

**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: SPRING 2022 CONGESTION  
MANAGEMENT DATA COLLECTION**

**Introduction**

In the past, the RGVMPO has been responsible for gathering the traffic congestion data on its own. The RGVMPO has examined the network of roads and highways in the urbanized areas of Cameron and Hidalgo Counties, which is approximately 500 miles of roadways. The scope of this project is to gather data on congestion levels in the urbanized areas of Cameron and Hidalgo County. This CMP network consists of roadways within the RGVMPO MAB area that are either FHWA functionally classified or identified as a transit route. The information to be gathered, include but is not limited to, the travel times and delays for each identified road segment in the network.

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, December 19, 2021
Deadline for Submittal of Questions	Friday, January 14, 2022@ 4:00pm
(CTZ) Release of Response to Questions	Friday, January 21, 2022
Deadline for Submission of Proposals	Friday, February 11, 2022 @ 5:00 pm (CTZ)
Anticipated award date	March 25, 2022 (subject to change)
Contract Begins	Upon acceptance of the award and starting date is agreed on

\*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 submitted to each consultant of record as having received an RFP. Any changes to the timeline will require RGVMPO Policy Committee Approval according to established policy.

SUBMISSION OF PROPOSALS:

Twenty-five (25) 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) Asst. Director of Bus. Operations  
LRGVDC  
301 W Railroad  
Weslaco, Texas 78596

RFP Title: Spring 2022 Congestion Management Data Collection

(If Mailed) Asst. Director of Bus. Operations  
LRGVDC  
301 W Railroad  
Weslaco, Texas 78596

RFP Title: Spring 2022 Congestion Management Data Collection

ALL PROPOSALS MUST BE RECEIVED IN THE OFFICES OF THE LRGVDC NO LATER THAN 5:00 P.M. CENTRAL TIME, Friday, February 11, 2022. ***The RGVMPPO/LRGVDC 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 RGVMPPO. 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 RGVMPPO/LRGVDC, in close cooperation with the TxDOT, currently performs the transportation planning for the urbanized areas within the Cameron and Hidalgo County area.

The RGVMPPO/LRGVDC is seeking a qualified consulting firm to collect information and report on congestion levels for the **Spring Season of 2022** within the RGVMPPO study area.

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, after **March 25, 2022**.

### 1.2 The RGVMPPO/LRGVDC Responsibilities

The RGVMPPO/LRGVDC shall pay no costs or other amount incurred by any entity in responding to this RFP. The RGVMPPO/LRGVDC reserves the right, in its sole discretion, to select one or more qualified responses to this RFP without discussion of responses with respondents. The RGVMPPO/LRGVDC 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 RGVMPPO/LRGVDC.

All proposals will become part of the RGVMPPO/LRGVDC’s official procurement files and will be available for public inspection. The RGVMPPO/LRGVDC will work with the Selected Consultant to help ensure that the Congestion Management Process will be of the highest quality and acceptable to the RGVMPPO/LRGVDC.

### 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 RGVMPPO. Selected Consultant will be liable, both individually and severally, for the performance of all obligations under the Congestion Management Process 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 made in writing and addressed to the Asst. Director of Bus. Operations, LRGVDC, 301 W. Railroad, Weslaco, Texas 78596, or submitted by Email to [lrgvdc@lrgvdc.org](mailto:lrgvdc@lrgvdc.org). Upon issuance of this RFP, employees and other representatives of the RGVMPPO/LRGVDC 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 made in writing and address to the Asst. Director of Bus. Operations no later than Friday, January 14, 2022@ 4:00pm (CTZ). **Telephone inquiries will not be accepted.** Questions may be submitted via Email to [lrgvdc@lrgvdc.org](mailto:lrgvdc@lrgvdc.org). The LRGVDC will post its responses to the questions received by the deadline electronically on the LRGVDC's procurement web page <http://www.lrgvdc.org/procurement.html> on or about Friday January 21, 2022, 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 Asst. Director of Bus. Operations. If a respondent fails to so notify the Asst. Director of Bus. Operations, 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 –five (25) original Technical Proposals and one Electronic must be submitted to and received by the LRGVDC Asst. Director of Bus. Operations no later than Friday, February 11, 2022 @ 5:00 pm (CTZ). 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 RGVMPO/LRGVDC 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 Spring 2022 CMP, if it is in the best interest of the LRGVDC and RGVMPO. The decision of the RGVMPO/LRGVDC, 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

### 2.1 Scope of Services

In the past, the RGVMPPO has been responsible for gathering the traffic congestion data on its own. The RGVMPPO has examined the network of roads and highways in the urbanized areas of Cameron and Hidalgo County, which is approximately 500 miles of roadways.

The scope of this project is to gather data on congestion levels in the urbanized areas of Cameron and Hidalgo County. This CMP network consists of roadways within the RGVMPPO area that are either FHWA functionally classified or identified as a transit route. The information to be gathered, include but is not limited to, the travel times and delays for each identified road segment in the network and to developing a regional synchro model with optimization timings.

The successful consultant must be willing to work with the network during the peak time periods as assigned by the RGVMPPO. The consultant must utilize the “floating car” method to perform the test.

The travel data must be collected when the local schools are in session. This year the RGVMPPO will be collecting the RGVMPPO defined Spring 2022 Season for the CMP.

#### 2.1.1 Schedule and Timeline

The successful consultant must be willing to work with the network during the peak time periods as assigned by the RGVMPPO. The consultant must utilize the “floating car” method to perform the test.

The travel data must be collected when the local schools are in session. This year the RGVMPPO will be collecting the RGVMPPO defined Spring 2022 Season for the CMP.

#### 2.1.2 Test Vehicle

A test vehicle will be used in order to gather the travel times and congestion level data of the roadways within the RGVMPPO area. The test vehicle must perform as the Highway capacity manual definition of one (1) passenger car equivalent. Each roadway test will be tested during the MPO determined peak travel times.

#### 2.1.3 Reporting

The consultant will report on an agreed upon data delivery frequency with the RGVMPPO regarding roadway data collected. The consultant must also deliver the GPS location coordinates in one (1) second intervals in a format compatible with the RGVMPPO’s GIS system. A visual record of all applicable performance measures for the CMP method coded to Arc View 10.x. The raw, processed, and resulting performance measures shall be consistent and compatible with all previous CMP geodatabases.

3.1 Evaluation Process

The RGVMPO will establish a Technical Proposal Review Committee (TPRC). The TPRC will be comprised of employees of the RGVMPO and may include other impartial individuals who are non-RGVMPO employees. (i.e. TxDOT and Technical Advisory Committee Members, etc.)

The TPRC members will independently review all proposals for compliance and thoroughness. Upon completion of the independent reviews each TPRC member will individually score each proposal. The Asst. Director of Bus. Operations will then collect all scores and aggregate the scores of all members and rank the technical proposals.

After the technical proposals have been ranked, the TPRC will have the option to interview the top three (3) candidate(s). After the interviews have been conducted, the TC will then prepare and make a recommendation of the top three (3) ranked Technical Proposals to the Policy Committee. After the recommendations have been presented to the Policy Committee, the Policy Committee will have the final decision on the selection of the Technically Preferred Consultant.

3.2 Evaluation Criteria

The evaluation criteria will consist of three parts.

3.2.1 Part 1 Scoring of the Technical Proposal

Scoring of the Technical proposal will be based on a one hundred (100) point scale and will be conducted by the Technical Proposal Review Committee.

Categories that will be considered include, but are not limited to, the following:

- The firm's response to the RFP,
- The firm's capability to undertake the project and the utilization of available resources, etc.

Based upon the scores received from this review process, firms will be short-listed. The firms listed in the short-list may be notified as to when they will be requested to participate in the second part of the evaluation process.

3.2.2 Part 2 Oral presentation and Question and Answer Session

The top three (3) ranked firms may be contacted to provide an oral presentation and to provide responses to a question and answer session.

### 3.2.3 Part 3 Final Tabulation

Based upon the aggregated scoring of the written technical proposal, oral presentation, and responses to the question-and-answer session, the top-ranking firm(s) will be recommended, in order of ranking, to the Policy Committee for approval of the selected firm.

The Policy Committee has the final decision on approving the recommendation of the Technical Committee's ranking of firms.

### 3.3 Selection Process

Upon selection of an apparent Selected Consultant by the Policy Board, the RGVMP/ LRGVDC staff will proceed with the contract negotiation and attempt to finalize a contract with the apparent Selected Consultant. The RGVMP anticipates that these negotiations will involve very few issues and will be expedited; however, if a contract cannot be successfully negotiated within a reasonable period of time, contract negotiations will be terminated, and negotiations with the next highest-ranked respondent may commence. This process may continue until a contract is signed or this RFP is withdrawn. However, the LRGVDC and the RGVMP reserves the right, in their sole discretion and at any time upon failure of negotiations, to reissue or withdraw this RFP rather than continue with negotiations. The RGVMP reserves the right to reject any and all proposals.

As soon as possible thereafter the execution of a written contract with the Selected Consultant, all other respondents will be provided with formal notification.

## 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 RGVMP regarding the findings of the Congestion Management Process. The report will be delivered in the agreed upon format. The Selected Consultant will do all the data collection and analysis. The Selected Consultant will also deliver a presentation to the RGVMP Technical Committee and Policy Board 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-five (25) original copies of the technical proposal and One Electronic version 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 Spring 2022 CMP. 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 RGVMPO 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 RGVMPO are as follows:

- A list of Transit Routes within the scope of the study
- List of the roadways with the scope of study (approx. 500 centerline miles)
- Previous CMP results
- Schedule indicating the peak times for each roadway segment.

## 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 state 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 RGVMPPO. 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 nonresponsive.

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 at a later date.

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.

## 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, January 14, 2022@ 4:00pm (CTZ)**. 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 issues. A copy of such Addendum will be posted on the LRGVDC procurement website <http://www.lrgvdc.org/procurement.html>. 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 Asst. Director of Bus. Operations 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 to:

Asst. Director of Bus. Operations  
Lower Rio Grande Valley Development Council  
301 W Railroad  
Weslaco, Texas 78596  
Or Emailed to [lrgvdc@lrgvdc.org](mailto: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, January 14, 2022@ 4:00pm (CTZ).

LRGVDC will issue replies and any other changes by addendum (amendment) and will be posted on the LRGVDC procurement website <http://www.lrgvdc.org/procurement.html>. 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 emailing the Addendum Response Form to LRGVDC at [lrgvdc@lrgvdc.org](mailto:lrgvdc@lrgvdc.org).

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: \_\_\_\_\_

<b>Sec.</b>	<b>Contract Clause</b>	<b>Applicability to Type of Contract</b>
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.

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

SPRING 2022 CONGESTION MANAGEMENT DATA  
COLLECTION 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  
SPRING 2022 CONGESTION MANAGEMENT DATA  
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  
SPRING 2022 CONGESTION MANAGEMENT DATA  
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

SPRING 2022 CONGESTION MANAGEMENT DATA  
COLLECTION UNAVAILABILITY CERTIFICATION

I, \_\_\_\_\_, of \_\_\_\_\_

certify on the dates below that

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

DATE OF REQUEST D B E    NAME OF SUBCONTRACTOR    ITEMS  
SOUGHT

<u>DATE OF REQUEST D B E</u>	<u>NAME OF SUBCONTRACTOR</u>	<u>ITEMS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

