4. Detailed Work Plan: This section should include the following components:
 - a) Task Description: Include a full description of each step to be followed in carrying out the project. The work description should be presented in sufficient detail (tasks, subtasks, etc.) to show a clear understanding of the work and the proposed approach. Identify proven methods applied to achieve successful consensus between opposing groups.
 - b) Deliverables: A description of the format, content, and level of detail that can be expected for each deliverable.
 - c) Schedule: A schedule showing the expected sequence of tasks, subtasks, etc. should accompany the work description. Important milestones should be identified on the schedule along with the expected time of completion.
 - d) Qualifications: Provide a short description of previous projects that significantly relate to your qualifications for this project. Provide names, addresses, and telephone numbers for a least three clients for whom your firm provided services similar to those described in this RFP.
5. Budget and Cost Breakdown: The budget range for this project is estimated to not exceed \$175,000. If the applicant deems \$175,000 is not possible, SJCOG is still interested in receiving your proposal, and SJCOG reserves the right to adjust the estimated budget.
 - a) The cost breakdown must itemize all items that will be charged to the SJCOG, including travel charges that will be involved, and included in the bid amount. No sub-consultant or direct charge mark-up will be accepted.
 - b) This section should also provide a full description of the expected expenditures of funds for the work described in this RFP. The cost breakdown should include, but is not limited to, the following:
 - i. Billing Rates: A schedule of billing rates by category of employee, to be used in computing the billing cost during the term of the contract. Billing rates should cover all costs associated with the employee.
 - ii. Task Budget: The task budget should include a breakdown by task hours, billing rate charges, and the itemization of other direct costs attributed to the task.
 - iii. Direct Costs: All direct costs (e.g., travel, printing, and postage) specifically attributed to the project and not included in the billing rates must be identified to be eligible for reimbursement. Once contractually authorized, direct cost budgets may not be substituted without the prior written consent of the SJCOG project manager(s).

Proposal Submission Checklist

The following documents are required to be included in a completed proposal. Failure to include any of the documentation will result in disqualification.

Required Documents:

- Transmittal Letter

- Table of Contents
- Overview
- Detailed Work Plan (Task Description, Deliverable, Schedule, Qualifications)
- Budget and Cost Breakdown
- Good Faith Efforts Documentation

Proposal Submittal Process

Submission of Proposal/Period of Acceptance: Proposals must be e-mailed to San Joaquin COG no later than 4:00 p.m., Pacific Standard Time (PST) on June 1, 2020. **Proposals will not be accepted after 4:00 p.m. PST.**

San Joaquin Council of Governments

Rebecca Calija, Manager of Administrative Services

calija@sjcog.org

Subject Line: Climate Study Phase 2 Proposal

Please confirm SJCOG receipt of the proposal with an e-mail reply or verbal confirmation from Rebecca Calija at 209-235-0402. All proposals will remain valid for a period of ninety (90) days following the final date of submission. All proposals will become the sole property of SJCOG and a part of its official records without obligation on the part of SJCOG.

This RFP is not to be construed as a contract of commitment on the part of SJCOG. SJCOG reserves the right to reject all proposals, to seek additional information from each proposer, or to issue another RFP if deemed appropriate. Proposals are prepared at the sole cost of the consultant.

EXAMINATION OF RFP DOCUMENT

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

CONFLICT OF INTEREST

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

SIGNING OF PROPOSAL/AUTHORIZATION TO NEGOTIATE

The proposal shall be signed by an official authorized to bind the proposer and shall contain a statement to the effect the proposal is a firm offer for 90 days. The proposal shall provide the following: name, title, address, and telephone number of individuals with authority to negotiate and contractually bind the company.

MODIFICATION OR WITHDRAWAL OF PROPOSALS

Any proposal received before the date and time specified above for receipt of proposals may be withdrawn or modified by written request of the proposer. To be considered, however, the modified proposal must be received by the proposal due date and time specified previously.

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

REJECTION OF PROPOSALS

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

INELIGIBLE BIDDERS

Each consultant must certify that it is not included on the U.S. Comptroller General's Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Incorporating Labor Standards Provisions.

SJCOG RIGHTS

SJCOG may investigate the qualifications of any proposer under consideration, require confirmation of information furnished by a proposer, and require additional evidence of qualifications to perform the work described in the RFP. SJCOG reserves the right to:

- Reject any or all of the proposals if it deems such action is in the public interest;
- Issue subsequent Requests for Proposals;
- Cancel the entire Requests for Proposal;
- Remedy technical errors in the Request for Proposals process;
- Appoint an evaluation committee to review the proposals;
- Seek the assistance of outside technical experts in proposal evaluation;
- Approve or disapprove the use of particular subconsultants;
- Establish a short list of proposers eligible for interviews after review of written proposals;
- Negotiate with some, all, or none of the respondents to the RFP;
- Solicit best and final offers from all or some of the proposers;
- Award a contract to one or more proposers;
- Accept an offer other than the lowest price offer; and
- Waive informalities and irregularities in proposals and the bid process.

This RFP does not commit SJCOG to enter into a contract, nor does it obligate SJCOG to pay for any costs incurred in the preparation and submission of proposals or in anticipation of a contract. All proposals will be subject to public disclosure as required by the California Public Records Act.

SJCOG reserves the right to investigate the qualifications of all firms under consideration to confirm any part of the information furnished by a proposer, or to require other evidence of managerial, financial, or other capabilities that are considered necessary for the successful performance of the contract.

PROPOSER OBJECTIONS

A proposer may object to any of the terms or provisions set forth in the RFP's Scope of Work or to the selection of a particular proposer on the grounds that SJCOG's procedures, the provisions of this RFP, or applicable provisions of federal, state, or local law have been violated or inaccurately or inappropriately applied by submitting a written explanation of the basis for the objection. Any objections or clarifications regarding the RFP must be submitted no later than 4:00 pm (PDT) May 18, 2020.

SELECTION PROCESS/CONTRACT AWARD

Proposals will not be judged exclusively on any one criterion. Only those firms judged most qualified, based on their qualifications and proposal, will be invited to participate in the remainder of the selection process. Upon the completion of the evaluation of the proposal; SJCOG may invite a limited number of qualified firms, to participate in oral interviews. SJCOG will then select the most responsive firm with which to refine the Scope of Work. Assuming a successful negotiation process, the SJCOG Board may approve the selected consultant. If for any reason negotiations are unsuccessful, the second most qualified firm will be asked to refine the Scope of Work.

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Proposal Scoring	Points
Initial Proposal Evaluation	
Comprehension of Project	35
Thoroughness of Proposal/Meeting the RFP Objectives	20
Qualifications of Team <ul style="list-style-type: none"> • Demonstrated expertise in climate resiliency and adaptation planning • Experience facilitating discussion among stakeholders with divergent perspectives 	25
Experience with similar climate resiliency and adaptation projects and studies <ul style="list-style-type: none"> • Previous projects highlighted support local and/or regional implementation of climate resiliency and adaptation 	25
Supplemental Evaluation (for firms that are shortlisted for consideration and/or interviewed)	
References	10
Oral Interview (if applicable)	15
Maximum Total Score Possible	130

The actual award of the contract will be by the San Joaquin Council of Governments. Proposal opening does not constitute the awarding of a contract. The contract is not in force until it is awarded and executed by the Board identified SJCOG designees.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

SJCOG has established a Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26 and may utilize Federal Funds. This project is subject to 49 CFR, Part 26 entitled “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”.

Although DBE participation goals have not been set for the agreement, SJCOG encourages the participation of DBEs, as defined in 49 CFR 26, in performing Agreements financed in whole or in part with federal funds. Disadvantaged Business Enterprises (DBE) are encouraged to submit proposals to ensure the participation of DBEs in the performance of agreements financed in whole or in part with Federal Funds to achieve its federally mandated Statewide overall goal, as defined in 49 CFR 26. Consultants who obtain DBE participation on this contract will assist Caltrans in meeting its federally mandated statewide overall DBE goal of 17.6%. Please refer to the following website for guidance:

<https://www.transportation.gov/small-business/disadvantaged-business-enterprise-dbe-program> or

<http://www.dot.ca.gov/hq/bep/>.

DBEs and other small businesses are strongly encouraged to participate in the performance of contracts financed in whole or in part with federal funds. The consultant should ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The proposer shall not discriminate based on race, color, national origin, or sex in the award and performance of subcontracts. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

GOOD FAITH EFFORTS

The DBE policy requires contractors to follow Good Faith Effort Guidelines; however, they are limited to UDBEs. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian-Pacific Americans. **All proposers need to document in the proposals how they made Good Faith Effort to include DBEs firms in the proposal.**

NONDISCRIMINATION

The Authority will never exclude any person from participation in, deny any person the benefit of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 based on race, color, sex, or national origin. The Authority will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the Caltrans DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The selected consultant agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (49 USC 2000d) and the regulations of the U.S. Department of Transportation issued thereunder in 49 CFR Part 21.

CONTRACT PROVISIONS

INSURANCE REQUIREMENTS

Without limiting SJCOG's right to obtain indemnification from the consultant or any third parties, the selected consultant, at its sole expense, shall maintain in full force and affect the following insurance policies throughout the term of the contract.

Comprehensive general liability insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage. Comprehensive general liability insurance policies shall name SJCOG, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under the terms of the contract are concerned. Such coverage for additional insured shall apply as primary insurance or self-insurance and any other insurance, maintained by SJCOG, its officers, agents, and employees, shall be given excess only and not contributing with insurance provided under the Consultant's policies herein.

Comprehensive automobile liability insurance with limits for bodily injury of not less than \$25,000 per person, \$250,000 per accident and for property damages of not less than \$50,000, or such coverage with a combined single limit of \$250,000. Professional liability insurance of at least \$1,000,000 is required. Worker's compensation insurance is also required by law.

This insurance shall not be canceled or changed without a minimum of thirty (30) days advance written notice given to SJCOG. The selected consultant shall provide certification of said insurance to SJCOG within twenty-one (21) days of the date of the execution of the contract. Such certification shall show, to SJCOG's satisfaction, that such insurance coverage's have been obtained and are in full force; that SJCOG, its officers, agents, and employees will not be responsible for any premiums on the policies; that as and if required such insurance names SJCOG, its officers, agents, and employees individually and collectively as additional insured (comprehensive and general liability only), but only insofar as the operations under the contract are concerned, that such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by SJCOG, its officer, agents, and employees, shall be excess only and not contributing with insurance provided under the consultant's policies herein; and that this insurance shall not be canceled or changed without a minimum of thirty (30) days advance, written notice given to SJCOG.

In the event the selected consultant fails to keep in effect at all times insurance coverage as herein provided, SJCOG may, in addition to other remedies it may have, suspend or terminate the contract upon the occurrence of such event.

CONTRACT ASSURANCE

DBE regulations require the following contract assurance statement in every DOT-assisted contract and subcontract: "The consultant or subconsultant shall not discriminate based on race, color, national origin, or sex in the performance of this contract. The consultant shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract, or such other remedy as the recipient deems appropriate."

PROMPT PAYMENT

Attention is directed to Section 7108.5 of the California Business and Professions Code, which requires a prime consultant or subconsultant to pay any subconsultant not later than 10 days of receipt of each progress payment unless otherwise agreed to in writing. In addition, Federal Regulation (49 CFR 26.29) requires a prime consultant or subconsultant to pay a subconsultant no later than 30 days after receipt of each payment, unless any delay or postponement of payment among the parties takes place only for good cause and with the prior written approval of the agency. Section 7108.5 of the California Business and Professions Code also contains enforcement actions and penalties. These requirements apply to both DBE and non-DBE subconsultants.

METHOD OF PAYMENT

Payment to the selected consultant will be made upon the successful completion of project tasks as invoiced by the consultant. Ten (10%) percent of the invoiced amount will be reserved and will be paid to the consultant upon successful completion of the entire project

BID PROTEST

1. **Bid Protest.** Any bid protest must be sent electronically and received by SJCOG by email to Rebecca Calija at calija@sjcog.org before 4:00 p.m. no later than five (5) business days following bid opening (the “Bid Protest Deadline”) and must comply with the following requirements:
 - 1.1. **General.** Only a bidder who has submitted a Bid Proposal is eligible to submit a bid protest against another bidder. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder but must timely pursue its protest. If required by SJCOG, the protesting bidder must submit a non-refundable fee in the amount specified by SJCOG, based upon SJCOG’s reasonable costs to administer the bid protest. Any such fee must be submitted to SJCOG no later than the Bid Protest Deadline unless otherwise specified. For purposes of this Section, a “business day” means a day that SJCOG is open for normal business, and excludes weekends and holidays observed by SJCOG.
 - 1.2. **Protest Contents.** The bid protest must contain a complete statement of the basis for the protest and all supporting documentation. Material submitted after the Bid Protest Deadline will not be considered. The protest must refer to the specific portion or portions of the Contract Documents upon which the protest is based. The protest must include the name, address, email address, and telephone number of the person representing the protesting bidder if different from the protesting bidder.
 - 1.3. **Copy to Protested Bidder.** A copy of the protest and all supporting documents must be concurrently transmitted by fax or by email, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.
 - 1.4. **Response to Protest.** The protested bidder may submit an emailed response received by SJCOG before 5:00 p.m., within seven (7) business days after the Bid Protest Deadline or after actual receipt of the bid protest, whichever is sooner (the “Response Deadline”). The response must include all supporting documentation. Material submitted after the Response Deadline will not be considered. The response must include the name, address, email address, and telephone number of the person representing the protested bidder if different from the protested bidder.
 - 1.5. **Copy to Protesting Bidder.** A copy of the response and all supporting documents must be concurrently transmitted by fax or by email, by or before the Response Deadline, to the protesting bidder and other bidders who have a reasonable prospect of receiving an award depending on the outcome of the protest.
 - 1.6. **SJCOG Action.** The Executive Director will designate staff to investigate disputed factual allegations, if any, contained in the protest.
 - 1.6.1. The designated staff will prepare a Proposed Decision with assistance from SJCOG General Counsel as soon as possible. The Proposed Decision should contain a summary of the protest and any responses received an evaluation of the protest and a recommendation as to whether the protest should be allowed or denied. The Proposed Decision will only address the issues raised in the protest. The Proposed Decision shall be submitted to the Executive Director for approval.

- 1.6.2. If the Proposed Decision is approved by the Executive Director, the Proposed Decision is then transmitted to the SJCOG Board Members.
- 1.6.3. If a Member of the Board does not request full Board consideration of the protest within ten days of mailing of the Proposed Decision, the Proposed Decision becomes the Final decision of SJCOG and is mailed to the protestor and the protested bidder to whom Award was authorized.
- 1.7. **Exclusive Remedy.** The procedure and time limits outlined in this Section are mandatory and are the bidder's sole and exclusive remedy in the event of the bid protest. A bidder's failure to comply with these procedures will constitute a waiver of any right to further pursue a bid protest, including filing a Government Code Claim or initiation of legal proceedings.
- 1.8. **Right to Reject all Bids.** The bidder's filing of a protest shall not preclude SJCOG from rejecting all bids or proposals and re-advertising a contract. Rejecting all bids or proposals shall render a protest moot and terminate all protest proceedings.
- 1.9. **Right to an Award.** The SJCOG Board of Directors reserves the right to award the contract to the bidder it has determined to be the responsible bidder submitting the lowest responsive bid and to issue a notice to proceed with the Work notwithstanding any pending or continuing challenge to its determination.

QUESTIONS

All questions regarding the RFP should be sent in writing by email to the staff contact listed below:

Christine Corrales
Associate Regional Planner
San Joaquin Council of Governments
corrales@sjcog.org