

**RIO GRANDE VALLEY METROPOLITAN PLANNING ORGANIZATION (RGVMPO)
LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC)
301 W RAILROAD
WESLACO, TEXAS 78596**

**REQUEST FOR PROPOSALS (RFP)
RFP TITLE: 2020-2045 METROPOLITAN TRANSPORTATION PLAN UPDATE**

Introduction

The scope of this project involves developing a 2020-2045 Metropolitan Transportation Plan Update for the Rio Grande Valley MPO Area. In general, the Plan is envisioned to consist of recommendations for a community-supported comprehensive network of multi-modal transportation options to connect neighborhood users to special generators and key destinations. The scope also involves ensuring compliance with federal performance-based planning as indicated in MAP-21 and FAST-Act, including compliance regarding performance measures and performance target requirements.

As per the US Department of Transportation 49 CFR Part 26 which mandates to comply with TxDOT's Disadvantaged Business Enterprise DBE requirements, the appropriate documentation has been included at the end of this RFP.

Schedule of Events**

RFP Release	Sunday, August 11, 2019
Deadline for Submittal of Questions	Friday, August 16, 2019 @ 4:00pm (CTZ)
Release of Response to Questions	Tuesday, August 20, 2019
Deadline for Submission of Proposals	Wednesday, September 11, 2019 @ 5:00 pm (CTZ)
Technical Committee Evaluations	Wednesday, September 18, 2019 (tentative)
Technical Committee Interviews (if needed)	Tuesday, September 24, 2019 (tentative)
Technical Committee Final Recommendation To Policy Committee	Wednesday, October 9, 2019 (tentative)
Policy Committee Permission to Enter into Contract with Consultant	Wednesday, October 30, 2019
Contract Begins	Wednesday, October 30, 2019

*The LRGVDC and RGVMPO reserve the right, in its sole discretion, to change the above dates. Notices of changes to items directly impacting the original RFP or proposal process will be posted on the LRGVDC website under the procurement section. Any changes to the timeline will require RGVMPO Policy Committee Approval according to established policy.

SUBMISSION OF PROPOSALS:

Twenty (20) original **Technical Proposals** and One Electronic **must** be sealed and submitted as the offeror’s response, subject to the terms and conditions of this Request for Proposals (“RFP”), to:

(If hand delivered) Procurement Director
LRGVDC
301 W Railroad
Weslaco, Texas 78596

RFP Title: 2020-2045 RGVMPO MTP Update

(If Mailed) Procurement Director
LRGVDC
301 W Railroad
Weslaco, Texas 78596

RFP Title: 2020-2045 RGVMPO MTP Update

ALL PROPOSALS MUST BE RECEIVED IN THE OFFICES OF THE LRGVDC NO LATER THAN 5:00 P.M. CENTRAL TIME, WEDNESDAY, SEPTEMBER 11, 2019. The LRGVDC/RGVMPO is not responsible for lateness or non-delivery of mail, carrier, etc., and the date/time stamp at the receptionist area of the LRGVDC shall be the official time of receipt. Proposals received late will not be returned.

Proposal contents considered confidential/proprietary by the Offeror, shall be clearly identified and subject to confirmation by the LRGVDC and RGVMPO. Should the material not be deemed confidential/proprietary, the Offeror may withdraw the designated materials from consideration prior to review and the evaluation process.

Part I GENERAL INFORMATION

1.1 Introduction

The LRGVDC/RGVMPO, in close cooperation with the TxDOT, currently performs the transportation planning for the urbanized area in the Rio Grande Valley area.

The LRGVDC/RGVMPO is seeking a qualified consulting firm to update the 2020-2045 Metropolitan Transportation Plan.

Selected Respondent(s) [“Selected Consultant” or “Consultant”, where singular includes plural of both terms] must be prepared to begin performance of any contract resulting from issuance of this RFP, on or about WEDNESDAY, OCTOBER 30, 2019.

1.2 The LRGVDC/RGVMPO Responsibilities

The LRGVDC/RGVMPO shall pay no costs or other amount incurred by any entity in responding to this RFP. The LRGVDC/RGVMPO reserves the right, in its sole discretion, to select one or more qualified responses to this RFP without discussion of responses with respondents. The LRGVDC/RGVMPO reserves the right to refuse and reject any and all submitted proposals and to waive any and all formalities or technicalities and to accept the proposal(s) considered the best and most advantageous to the LRGVDC/RGVMPO.

All proposals will become part of the LRGVDC/RGVMPO’s official procurement files and will be available for public inspection. The LRGVDC/RGVMPO will work with the Selected Consultant to help ensure that the 2020-2045 Metropolitan Transportation Plan update will be of the highest quality and acceptable to the LRGVDC/RGVMPO.

1.3 Respondent Responsibilities

Qualified, independent consultants are invited to submit proposals in accordance with this RFP. Proposals must address all specifications. Selected Consultant will organize the project under the direction of the RGVMPO. Selected Consultant will be liable, both individually and severally, for the performance of all obligations under the 2020-2045 Metropolitan Transportation Plan update and will not be relieved of non-performance of any subcontractor. Selected Consultant will be the sole point of contract responsibility. The LRGVDC will look solely to the Selected Consultant for performance of the Congestion Management Process.

1.4 Point of Contact

Questions concerning this RFP must be submitted through email. All questions and inquiries should be sent to lrgvdc@lrgvdc.org. **Upon issuance of this RFP, employees and other representatives of the LRGVDC/RGVMPO will not answer questions or otherwise discuss the contents of this RFP with any potential respondents or their representatives. Failure to observe this restriction may result in disqualification of any subsequent proposal. This restriction does not preclude discussions unrelated to this RFP.**

1.5 Written Questions and Official Responses

All Inquiries and Questions concerning this RFP must be submitted via email to lrgvdc@lrgvdc.org no later than 4:00 p.m. (CTZ), Friday, August 16, 2019. Telephone inquiries will not be accepted. Questions may be submitted by E-mail only. The LRGVDC will post its responses to the questions received by the deadline electronically on the LRGVDC's web page www.lrgvdc.org on or about **Tuesday August 20, 2019**, or as soon thereafter as practical. The LRGVDC will email copies of its official responses to those respondents specifically requesting a copy by E-mail.

If the respondent discovers any ambiguities, conflicts, discrepancies, exclusionary specifications, omissions, or other errors in this RFP, respondent must immediately notify the Procurement Director. If a respondent fails to so notify the Procurement Director, such respondent submits a proposal at its own risk and under such conditions. If the respondent is awarded the contract, then it is not entitled to additional compensation, relief, or time by reason of the error or its later correction.

1.6 Deadline for Submission of Proposals; Copies

Twenty (20) original Technical Proposals and **one Electronic** must be submitted to and received by the LRGVDC Procurement Director no later than 5:00 p.m. (CTZ), on **Wednesday, September 11th, 2019**. Faxed responses are not acceptable. Proposals received after the deadline will not be accepted. The LRGVDC will not consider proposals from respondents that do not submit timely proposals. Respondents are solely responsible for verifying the LRGVDC's receipt of their proposals by the deadline specified above. Late proposals will not be considered under any circumstances.

The selected firm should be ready to submit one (1) sealed Cost Proposal at a moment's notice.

1.7 Right to Amend, Modify or Withdraw the RFP

The LRGVDC/RGVMPO reserves the right, in its sole discretion, to amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of the 2020-2045 Metropolitan Transportation Plan Update, if it is in the best interest of the LRGVDC and RGVMPO. The decision of the LRGVDC/RGVMPO, or its designee, shall be administratively final in this regard.

1.8 Time

The times stated in this document refer to Central Time Zone (CTZ) where appropriate, unless otherwise stated in this document. The LRGVDC's regular office hours are 8:00 a.m. to 5:00 p.m. (CTZ), Monday through Friday, except State and LRGVDC holidays.

PART II PROJECT SCOPE, DELIVERABLES AND PERFORMANCE CRITERIA

RGVMPO 2045 Scope

Task 1 - Develop a Regional MTP for the Rio Grande Valley MPO

1. Project Administration and Coordination

- Project Management Plan.
- Working document outlining agreed upon Scoring Criteria for 2045 MTP and Transportation Conformity Report, data requirements, proposed sources, schedule for collection, and costs for data to be purchased or collected.
- Monthly progress report that delineates activities performed.
- Biweekly coordination meetings.
- Monthly billing invoices and supporting documentation.
- Schedule for project completion and review (all tasks).

2. Public Participation and Stakeholder Engagement

- Public Outreach Plan: Including schedule, milestones, and evaluation process.
- Public outreach materials and activities: Including kick-off press conference, materials for public service announcements and advertisements, social media activities, e-mail blasts, newsletter inserts, and other materials and activities identified in the Public Outreach Plan.
- Online engagement tool and content: Including but not limited to interactive maps, graphic exhibits, surveys, and regular updates.
- Presentation to the MPO staff and committees on progress during the project.
- MTP social media presence.
- Open house events for midway and draft plan.
- Stakeholder interviews.
- Public participation evaluation materials and results.
- Technical memorandums on public participation results.

3. Plan Goals and Objectives

- Incorporation of public and committee feedback on regional goals and objectives as well as inclusion of goals and objectives from related performance-based plans such as Congestion Management Plan, Transportation and Transit Asset Management Plans. These plan goals and objectives will also include all relevant federal planning criteria and national goal areas as defined under 23 C.F.R. part 450.306 and will comply with requirements in 23 C.F.R. part 450.324.

4. 2045 Transportation System Needs Assessment

- Highway Needs Assessment
- Development and Land Use Growth Needs
- Transportation Systems Management and Operation Applications
- System Safety Analysis
- Freight and Goods Movement Needs
- Transit Needs Assessment
- Pedestrian, Bicycle Needs

4.1. Environmental Conditions and Equity Analysis

4.2. Resilience Analysis

5. Federal Compliance

5.1. Update Congestion Management Process

5.2. Project Prioritization

- 5.2.1. Incorporate public feedback into FAST Act based scoring process
- 5.2.2. Conduct project scoring exercise with MPO Technical Committee. This process may be conducted as an in-person workshop or through an interactive online tool.

5.3. Financial Analysis

- 5.3.1. Revenue Analysis
- 5.3.2. Estimated Project Costs
- 5.3.3. Apply fiscal Constraint

5.4. System Level Analysis

- 5.4.1. Review proposed programs of projects against historical, cultural, and environmental features as well as environmental justice zones to screen for potential impacts.

6. MTP Document Development and Delivery

- Twenty copies of the Draft 2045 MTP suitable for public distribution; one unbound, reproducible document; and a copy in electronic format for review.
- Participation in public meetings and presentations.
- Compilation of input and comments received from the public, stakeholders, and LRGV MPO planning partners.
- Final high quality, aesthetically pleasing best practice 2045 MTP document describing the development and contents of the 2045 MTP and its anticipated positive outcomes for the LRGV regional transportation system.
- A polished, easily understood summary brochure providing the highlights and key features of the 2045 MTP demonstrating its value to the community in terms of mobility and economic sustainability.

Task 2 - Develop a Transit Development Plan for the Rio Grande Valley MPO Region

1. Public Engagement Task

- Develop involvement plan for public, stakeholders, traditional media outlets and social media outlets
- Host an online and paper survey
- Host in person events
- Develop PE summary

2. Conduct an On-Board Origin and Destination Survey:

- A survey of Valley Metro riders during normal revenue service beginning in October 2019 and concluding when agreed upon sample size is achieved. Sample size should be statistically significant and meet FTA standards.
- Use of electronics (i.e. tablets) in data collection in order to streamline collections, organization and accuracy.
- Demographic information collection to be used in the FTA Title VI report.
- Versions of the survey available in hard copy and different languages. Spanish at a minimum.

- Data collection method that collects data to accurately reflect Valley Metro rider's travel patterns including starting location and ending location in order to obtain linked trip data by time of day.
- Coverage of all fixed route services beginning with low ridership routes first to ensure sample sized are reached by the end of the collection period.
- Data collection that will allow Valley Metro to determine walkshed and mode of travel to bus stops.
- Methodology that will be able to record and geocode boarding/alighting location if passenger uses flag-a-stop.
- Methodology that captures transfer activity.
- Data collection to determine if a passenger boarded/alighted at a bus stop or at a flag-a-stop location.
- Coordination with other transit agencies to verify transfer activity data between Valley Metro and local providers such as B-Metro and Metro McAllen that was collected through the survey.
- Statistical tabulation capability to include data cross-tabulation of any data collected, and other relevant industry standard data comparisons.
- Provide a simple, user-friendly interface for querying cross-tabulations of data and an instructional manual.
- Ensure the O&D study will be able to inform and update future versions of the LRGV TDM to have a mode choice component.

3. Existing Conditions Task

- a. Fixed route operational analysis: Conduct an analysis of existing services that evaluates
 - Ridership;
 - Fleet;
 - Funding;
 - On time performance;
 - Travel time;
 - Levels of service;
 - Transfer opportunities; and
 - Service standards.
- b. Market analysis: Conduct an analysis that looks at existing and future markets driven by existing and projected population and employment data. Analyze productions and attractions from the LRGV Transportation Demand Model. Conduct a key destination analysis. Transit propensity analysis. Analyze transit dependent and at-risk populations that include:
 - i. Poverty
 - ii. Minority
 - iii. Car Free
 - iv. Senior
 - v. Youth
 - vi. Disabled
 - vii. Limited English

4. **Service standards Task.** Develop service standards or guidelines and document key performance indicators. Develop agency specific measurements and annual service

assessment tools for agency to continue tracking performance measures after plan is complete. Identify agency specific targets and recommendations.

5. **Develop service alternatives or recommendations.** Identify concepts or alternatives that would improve transit. Recommendations or alternatives should include:
 - Route alignments modifications
 - Route headway adjustments
 - Route service span adjustments
 - Service delivery recommendations
 - Other operational recommendations to improve service.

6. **Recommendation/Implementation:** Include an implementation plan that details associated costs, resources and actions needed to successfully and implement the recommendations. This section should include:
 - Implementation plan
 - List of action items needed to implement recommendations
 - Financial and funding plan
 - Cost Estimations

7. **DRAFT and Final Plan and Executive Summary Brochure**
 - Draft Plan
 - Final Plan
 - Executive Summary Brochure Potential other TDP plan elements/components:
 - STOPS ridership forecasting: Use FTA’s STOPS model to forecast ridership.
 - Schedule and route optimization.
 - Online Public Involvement Site: Public Involvement Platform Online (ArcGIS Online, with link on Agency website) with Overview of Project, Existing Conditions Assessment, Public Involvement Efforts (including survey), High Level Service Standard Concepts that ATG uses to improve service, Final LPA and Implementation Plan.

Task 3 Develop a Bicycle and Pedestrian Plan for the Rio Grande Valley MPO Region

1. **Existing Conditions Assessment**
 - Plan Review
 - Facility Inventory and Condition Assessment
 - Safety Review
 - Environmental Quality and Comfort Assessment
 - Travel Patterns
 - Connectivity Analysis

2. **Public/Stakeholder Engagement**
 - Surveys
 - Open Houses
 - Stakeholder Workshops
 - Community Events

3. **Network Development and Recommendations**
 - Preliminary and Final Bicycle Networks
 - Preliminary and Final Bicycle Networks

- Project List
- Facility Typology Development and Recommendations

4. Implementation Program

- Project Prioritization
- Project Costs
- Funding Assessment
- MTP Integration

5. Draft and Final Bicycle and Pedestrian Plan Development

- Plan Branding
- Draft Plan
- Final Plan
- Executive Summary

TASK 4 – Federal Compliance

4.1 – Financial Constraint

In accordance with the mandates of the FAST Act, the MTP recommendations must be fiscally constrained. The Consultant will prepare an assessment of the estimated funding availability which can reasonably be expected to be available from all sources during the plan period. The calculations will include a rate of growth factor which will be agreed upon in consultation with the MPO and TxDOT.

4.2 – Performance-Based Planning

In accordance with the mandates of the FAST Act, the MTP must include a description of the Federally required performance measures and performance targets used in assessing the performance of the transportation system. The Consultant will provide a brief memo demonstrating how the MTP is compliant with the provisions of the FAST Act and how performance-based planning has been incorporated into the MTP process. The Consultant will also create a system performance report evaluating the condition and performance of the transportation system with respect to the Federally required performance targets including progress achieved by the MPO toward the performance targets.

4.3 – Deliverables

- Assessment of the estimated funding including rate of growth factor for MPO and TxDOT review; and
- A brief memorandum demonstrating FAST Act compliance and outlining how performance-based planning has been incorporated into the MTP process.

TASK 5 – Final Report

5.1 – Report Contents

The Consultant will deliver a final report which addresses all Federal transportation planning requirements and reasonably satisfies all comments made during the public involvement phase of the project. The report will include a description of the public engagement and contain a summary of how the feedback was incorporated into the decision-making process.

The report shall be delivered in 8.5x11 inch portrait format. Separate maps, drawings and or other exhibits may be printed larger 8.5x11 in order to provide optimal detail.

5.2 – Plan Recommendations

The Consultant will use the financial assessment of the anticipated costs and revenues to prepare a realistic list of projects for construction based on the anticipated funding levels. Identified projects which cannot reasonably be forecasted to have available funds by 2045 will be grouped as illustrative projects. In addition to the projects list, the Consultant will propose policies and actions to address system deficiencies and opportunities identified during the multimodal analysis (Task 1).

5.3 – Draft Plan

The Consultant will develop a draft plan for consideration by the public, stakeholders and policy makers, and make revisions to it in consultation with the MPO staff. All outreach will be compliant with the MPO’s Public Participation Plan.

5.4 – Deliverables

- 20 hard copies of the report including exhibits and maps
- One (1) digital copy of the report (8.5x11 portrait format) and exhibits in Adobe PDF format;
- One (1) digital copy of the report in an editable format such as MS Word or other common program; and
- PDF copies of all system map(s) in the report sized to their original aspect ratio.

Part IV DELIVERABLES AND PERFORMANCE CRITERIA

4.1 Project Deliverables

The Selected Consultant shall, at a minimum, provide the project deliverables as agreed upon data delivery frequency with the RGVMPO regarding the 2020-2045 Metropolitan Transportation Plan update. The report will be delivered in the agreed upon format. The Selected Consultant will do all of the data collection and analysis. The Selected Consultant will also deliver a presentation to the RGVMPO Technical and Policy Committees on the findings on the final product.

Part V TECHNICAL PROPOSAL REQUIREMENTS

The required contents and limitation for preparation of the technical proposal are described in this section. Failure to provide the requested information or adhere to any state limitations may result in disqualification of the submitted proposal. A total of twenty (20) original copies of the Technical proposal and One Electronic **must** be submitted to the address given in the cover letter.

5.1 Requirements

The required contents for the Technical Proposal are presented below in the order they should be incorporated into the submitted document.

5.1.1 Understanding of the Proposed Project

This section should demonstrate the consultants' understanding of the project needs, the work required, and any local issues or concerns. This description should be concise, candid, and is limited to 3 pages in length.

5.1.2 Proposed Work Plan

The consultant should present the proposed work plan necessary to complete the work itemized under the scope of service. The proposed work plan should address each of the specific work elements described in the scope of service, but the consultants may propose additional work beneficial to completing the update of the 2020-2045 Metropolitan Transportation Plan update. Where appropriate, the methodology to be used to accomplish a specific task should be described. There is no page limitation for this section, but consultants are encouraged to be concise.

5.1.3 Schedule

A proposed schedule for completing each task should be provided. For each review proposed by the consultant, the schedule shall reflect the maximum allowable review time available to maintain the proposed schedule. The schedule shall also reflect expected dates for deliverables.

5.1.4 Firm Qualifications

This section should include a description of the firm's most recent or applicable transportation data collection projects. For each project, a client contact name and phone number should be included for reference purposes. Additionally, the names of the personnel proposed for this project who participated in the listed projects should be provided. This project list is limited to 5 pages.

5.1.5 Personnel and Staffing

The consultant should provide an organizational chart for the project and a summary paragraph of the project work to be performed by each proposed staff member. Biographic summaries that highlight the experience relevant to the specific project responsibilities should be provided for all proposed personnel. This section should highlight personnel's experience with the proposed technology. There is a one (1) page limitation for each biographic summary provided.

5.1.6 Required Certification and Submittal

This section will contain any certification(s) and assurance(s) as required by TxDOT, the RGVMPPO and the Federal Highway Administration (FHWA).

If the firm wishes to claim DBE credit the proposal must contain a DBE certificate.

5.1.7 Tools, Equipment and Supplies

The consultant shall provide tools, equipment, supplies, materials, employees, management, and any other item or services as may be necessary in order to enable the consultant to provide the services required under the scope of service.

5.2 Items available to the Selected Consultant

The items available to the consultant from the RGVMPPO are as follows:

- 2040 Metropolitan Transportation Plan
- Most current PPP
- Most current Bicycle Plan, Pedestrian Plan and Transit Plan
- Travel Demand Model data
- GIS files as required
- Other relevant maps, plans, studies, and data as required

Part VI TECHNICAL PROPOSAL FORMAT

6.1 Introduction

Proposals must be complete; failure to provide all required information may result in disqualification of the proposal. Conciseness and clarity of content is required; vague and general proposals will be considered non-responsive and will result in disqualification. Proposal pages must be numbered and contain an organized, paginated table of contents corresponding to the section and pages.

The objectives of the technical portion of the respondent's proposal are to demonstrate:

- The experience and expertise of respondent's personnel and respondent's subcontractor personnel to complete all required deliverables under the Contract.
- Respondent's ability to logically plan and complete their reviews; and
- Respondent's ability to successfully deliver their review results.

Respondent must demonstrate their understanding of the critical elements of a performance review by specifically addressing and describing respondent's approach to providing the required, service and deliverable listed; the staffing and resources that will be devoted and required to fulfill each task; the proposed time schedule required to complete each task.

6.2 General Organization of Proposal Contents

6.2.A Transmittal Letter

Respondent must submit with its proposal a transmittal letter that identifies the entity submitting the proposal and includes a commitment by the entity to provide the services required by the LRGVDC and the RGVMP. The transmittal letter must state that the proposal is valid for **ninety (90) days for the deadline for delivery of the proposals to the LRGVDC. Any proposal containing a term of less than ninety (90) days for acceptance from this deadline will be rejected as non-responsive.**

The transmittal letter must be signed by a person legally authorized to bind the respondent to the representations as set forth in the response. In the case of a joint proposal, each part must sign the transmittal letter. Respondent also must indicate, in its transmittal letter, why it believes that it is the most qualified respondent to provide the requisite services.

6.2.B Executive Summary

Respondent must provide an executive summary of its proposal and a representation that the proposal addresses all of the requirements of this RFP. The executive summary must not exceed four (4) pages and must represent a full and concise summary of the contents of the proposal. The executive summary must not include any information concerning the cost of the proposal. Respondent must identify any services that are beyond those specifically requested. If respondent is providing services that do not meet the specific requirements of this RFP, but in the opinion of the respondent are equivalent or superior to those specifically requested, any such differences must be noted in the executive summary. However, failure to provide the services specifically required may result in disqualification of the proposal. The executive summary must include the consultant's understanding of the project.

6.2.C Proposed Subcontractor(s) Identifying Information and Statements

Proposals must identify any subcontractors, and outline the contractual relationship between Selected Consultant, respondent and each joint respondent or proposed subcontractor. Respondent must also, if selected for award of the contract, provide the LRGVDC with a copy of any proposed subcontract at least thirty (30) days in advance. The LRGVDC reserves the right, in its sole judgment and discretion, to approve or disprove any such subcontract. Respondent must provide statements from each of its proposed subcontractors, signed by an individual authorized to legally obligate each subcontractor, attesting to the fact that it will provide the services as represented in respondent's proposal. Respondent must disclose, at the LRGVDC's request, any information regarding proposed subcontractors.

6.2.D Cost Proposal ***To be submitted in a separate and sealed envelope.***

Respondent must include with its proposal all proposed costs for the Plan, including personnel costs, travel, and all other out of pocket expenses required to perform the

Plan. Respondent must include in its cost proposal all costs and expenses associated with its attendance at and participation in, all meetings as requested in this RFP.

Proposed costs must be detailed by proposed respondent and subcontractor personnel to provide services under the Plan Contract. Selected Consultant must provide any equipment, software, data communication lines, or other materials required to complete the Project.

The LRGVDC reserves the right in its sole discretion, to require the Selected Consultant to post a performance bond. The total cost subject to evaluation will not include the cost of a performance bond.

Part VII COST PROPOSAL FORMAT AND REQUIREMENTS

The technically preferred respondent must identify each person and their firm (respondent or subcontractor); the proposed hourly rates and number of hours for each person by content section; the total number of hours, fees, and other expenses for each person; and the total costs. The Cost Proposal must include all costs that the respondent proposes to be authorized for payment by the LRGVDC under the Plan contract. Cost Proposal will be broken down and include a breakdown Profit Rate from Overhead. Unloaded rates are preferred.

Part VIII GENERAL TERMS AND CONDITIONS

8.1 Rejection of Proposal Response

The LRGVDC may reject a proposal response if:

- The consultant misstates or conceals any material fact in the proposal.
- The consultant does not strictly conform to law or the requirements of the RFP.

The LRGVDC may reject any and all proposal responses and may reject any part of a proposal response. The LRGVDC may also waive any irregularities in any response whenever it is deemed in the best interest of the LRGVDC to do so.

8.2 Withdrawal or Modification of Proposal Responses

Proposal responses may be withdrawn or modified prior to the deadline for submission if the request to do so in writing and on the letterhead of the consultant. Persons bearing such requests must show positive identification of authorization to submit the request. Proposal responses and requests for withdrawal or modification received after the deadline for submission of responses will not be accepted.

8.3 Clarification/Exceptions to Proposal Specifications

Any consultant in doubt as to the true meaning of the specifications, or other proposal documents or any part thereof, may submit a request for clarification to LRGVDC on or before **Friday, August 16, 2019 at 4:00 p.m.** All such requests shall be made in writing and the person submitting the request shall be responsible for its prompt delivery.

Any interpretation of proposal documents, if made, will be by Addendum duly issued. A copy of such Addendum will be posted on the LRGVDC website, under the procurement section. The LRGVDC will not be responsible for any other explanation or interpretation of the specifications made or given prior to the award of the contract.

Prospective consultants are advised that the required bidder's conference is the forum through which prospective consultants are invited to offer comments and suggestions for consideration by the LRGVDC.

8.4 Protest Procedures

A written complaint must be sent by certified mail to LRGVDC's Procurement Director within seven (7) business days and shall identify the following:

- Name, mailing address and business phone number of the complainant
- Appropriate identification of the RFP being questioned
- A precise statement of reasons for the protest
- Supporting exhibits, evidence or documents to substantiate any claims

The protest must be based on an alleged violation of LRGVDC's procurement procedures, a violation of Federal or State law (if applicable), or a violation of applicable contract agreements to which LRGVDC is a party. Failure to receive a procurement contract award from LRGVDC, in and of itself, does not constitute a valid protest. LRGVDC will provide a response to the protest within fourteen (14) business days that clearly states its position regarding the protest.

8.5 Commencement of Work

Commencement of work will begin once the Notice to Proceed has been issued.

8.6 Inquiries and Administrative Guidance

Questions on this RFP must be made in writing and submitted via email to lrgvdc@lrgvdc.org.

Copies of all correspondence of a contractual nature should be sent clearly marked on both the document as well as the covering envelope with the RFP Name. Deadline for questions and inquiries will be **Friday, August 16, 2019 at 4:00 p.m. CTZ.**

LRGVDC will issue replies and any other changes by addendum (amendment) and post them to the LRGVDC website, under the procurement section. All such addenda (amendments) issued by LRGVDC prior to the time that proposals are received shall be considered part of the RFP, and the respondents must be required to consider and acknowledge receipt of such in their proposals.

Only replies by formal written addenda (amendments) must be binding. Oral and other interpretations or clarifications will be without legal effect. The respondent must acknowledge receipt of all addenda (amendments) by completing and including the Addendum Response Form with their proposal.

The information provided herein is intended to assist consultants in the preparations of proposals necessary to properly respond to this RFP. The RFP is designed to provide interested consultants with sufficient basic information to submit proposals meeting minimum requirements but is not intended to limit a proposal's content or to exclude any relevant or essential data there from. Consultants are at liberty and are encouraged to expand upon the specifications to evidence service capability under any proposal.

Part IX

**LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL
CONTRACT CONTACT FORM**

Contact for Contract Administration

For use in the event that your firm receives a contract as a result of this RFP, please designate on the attached form, the person whom the LRGVDC may contact, during the period of the contract, for prompt action on matters pertaining to your administration of the contract.

AUTHORIZED ADMINISTRATOR:

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX: _____

INTERNET EMAIL ADDRESS: _____

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Contact for Authorized Negotiator

The person designated below will be authorized to negotiate terms, conditions, and pricing on behalf of your firm until a contract is awarded and can contractually commit your firm.

AUTHORIZED NEGOTIATOR:

This person is authorized to contractually commit your firm.

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX: _____

INTERNET EMAIL ADDRESS: _____

ADDENDA RESPONSE FORM

In the space provided below, acknowledge receipt of addenda: *(if applicable)*

Date Received:

- #1 _____
- #2 _____
- #3 _____
- #4 _____
- #5 _____

Sec.	Contract Clause	Applicability to Type of Contract
1.	Fly America Requirements	When Transportation Paid FTA Funds
2.	Buy America Requirements	Value > 100K for Goods, Rolling Stock
3.	Seismic Safety Requirements	New Construction/Additions
4.	Energy Conservation Requirements	All
5.	Lobbying	Construction, A/E, Services, Rolling Stock
6.	Access to Records and Reports	Construction, A/E, Services, Rolling Stock
7.	Federal Changes	All
8.	Recycled Products	Value > 10K In Fiscal Year
9.	Davis-Bacon and Copeland Anti-Kickback Acts	Construction > \$2000
10.	Contract Work Hours and Standards Act	Construction > \$2000, Stock, Operational > \$2,500
11.	No Government Obligation Third Parties	All
12.	Program Fraud and False or Fraudulent Statements and Related Acts	All
13.	Termination	Value > 10K
14.	Government-Wide and Suspension (Non-procurement)	Value > 25K
15.	Privacy Act	All
16.	Civil Rights Requirements	All
17.	ADA Access Requirements	All
18.	Patent and Rights in Data	Research Projects Only
19.	Disadvantaged Business Enterprise (DBE)	All
20.	Incorporation of FIA Terms	All
21.	Metric Requirements	Sealed Bid Procurements, Stock, Construction
22.	Conformance with National Architecture	Contracts and Solicitations ITS projects only
23.	Corridor Preservation	Right of Way Development
24.	Veterans Employment	Capital Projects

A. DBE PROGRAM COMPLIANCE FORMS

49 CFR PART 26

The following Proposal conditions apply to this United States Department of Transportation assisted contract. Submission of a proposal by a prospective Contractor shall constitute full acceptance of these Proposal conditions.

REQUIRED CONTRACT CLAUSES (49 CFR 26.13) UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES

Lower Rio Grande Valley Development Council will ensure that the following clauses are included in each DOT assisted contract and subcontract:

- I) Policy - It is the policy of LRGVDC that Disadvantaged Business Enterprises shall have the maximum practicable opportunity to participate in the performance of contracts. Consequently, the DBE requirements of 49 CFR Part 26, do apply to this agreement. Proposers shall use sufficient and reasonably good faith efforts to carry out this policy in the award of their subcontracts to the fullest extent, consistent with the efficient performance of this contract.
- II) DBE Obligation - The contractor agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, Subpart D, have the maximum opportunity to participate in the performance of contracts and subcontracts. In this regard, all contractors shall take necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts. Contractors shall not discriminate on the basis of race, color, national origin or sex.
- III) Contract Goal - If the contractor is not a DBE, then the Proposer/proposer agrees that the DBE goal for this Contract will be met by subcontracts or by joint ventures with DBE's. The goal set forth for this Contract is 3% of the final Contract price, including amendments and modifications. The amount of DBE participation will be determined by the dollar value of the work performed and/or supplies furnished by DBE firms as compared to the total value of all work performed and/or supplies furnished under this Contract. The contractor shall have met this goal if the contractor's DBE participation meets or exceeds this goal.

In cases where work is added to the contract by modification such that additional DBE participation is necessary to meet this goal, the Contractor shall increase the participation of one or more firms listed on the —Schedule of DBE Participation or submit additional DBE firms to meet the goal. In cases where work is deleted from the Contract, the goal shall be applicable to the new Contract amount. The Contractor shall be permitted to meet the goal by revising its DBE participation, provided, however, that the revision shall not result in DBE participation that is less than the original goal.

- IV) Compliance - All Proposers, potential contractors, or sub-contractors for this contract are hereby notified that failure to carry out the policy and the DBE obligation, as set forth above, shall constitute a breach of contract which may result in non-selection; termination of the contract; or such other remedy as deemed appropriate by LRGVDC. Agreements between a Proposer/proposer and a DBE, in which the DBE promises not to provide sub-contracting quotations to other PROPOSERS/PROPOSERS, are prohibited.
- V) Sub-contract Clauses - All Proposers and potential contractors hereby assure that they will include the above clauses in all sub-contracts which offer further sub-contracting opportunities.

VI) Acceptable Good Faith Efforts - “Good faith efforts” means efforts to achieve a DBE goal or other requirements of LRGVDC’s DBE Program Plan which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the goal program requirement. If any Proposer fails to meet the DBE goals for this solicitation, the Proposer shall submit, with the Proposal, proof of good faith efforts, using the guideline listed in Appendix A of 49 CFR 26, along with a written statement of efforts made and reasons for not meeting said goals.

General Instructions

IMPORTANT! READ CAREFULLY!

All Proposers/contractors shall complete and submit, with their Proposals, DBE Forms 1, 2, and 3.

Each subcontractor listed on DBE Form 1 shall complete and sign DBE Form 2 and DBE Form 3 as a DBE Subcontractor.

Business Contractors seeking to participate as DBEs must be certified at the time of Proposal submittal. Lower Rio Grande Valley Development Council does not certify DBEs. Please check with your state's DBE office.

Proposers who fail to achieve the contract goal(s) stated in the Proposal document must provide (with the Proposal) an explanation as to why the goal was not achieved and documentation demonstrating that a "Good Faith Effort" was made by the Proposer as outlined in DBE Form 4.

Contractors may duplicate as many forms as needed. All DBE Program questions should be directed to the Lower Rio Grande Valley Development Council, 301 W. Railroad, Weslaco TX, 78596. Submit all questions via email to lrgvdc@lrgvdc.org.

DBE Forms 1, 2, and 3 must be submitted with the Proposal in order to be eligible to receive a contract award. If there are sub-contractors listed, the sub-contractor must fill out DBE Form 3.

The Proposer must provide documentation and explanation as to why the DBE goal as was not achieved by filling out DBE Form 4.

LRGVDC FORM (A)

DBE FORM 1

ENTER TITLE OF RFP HERE

DBE SCHEDULE OF DBE PARTICIPATION

Name of Proposer: _____

Project: _____

Project No.: _____

Proposal No: _____

Total Proposal Amount: _____

NAME OF DBE SUBCONTRACTOR	ADDRESS (COUNTY,	TYPE OF WORK SUBCONTRACTE	DBE	SUBCONTRACT VALUE
				\$
				\$
				\$
				\$
				\$
				\$

DBE PARTICIPATION TOTAL VALUE_ \$

The attainment of DBE participation goals for this contract will be measured as a percentage of the total dollar value of the contract.

The undersigned will enter into a formal agreement with the DBE Subcontractors identified herein for work listed in this schedule conditioned upon execution of a contract with

LRGVDC

FORM (A) DBE FORM 2

ENTER TITLE OF RFP HERE

DBE SUBCONTRACTOR IDENTIFICATION

(Reproduce as necessary)

I HEREBY DECLARE AND AFFIRM THAT I AM THE_(Title - Owner, President, etc.) and duly authorized representative of_(Name of Firm) and I hereby declare and affirm that I am a certified DBE.

(Signed)

(Printed)

This firm has current DBE certification from the following agencies and/or state(s):

A copy of the current certification letter notifying the firm that it has been DBE certified must be attached to this form.

LRGVDC

FORM (A) DBE FORM 3

ENTER TITLE OF RFP HERE

LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR

TO: _____ (Name of General Contractor Proposing)

PROJECT:

The undersigned intends to perform work in connection with the above project.

The status of the undersigned is confirmed on the attached DBE Contractor Identification (DBE FORM 2).

The undersigned is prepared to perform the following described work in connection with the above project:

(Specify in detail, work items or parts thereof to be performed)

at the following price: \$_____.

The undersigned agrees to enter into a contract with you to perform the above work, if you are awarded the prime contract.

(Date)(Telephone No.)

(Name of DBE Subcontractor)

By:

(Firm Address)

(Signature)

Name:

(City and State)

(Typed)

Title:

**LRGVDC
FORM (A) DBE
FORM 4**

ENTER TITLE OF RFP HERE

UNAVAILABILITY CERTIFICATION

I, _____,

of _____, certify that on the dates below,

I invited the following DBE Subcontractor(s) to Proposal work items to be performed on XXX

<u>DATE OF REQUEST</u>	<u>DBE</u>	<u>NAME OF SUBCONTRACTOR</u>	<u>ITEMS SOUGHT</u>
_____	-	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The following Subcontractors submitted Proposals, which were not the low responsible Proposal:

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____