

REQUEST FOR PROPOSALS

**MARICOPA ASSOCIATION OF GOVERNMENTS (MAG)
SOUTHEAST VALLEY TRANSIT SYSTEM STUDY**



August 5, 2013

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PUBLIC NOTICE

REQUEST FOR PROPOSALS:

SOUTHEAST VALLEY TRANSIT SYSTEM STUDY

The Maricopa Association of Governments (MAG) is requesting proposals from qualified consultants for the Southeast Valley Transit System Study. The study will identify efficiencies in current and planned transit services and an integrated, demand driven transit system that effectively and efficiently connects areas within the Southeast Valley of the MAG Region as well as to existing and planned regional transit improvements such as high-capacity transit and express routes. The study will analyze transit services and ridership demand in transit-established and transit-aspiring communities within the Southeast Valley. The project will be completed in a maximum of eighteen (18) months from the date of the notice to proceed at a cost not to exceed \$375,000.

Detailed proposal requirements may be obtained by contacting the MAG Office at the address indicated below or may be downloaded from www.azmag.gov, under "RFPs and RFQs" For further information, please submit questions in writing by e-mail to jluna@azmag.gov not later than ten (10) working days prior to the closing date of September 5, 2013. Any addenda responding to questions will be posted on MAG's website at www.azmag.gov under "RFPs and RFQs" not later than six (6) working days prior to the closing date of September 5, 2013.

Proposals will be accepted until 3:00 PM (Arizona Time) on September 5, 2013, at MAG, 302 North First Avenue, Suite 200, Phoenix, AZ 85003. MAG's business hours are 8:00 AM to 5:00 PM, Monday through Friday.

Maricopa Association of Governments Request for Proposals – Southeast Valley Transit System Study

SCOPE OF SERVICES

Introduction

The Maricopa Association of Governments, in cooperation with Valley Metro, is requesting proposals from qualified consultants for the Southeast Valley Transit System Study. The study will analyze transit services and ridership demand in transit-established and transit-aspiring communities within the Southeast Valley. The study will identify efficiencies in current and planned transit services in the study area. The study will also identify an integrated, demand driven transit system that effectively and efficiently connects areas within the Southeast Valley of the MAG Region as well as to existing and planned regional transit improvements such as high-capacity transit. Communities participating in the study are Apache Junction, Chandler, Florence, Gila River Indian Community, Gilbert, Guadalupe, Maricopa, Mesa, Phoenix, Queen Creek, Tempe and the surrounding portions of Maricopa County and Pinal County.

Key project objectives are to:

1. Identify efficiencies for existing and proposed short- and mid-range transit services;
2. Identify how existing and proposed short- and mid-range transit services can be better coordinated;
3. Identify the transit demand and market areas for effective and efficient transit service;
4. Identify transit service gaps and how to best serve them;
5. Develop recommendations for implementing other transit modes as both an effective alternative and a supplement to planned "super-grid" bus service and high capacity transit;
6. Identify funding needs and strategies for such integrated transit system, and how to implement it;
7. Address the short-, mid- and long-term transit needs in the study area; and
8. Address changing demographics, such as the region's increasing aging population.

DBE Goal/Commitment and Documentation

This contract has been assessed as race neutral. The Arizona Department of Transportation (ADOT) has not established a DBE participation goal on this contract. Consultants are still encouraged to employ reasonable means to obtain DBE participation. The Proposer is notified that record keeping is required by the ADOT so it can track DBE participation where only race neutral efforts are employed. DBE Participation Affidavit forms are NOT required for race neutral projects. All payment reporting requirements apply to race neutral contracts and Certification of Payments forms (Appendix H) will be required if DBEs are used on race neutral contracts.

Background

The Maricopa Association of Governments (MAG) is the designated Metropolitan Planning Organization (MPO) for transportation planning for the metropolitan Phoenix area. MAG is also the designated Air Quality Planning Agency for the region. The MAG membership consists of 27 incorporated cities and towns within Maricopa County and portions of Pinal County and their contiguous urbanized areas, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation, Maricopa County, the Arizona Department of Transportation (ADOT), and the Citizens Transportation Oversight Committee (CTOC). ADOT and CTOC serve as ex-officio members for transportation-related issues.

Consolidated under the Valley Metro (VM) umbrella are the Regional Public Transportation Authority (RPTA) and Valley Metro Rail Inc. Valley Metro's core mission is advancing a total transit network, planning, developing and operating the regional bus and light rail system. The RPTA is the regional public transportation agency providing coordinated, multi-modal transit options to residents of greater Phoenix. The RPTA Board member agencies include Avondale, Buckeye, Chandler, El Mirage, Gilbert, Glendale,

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Goodyear, Maricopa County, Mesa, Peoria, Phoenix, Scottsdale, Surprise, Tempe, Tolleson and Wickenburg. RPTA operates all transit services in the Southeast Valley; these include local fixed route, LINK, Express, neighborhood circulators, dial-a-ride, and vanpools. Valley Metro Rail Inc. is a nonprofit, public corporation charged with the design, construction and operation of the region's 59-mile high-capacity transit system. Board member cities include Chandler, Glendale, Mesa, Phoenix, and Tempe. Six light rail extensions are planned or under construction that will create a 59-mile system by 2032.

Valley Metro is in the process of establishing Transit Standards and Performance Measures. The standards and measures will be used to optimize regional transit services and guide future service implementation. The Transit Standards and Performance Measures effort is being conducted in a two-phase process. The first-phase intends to define transit service types and identify transit standards utilizing existing performance measures. The second-phase will refine performance measures and identify capital / infrastructure standards. Phase 1 is anticipated to be completed at the end of summer (2013); Phase 2 will occur concurrent with the Southeast Valley Transit System Study, it is scheduled to be completed in 2014.

The study area is generally bound by, and includes, the Gila River Indian Community and the Ahwatukee Village in the City of Phoenix to the west; the City of Apache Junction and towns of Queen Creek and Florence to the east; the cities of Mesa, Apache Junction and Tempe to the north; and the City of Maricopa and the Town of Florence to the south. See page Appendix I for the study area boundaries. Also, please refer to the MAG website (www.azmag.gov) for the most recent planning area boundaries.

The study area has experienced population growth, as now confirmed by the 2010 US Census. The study area has also experienced employment growth. However, due to the economic downturn, certain bus routes have reduced levels of service, others have been suspended, and planned regional services may be significantly delayed. This study sets out to address these concerns. The study has two purposes; the first is to identify potential efficiencies in the current and planned services. The second is to develop a comprehensive, demand- and market-defined, local transit system plan that meets the internal mobility needs of the subarea and ties the subarea to the regional transit system. Study recommendations should result in services that rate favorably based on performance.

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MAG, VM and its partners have completed or are in the process of completing several studies that are relevant to this project. Some of those studies include:

- Regional Transit Framework Study (MAG)
- Commuter Rail System Study (MAG)
- Sustainable Transportation and Land Use Integration Study (MAG)
- Designing Transit Accessible Communities (MAG)
- High Capacity Transit Plan (MAG)
- Building A Quality Arizona (ADOT)
- Central Mesa Light Rail Extension Alternatives Analysis and Environmental Assessment (VM)
- Gilbert Road Light Rail Extension Environmental Assessment (VM)
- Queen Creek Transit Feasibility Study (VM - In progress)
- Valley Metro Regional Park-and-Ride Survey (VM - In progress)
- 2010 Origin and Destination Survey (VM)
- Transit Standards and Performance Measures Study (VM - In progress)
- City of Mesa Transit Plan Update (City of Mesa - In progress)
- City of Tempe Comprehensive Transportation Plan (City of Tempe - In progress)
- Town of Gilbert Transportation Master Plan (Town of Gilbert - In progress)
- City of Chandler Transportation Master Plan (City of Chandler - 2009)
- City of Maricopa Transit Feasibility and Implementation Plan Update (City of Maricopa - 2010)
- Queen Creek Small Area Transportation Study (Town of Queen Creek - 2007)
- City of Apache Junction Transit Feasibility Study Update (City of Apache Junction - 2012)
- Pinal County Transit Feasibility Study (Pinal County - 2011)
- Comprehensive Plan (Pinal County - 2012 Update)
- ADOT Passenger Rail Corridor Study (Tucson to Phoenix - In progress)
- Municipal General Plans and other Planning Documents
- Gila River Indian Community Local (Circulator) and Connector Service Feasibility and Implementation Plan (Gila River Indian Community - 2013)
- Florence-Coolidge Small Area Transportation Study (Florence-Coolidge)
- ADOT North-South Corridor Study Potential New Transportation Route (In progress)

The consultant is expected to review and use as a resource all necessary studies, executed or underway, pertinent to this project.

The proposed tasks for this study have been developed to provide the following result: Recommend efficiencies in the current and planned services and deliver a comprehensive, phased, demand- and market-defined, performance-based, fully integrated transit system plan for the Southeast Valley that effectively connects to the regional transit system. In addition, a financial and implementation road map that outlines needed funding amounts and potential strategies to be performed by the individual jurisdictions, the subarea, and the region to implement the study's recommendations. Study recommendations must take into consideration and address the different transit stages that member agencies may be in, for example, some participating member agencies have transit service while others do not.

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Proposed Tasks

The study has two central goals. The first is to identify efficiencies in current and planned transit services. The second is to identify an integrated, demand driven transit system that effectively and efficiently connects areas within the Southeast Valley of the MAG Region as well as to existing and planned regional transit improvements such as high-capacity transit. Identifying high capacity transit modes and/or corridors will not be the focus of the study. In preparing a proposal for consideration by MAG and VM, the consultant must go beyond the study intent specified in the Scope of Services in order to fully identify all opportunities and strategies for improving the existing and planned transit service and for developing a phased and fully integrated transit system in the Southeast Valley. The consultant is encouraged to be creative in developing a sound, demand/market-based analytical approach which achieves the goals for this project. The consultant is urged to be as specific as possible when describing the activities that will be performed to support each task. The consultant is also urged to make maximum use of matrices, tables, dashboards, and drawings in working papers produced for the project to ensure conciseness and clarity and to minimize the amount of text required. In preparing a proposal for consideration by MAG and VM, the consultant will not be required to be limited to the proposed tasks specified below; based upon professional experience, additional tasks may be warranted.

Task 1 Study Refinement

A Project Advisory Team (PAC) will be established. The PAC will be comprised of representatives from Apache Junction, Chandler, Florence, Gila River Indian Community, Gilbert, Guadalupe, Maricopa, Mesa, Phoenix, Queen Creek, Tempe, surrounding portions of Maricopa County and Pinal County, VM and MAG. The consultant will support the PAC. The PAC will meet regularly to provide input and review work products.

The consultant will hold a kick-off meeting and refine the Scope of Services that identifies the specific tasks and deliverables. In addition, throughout the course of this project, inquiry and discussion may result in some revisions to the Scope of Services and Project Schedule. As necessary, the consultant will refine the Scope of Services for this project based upon professional experience and input from MAG and VM. The consultant will prepare documentation of any such revision, including a revised labor/dollar allocation and project task cost breakdown, and submit the revision to MAG for approval.

Specific tasks for developing the detailed Scope of Services will include the following:

- A. Prepare a project timeline;
- B. Assess and refine the goals and objectives of the Southeast Valley Transit System Study and identify work tasks necessary to achieve them;
- C. Prepare a detailed explanation of work tasks and workflow relationships, a staff resource plan, a schedule for the study process, and project deliverables; and
- D. Prepare a project management and coordination plan that includes appropriate quality assurance measures.

The consultant, in coordination with the PAC, will review and refine the proposed study area. A refined study area is key in developing a phased, effective, comprehensive, demand and market-based transit plan.

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Task 2 Existing Conditions

The intent of this task is to conduct a review of existing documents in the region related to transit and the study area. Activities under this task will include, but are not limited to, the following:

- A. Review the findings of transportation, transit, and land used studies, plans, policies and reports across the local, subarea, region, and the state level that relate to the tasks for this study area (e.g., Building a Quality Arizona, the Valley Metro Transit Life Cycle Program, etc.). Summarize the effects of such studies and identify elements applicable to this study;
- B. Past, current and projected funding for transit in the study area;
- C. Assess the current transit service system and performance within the study area; and
- D. Inventory of current transit assets in the built environment of the study area.

Task 3 Public Involvement Plan

Stakeholder input will be a critical component of the study. This will allow the consultant and the PAC to better understand the needs of the subregion, develop service options for analysis and evaluation, and help develop final recommendations. Effective communication will be essential for the success of this study. Valley Metro will lead and complete the assignments associated with this task; the consultant will support agency staff in the planning process. Valley Metro will prepare and implement a robust and proactive public involvement program for the length of the study, taking into account ongoing public involvement in related planning studies and other activities. Elements of the public involvement program will include the following:

- A. Stakeholder interviews, including engaging communities of concern;
- B. A survey to gauge public perceptions and needs about transit service;
- C. Participation in existing public forums and social media;
- D. Project fact sheets or newsletters;
- E. Outreach presentation materials; and
- F. A final project brochure for distribution.

Proposers are expected to provide technical support and input through the public outreach effort. Proposers are encouraged to recommend additions to the Public Involvement Plan (PIP) as well as successful tools and interactive opportunities based on experience to encourage effective public and agency involvement in the study process. Valley Metro will document all public involvement efforts through digital media such as photographs or video recording; the consultant will incorporate such media in the various work products as deemed feasible.

The selected Consultant's Project Manager or Senior Consultant, will be required to attend public meetings (e.g., commissions and committees) at the various cities, towns, counties per their request. The Consultant's activities may include preparation of graphics, maps, boards, preparation of meeting exhibits and handout materials, preparation of electronic graphics for use in PowerPoint presentations, interfacing with Valley Metro Community Relations staff, and providing additional staff support as needed for project-sponsored meetings and community events. The Consultant's Project Manager or Senior Consultant will attend each community event to observe and to assist Valley Metro Community Relations staff and the PAC in delivering presentations and answering questions related to the project. The Consultant will also review draft meeting and presentation materials at the request of Valley Metro Public Information staff and the PAC.

Task 4 Transit Service Optimization

The consultant will prepare and implement a robust transit service optimization review program. Working in coordination with VM and their Transit Standards and Performance Measures Study,

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the consultant will conduct a transit service optimization analysis. The consultant will collect, analyze, evaluate and summarize data on existing and planned transit services within the study area in order to recommend improvements to make the service more efficient and effective. The consultant should analyze items that include but are not limited to transit vehicle running times, dwell times, blocking, runcutting, corridor or segment productivity analysis, span of service, service roll-out (in/outbound to/from the central core), deadhead miles, interlining, transit vehicle yard assignment, etc.

In the analysis the consultant must consider transit productivity for the services currently running between long distance communities, particularly between rural communities as these do not meet the typical transit model. The transit service operating costs for these communities is higher than those in urban/suburban areas due to the long distances traveled and sparse population and employment densities between them. The consultant will make efficiency recommendations on how to improve productivity.

The purpose of the analysis is also to identify if the current service is operating efficiently and effectively or if minor and/or cost neutral modifications can help increase ridership, improve the transit customer experience and lower costs. The contractor is encouraged to use state of the art tools such as the HASTUS Transit Scheduling and Operations Software and its various service analysis modules. The City of Phoenix, a HASTUS license holder, as well as MAG and VM will be available to assist in the assignments associated with this task. Proposers are encouraged to develop an Optimization Analysis Plan and detail how the aforementioned agencies will participate and support this task.

Task 5 Existing and Future Population, Transportation, and Land Use Conditions

The consultant will collect, evaluate, and summarize existing and future socioeconomic and demographic data, as well as transportation and land use information necessary to optimize service and determine the demand and market need for the subarea's short-, mid-, and long-range transit options. The analysis should yield a transit service planning screening criteria such as a Transit Dependency Index, Transit Propensity Index, Transit Ridership Detractor/Attractor Factors, Study Area Rider Trip Characteristics, Transit Mode-Specific Minimum/Optimum Thresholds, Transit Mode and Land Use Index, etc. This information will be necessary in developing thorough recommendations.

General activities under this task include a review and summary of the following elements as well as any additional items deemed valuable by the consultant:

- A. Subarea socioeconomic and demographic data;
- B. Existing and planned activity centers, employment centers, land use data (including planned communities), development codes and plans;
- C. Transit ridership and market demand data (e.g., bus stop boardings, park and ride utilization, bicycle to bus connections);
- D. Regional travel demand forecasts from the MAG TransCAD model (available forecast years include the base year (2011) and future years 2015, 2020, 2025, 2030 and 2035);
- E. Regional Activity Based Model as appropriate and available;
- F. Inventory and documentation of current transit infrastructure including bus stops, transit centers, park and rides, pedestrian accessibility, etc.;
- G. Document best practices and strategies of transit systems in peer subareas; and
- H. National, regional and local trends impacting transit ridership and how these have and/or can impact the study area, particularly the region's increasing aging population.

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Task 6 Southeast Valley Transit Service Needs: Short-, Mid-, and Long-Range

Using the information assembled in Task 5, the consultant will perform a subarea analysis and determine the phased transit needs for the short-, mid-, and long-range time frames. This analysis will identify potential transit expansion opportunities (e.g., circulators, local fixed route service, demand response, etc.) and their application within the subarea. The evaluation of needs will also consider both local circulation and opportunities to connect with the existing and planned regional transit system. Activities will include the following components:

- A. Building on all previous studies, tasks and by gauging public feedback, the consultant, in coordination with the PAC, will generate goals and objectives that will guide the development of the Transit System Plan Recommendations;
- B. Potential transit supportive policies and guidelines to improve and encourage transit ridership and access to transit;
- C. Proposed level of service for each corridor, routing alignments, infrastructure improvements (including at the bus stop level for both bicycle and pedestrian interface improvements), and service modes that are consistent with VM's Transit Standards and Performance Measures Study and industry performance measures and service standards for rural areas;
- D. Proposed baseline level of transit service for each phase that maintains internal and regional connectivity for subarea residents, particularly transit dependent populations;
- E. Opportunities to connect to neighboring and regional transit services;
- F. Identify early action transit implementation areas for transit aspiring communities;
- G. Development of a draft short-, mid-, and long-range Southeast Valley transit service plan based on performance, market demand, options for seniors and youth and people with disabilities, services to provide for local circulation and connections to activity centers, connections to the existing and planned regional transit system, federal compliance (e.g., Environmental and Title VI populations), etc.;
- H. Developing innovative and cost effective solutions to meet the needs of changing demographic trends such as the region's aging population; and
- I. Utilize the transit service analysis process and develop an evaluation methodology to help project members assess future implementation of circulators, flex routes, or similar type of service and alignments proposed in the study.

Task 7 Briefings and Presentations

In coordination with Task 3 the consultant will also participate in briefings and presentations to provide technical support to residents, non- and for-profit entities and elected officials within cities and towns, transit agencies, and MAG / VM committees throughout the study as necessary.

Task 8 Financial Analysis

Based on the goals and objectives that will guide the development of the Transit System Plan and the needs identified in Task 6, the consultant will perform a financial analysis that includes the various costs and funding strategies and options for all of the services being considered and recommended in this study. The analysis will include the following components:

- A. Funding requirements, including annual capital and operating costs;
- B. System life cycle costs and replacement schedules; and
- C. Funding strategies and opportunities, including potential local funding options for the Southeast Valley.

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Task 9 Southeast Valley Transit System Plan Recommendations

The consultant will prepare the comprehensive, phased, demand- and market-based Southeast Valley Transit System Plan Recommendations. The recommendations should balance the service requirements for the short-, mid- and long-term needs from Task 6 with the financial analysis of Task 8. The Transit Plan Recommendations will include efficiencies for the short- and mid-term. The recommendations will also include the following components for each phase:

- A. Specific routing alignments, service levels (including a baseline level of service), and required built environment supportive infrastructure (including at the bus stop level for both bicycle and pedestrian interface improvements);
- B. Detailed financial plan per implementation phase;
- C. A service evaluation plan for meeting, outperforming, or addressing underperforming service that is based on the upcoming VM Transit Standards and Performance Measures;
- D. Outlines the strategies or tasks needed to be performed by the individual jurisdictions, the subarea, and the region, as necessary, in implementing the transit plan recommendations identified in this study; and
- E. A final project report as well as a brochure and/or executive summary for distribution.

Task 10 Study Record

Assemble all final products from the study tasks into a complete study record.

Deliverable Products

The products of this project are listed below. Each working paper and any accompanying technical memorandums should present information in a succinct manner with extensive use of tables, matrices, dashboards and drawings. The working papers and any accompanying technical memorandums ultimately will be consolidated into a final report. An administrative draft of each working paper and technical memorandum will be submitted in both electronic and hard copy format to the MAG project manager for review. Comments from the MAG project manager will be incorporated into the working paper and technical memorandum by the consultant, before it is distributed for external review. Comments received during the external review process will be incorporated into the working paper and technical memorandum by the consultant, which will then become a chapter in the draft final report.

- Task 1. Working Paper 1 - Study Refinement
- Task 2. Working Paper 2 - Existing Conditions
- Task 3. Working Paper 3 - Public Involvement Plan, Public and Stakeholder Input Summary
- Task 4. Working Paper 4 - Efficiencies in Current and Planned Transit Improvements
- Task 5. Working Paper 5 - Existing and Future Population, Transportation, and Land Use Conditions
- Task 6. Working Paper 6 - Southeast Valley Transit Service Needs: Short-, Mid-, and Long-Range
- Task 7. Working Paper 7 - Summary of Briefings and Presentations
- Task 8. Working Paper 8 - Financial Analysis
- Task 9. Working Paper 9 - Southeast Valley Transit System Plan Recommendations
- Task 10. Executive Summary Report
- Task 11. Technical memorandums as needed
- Task 12. Compilation of all electronic and hard copy study working papers, documents, and reports

PROPOSAL REQUIREMENTS

Project Schedule and Cost

The estimated time frame for this project is eighteen (18) months from the date of the notice to proceed, with intermediate deliverables due in accordance with the schedule as agreed to between MAG and the Proposer(s) at a cost not to exceed \$375,000. The date of the notice to proceed is anticipated to be November 4, 2013.

Proposal Delivery and Opening

1. Nine (9) copies of the proposal must be submitted by 3:00 PM (Arizona Time) on September 5, 2013. MAG's business hours are 8:00 AM to 5:00 PM, Monday through Friday.

Maricopa Association of Governments
Attention: Jorge Luna
302 North First Avenue, Suite 200
Phoenix, AZ 85003

Timely receipt of proposals will be determined by the date and time the proposal is received at the above address. Hand delivery is therefore encouraged. No late submissions, facsimile, or electronic submissions will be accepted.

Proposals will be opened publicly and the name of each entity submitting a proposal will be read at 3:05 PM on September 5, 2013 at the MAG Offices, Chaparral Meeting Room, 302 North First Avenue, Suite 200 Phoenix, AZ 85003.

All material submitted in response to this solicitation becomes the property of MAG and will not be returned. After contract award, the proposals shall be open for public inspection except to the extent that the withholding of information is permitted or required by law. If the Proposer designates a portion of its proposal as confidential, it shall isolate and identify in writing the confidential portions in accordance with Arizona Administrative Code R2-7-103; which shall be included in the proposal. Upon receipt of your written notification, MAG will review any portions of the proposal that the proposer considers to be confidential and then make a determination on what should be released. MAG will also notify the Proposer in writing of the determination and provide the Proposer an opportunity to respond to the decision prior to releasing the proposal.

2. Any questions regarding this Request for Proposals should be submitted in writing to Jorge Luna by email at jluna@azmag.gov no later than ten (10) working days prior to the closing date of September 5, 2013. Responses to questions submitted will be posted on the MAG website at <http://www.azmag.gov> under "RFPs and RFQs" not later than six (6) working days prior to the closing date of September 5, 2013. Additional information regarding MAG activities, including Committee meeting schedules, may be found on the MAG Web site <http://www.azmag.gov>.
3. A Proposer's conference for the project has been scheduled for 2:00 PM Arizona Time, Monday, August 19, 2013, at the MAG Office, Ironwood Meeting Room, Suite 200, 302 North First Avenue, Phoenix, AZ. If you wish to receive notes from the Proposer's conference and a list of attendees, please contact the MAG project manager by email at jluna@azmag.gov.

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Proposal Content

It is required that the proposal:

1. Be limited to a maximum length of 30-pages (8½" x 11" is preferred; response may include tabloid 11" x 17" pages as appropriate) including a cover letter and résumés. The proposer is asked to exercise judgement in the number of tabloid (11" x 17") pages used in their proposal. The cover letter must be signed by a party authorized to bind the entity submitting the proposal. One copy with original signatures should be included in the nine (9) submittals. Blank pages are not included in the total page count. Required Appendix Forms (A, C & F) are not included in the page count.
2. Be electronically submitted in Portable Document Format (PDF) via an external memory device (e.g., compact disk, thumb drive, jump drive, etc.) alongside the delivered hard copies. Please note that the electronic media will not be returned and will be discarded at the end of the evaluation process.
3. Be prefaced by a brief statement describing the Proposer's organization and outlining its approach to completing the work required by this solicitation. This statement shall illustrate the Proposer's overall understanding of the project.
4. Contain a work plan which concisely explains how the Proposer will carry out the objectives of the project. In the work plan, the Proposer shall describe each project task and proposed approach to the task as clearly and thoroughly as possible.
5. Include a preliminary schedule for the project in bar-chart format. Indicate all work plan tasks and their durations. The schedule shall clearly identify project deliverable dates.
6. Contain a staffing plan for the project. The plan shall include the following in table format:
 - a. A project organization chart, identifying the project manager.
 - b. Names of key project team members and/or Subconsultants. Only those personnel who will be working directly on the project should be cited.
 - c. The role and responsibility of each team member.
 - d. Percent effort (time) of each team member for the contract period.
 - e. The role and level of MAG technical staff support, if any.
7. Include résumés for major staff members assigned to the project. These résumés should focus on their experience in this type of project.
8. Include Proposer's recent experience (last five years) in performing work similar to that anticipated herein. This description shall include the following:
 - a. Date of project.
 - b. Name and address of client organization.
 - c. Name and telephone number of individual in the client organization who is familiar with the project.
 - d. Short description of project.
 - e. Proposer team members involved and their roles.

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9. Each Proposer submitting a proposal is required to certify that it will comply with, in all respects, the rules of professional conduct set forth in A.A.C. R4-30-301 (see Appendix A), which is the official compilation of the Rules of Professional Conduct from the Administrative Rules and Regulations for the State of Arizona.
10. A labor cost allocation budget formatted as noted in Appendix B.
11. All Proposers on this project will be required to include a “Proposer’s Information Form” (See Appendix C) in the submitted proposal. In addition, a “Proposer’s Information Form” is required to be included for each Subconsultant proposed for this project.

By signature on the Proposer’s Information Form, the Proposer certifies that:

- a. The submission of the offer did not involve collusion or other anti-competitive practices.
 - b. The Proposer shall not discriminate against any employee or applicant for employment in violation of the Federal Executive Order 11246.
 - c. The Proposer has not given or offered to give, and does not intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip favor, or service to a public servant in connection with the submitted offer.
 - d. Failure to sign the offer, or the falsity of a statement in a signed offer, shall void the submitted offer or any resulting contracts, and the Proposer may be debarred.
12. Each Proposer shall document within its proposal any potential conflicts of interest. A conflict of interest shall be cause for disqualifying a Proposer from consideration. A potential conflict of interest includes, but is not limited to:
 - a. Accepting an assignment where duty to the client would conflict with the Proposer’s personal interest, or interest of another client.
 - b. Performing work for a client or having an interest which conflicts with this contract.
 - c. Employing personnel who worked for MAG or one of its member agencies within the past three years.
 - d. All relationships with MAG and/or any employees of MAG.

MAG will be the final determining body as to whether a conflict of interest exists.

13. All Proposers are required, as specified in 49 CFR 29 (Debarment and Suspension), to certify its eligibility to receive federal funds and a copy of which certification may be furnished to ADOT or other government entities. A certification to that effect is included in this RFP as Appendix F and must be submitted by a Proposer in order for the Proposer to be considered responsible and their proposal to be considered responsive.
14. Anti-Lobbying: MAG complies with the provisions of Section 1352 of Title 31, U.S. Code (Public law 101.121) as codified in Title 48, Federal Acquisition Regulations Subpart 3.8 and Subpart 52.203-11 and 23 CFR 630.112(c)(5). That legislation prohibits Federal funds from being expended by a recipient or any lower tier sub-recipients of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or Congress in connection with the award of any Federal contract, the making of any Federal grant or loan, or entering into any cooperative agreement, including the extension, continuation, renewal, amendments or modification of any Federal contract, grant, loan or cooperative agreement.

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PROPOSER'S CHECKLIST

Before submitting a proposal, please make sure that all required information as specified in "Proposal Requirements", pages 9 through 11 of this RFP have been included.

- A Nine (9) copies of the proposal with a maximum of thirty (30) pages, plus electronic submittal in Portable Document Format (PDF) via an external memory device (e.g., compact disk, thumb drive, jump drive, etc.).
- B Cover letter signed by a party authorized to bind the entity submitting the proposal.
- C Description of Proposer's organization and approach to work required by the solicitation.
- D Description of skills and experience in performing similar projects as described in "Proposal Content", pages 10-11 of this RFP.
- E Work plan including preliminary schedule, staffing plan, resumes, and similar experience.
- F Labor cost allocation budget.
- G Signed certification of Proposer's compliance with the rules of professional conduct set forth in A.A.C. R4-30-30.
- H Signed Proposer's Information Form for prime consultant and for any proposed Subconsultants. Must be signed by a party authorized to bind the entity submitting the proposal.
- I Documentation of any potential conflicts of interest.
- J Debarment and Suspension Certification form.
- K Proposal submitted not later than 3:00 PM on September 5, 2013.

PROPOSAL EVALUATION AND SELECTION PROCESS

1. All proposals will be evaluated by an evaluation team consisting of MAG staff and MAG member agency staff. Evaluation criteria include the following:
 - a. Demonstrated understanding of the project through a well-defined work plan consistent with program objectives.
 - b. Clarity of proposal, innovative and realistic approach, technical soundness, and enhancements to elements outlined in this Request for Proposals.
 - c. Experience of the project manager and other project personnel in similar studies. Only those personnel assigned to work directly on the project should be cited.
 - d. Proven track record in this area of study. Proposers should identify the principal people who worked on past projects and the amount of time they devoted to the work effort.
 - e. Availability of key personnel throughout the project effort.
 - f. Price, except for the procurement of architectural or engineering (A&E) services.
 - g. Ability and commitment to complete the project within the specified time period, meet all deadlines for submitting associated work products, and ensure quality control.
 - h. Recognition of work priorities and flexibility to deal with change and contingencies.
 - i. Demonstrated ability to communicate complex concepts clearly and concisely.
 - j. Demonstrated DBE Compliance.
2. On the basis of the above evaluation criteria, selected firms submitting proposals may be interviewed prior to the selection of a consultant. Phone interviews may be made during the week of September 23, 2013 and in-person interviews may be scheduled for the week of September 23, 2013. It is anticipated that firms selected for interviews will be contacted approximately one (1) week prior to the in-person interview date. MAG strongly suggests that the project manager and key members of the consultant team be present at the in-person interview.
3. MAG may conduct discussions with Proposers who submit proposals determined to be reasonably susceptible of being selected for award.
4. MAG reserves the right to:
 - a. Cancel this solicitation.
 - b. Reject any and all proposals and re-advertise.
 - c. Select the proposal(s) that, in its judgment, will best meet its needs.
 - d. Negotiate a contract that covers selected parts of a proposal, or a contract that will be interrupted for a period or terminated for lack of funds.
5. Contact with MAG or MAG Member Agency Employees. All firms interested in this RFQ/RFP (including the firm's employees, representatives, agents, lobbyists, attorneys, and subconsultants) will refrain, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may play a part in the selection process. This policy is intended to create a level playing field for all potential firms, and to protect the integrity of the selection process. All questions on this selection process should be addressed to the authorized representative at MAG.

ADMINISTRATIVE REQUIREMENTS

1. This Request for Proposals is for a cost-reimbursement plus fixed fee contract.
2. During the course of the project, a monthly progress report is required to be submitted within ten (10) working days after the end of each month until the final report is submitted. Each report shall include a comprehensive narrative of the activities performed during the month, an estimated percent complete for each project task, monthly and cumulative costs by task, activities of any Subconsultants, payments to any Subconsultants, a discussion of any notable issues or problems being addressed, and a discussion of anticipated activities for the next month (See Appendix E for sample format).
3. MAG shall retain ten percent (10%) of the contract amount, withheld from each invoice, as final payment until completion of the project to the satisfaction and acceptance of the work. Final payment shall be made after acceptance of the final product and invoice.
4. An audit examination of the CONSULTANT's records may be required.
5. The firm selected will be required to comply with MAG insurance requirements, which may include: Workmen's Compensation, Architects and Engineers Professional Liability insurance, Commercial General Liability insurance, Business Automobile Liability insurance, and Valuable Papers insurance.
6. The firm selected is required to document any potential conflicts of interest during the contract period. A conflict of interest shall be cause for terminating a contract. A potential conflict of interest includes, but is not limited to:
 - a. Accepting an assignment where duty to the client would conflict with the CONSULTANT's personal interest, or interest of another client.
 - b. Performing work for a client or having an interest which conflicts with this contract.
 - c. Employing personnel who worked for MAG or one of its member agencies within the past three years.

MAG will be the final determining body as to whether a conflict of interest exists.

7. Non-Discrimination: MAG, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all Proposers that it will affirmatively insure that in any contract entered into pursuant to this solicitation, minority business enterprises will be afforded full opportunity to submit Proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. Any contract resulting from this RFP shall contain Title VI compliance language as specified in Appendix D of this RFP.
8. Disadvantaged Business Enterprise (DBE): MAG has adopted ADOT's DBE program and will ensure compliance with 49 CFR Part 26. (see Appendix G for DBE program requirements).

ADOT and MAG are required to collect data on DBE and non DBE participation to report to FHWA on Federal aid projects. The selected CONSULTANT is notified that such record keeping is required by ADOT for tracking DBE participation. The selected CONSULTANT shall provide all such required information for the current month by the 5th of the following

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month. The required information shall be submitted electronically through the web based payment tracking system <https://arizonalpa.dbesystem.com/>.

Subconsultants and lower-tier(s) of Subconsultants agree to fully comply with the Federal aid contract provisions which are hereby fully incorporated into and made part of this subcontract. Subconsultants shall include these required contract provisions in all its lower-tier subcontracts.

9. Certification of Payments to DBE Firms (if applicable): The CONSULTANT shall submit at the completion of the project the “Certification of Payments to DBE Firms” affidavit for each DBE firm working on the project (Appendix H).

APPENDIX A - ARIZONA ADMINISTRATIVE CODE R4-30-301

CH. 30

BOARD OF TECHNICAL REGISTRATION

R4-30-301

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Lands Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, as adopted by the Board on June 15, 2001, the provisions of which are incorporated in this subsection by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments or editions and is available at the Board's office and APLS at www.aia.org.
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.

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15. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.
17. Except as provided in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
 - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
 - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.

Amended by final rulemaking at 12 A.A.R. 1609, effective July 1, 2006 (Supp. 06-2).

Maricopa Association of Governments Request for Proposals – Southeast Valley Transit System Study

**COMPLIANCE WITH RULES OF PROFESSIONAL CONDUCT
ARIZONA ADMINISTRATIVE CODE R4-30-301 CERTIFICATION**

I hereby certify to the best of my knowledge and belief that _____
(Name of Consulting Firm)

and I _____ as the _____
(Name) (Title)

shall comply with, in all respects, the rules of professional conduct set forth in A.A.C. R4-30-301.

(Signature)

(Print Name)

(Date)

APPENDIX B - LABOR COST ALLOCATION BUDGET SAMPLE

Available in Excel on request

PRIME CONSULTANT		Hours by Personnel and Task Description							
Personnel	Raw Direct Hourly Rate	Task 1 (Task Description)	Task 2 (Task Description)	Task 3 (Task Description)	Task 4 (Task Description)	Total Hours	Total Cost		
Personnel 1	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 2	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 3	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 4	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 5	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 6	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 7	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 8	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 9	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 10	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 11	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 12	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 13	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 14	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 15	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 16	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 17	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 18	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 19	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Personnel 20	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Total Task Hours		0.00	0.00	0.00	0.00	0.00			
Total Task Cost		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Overhead (or Fringe) Rate (Audited Rate)	1.2500	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Total Labor with Overhead		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Fee (10% max rate)	10%	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Total Labor With Overhead and Fee		\$ -	\$ -	\$ -	\$ -		\$ -		
PRIME CONSULTANT		Directly Reimbursable Expenses							
Reimbursable Expenses		Task 1	Task 2	Task 3	Task 4	Total	Total Cost		
Postage		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Copying/Printing		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Travel		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Local Travel		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
PI Meeting Materials		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Focus Group Incentives		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Display Boards		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Miscellaneous		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Other (Description)		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Total Prime Reimbursable Expenses		\$ -	\$ -	\$ -	\$ -		\$ -		
SUBCONSULTANTS		Task Hours							
Personnel	Loaded Hourly Rate	Task 1 (Task Description)	Task 2 (Task Description)	Task 3 (Task Description)	Task 4 (Task Description)	Total Hours	Total Cost		
Subconsultant 1	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Subconsultant 2	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Subconsultant 3	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Subconsultant 4	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Subconsultant 5	\$0.0000	0.00	0.00	0.00	0.00	0.00	\$0.00		
Total Task Hours		0.00	0.00	0.00	0.00	0.00			
Total Subconsultant Costs		\$ -	\$ -	\$ -	\$ -		\$ -		
TOTAL COST SUMMARY		Task 1 (Task Description)	Task 2 (Task Description)	Task 3 (Task Description)	Task 4 (Task Description)	Total	Total Cost		
Total Labor With Overhead and Fee		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Total Prime Reimbursable Expenses		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
Total Subconsultant Costs		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		
GRAND TOTAL		\$ -	\$ -	\$ -	\$ -		\$ -		

v-6.10.2008

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APPENDIX C - PROPOSER'S INFORMATION FORM

Consultants proposing as prime Consultants or Subconsultants on Maricopa Association of Governments' (MAG) projects are required to complete this form and return it with your proposal. If you have any questions about this information form, please call the MAG Fiscal Services Manager, (602) 254-6300.

1. GENERAL INFORMATION:

Name of Firm: _____

Street Address: _____

City, State, ZIP: _____

Mailing Address: _____

City, State, ZIP: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

Web address: _____ Year firm was established _____

Is this firm a prime Consultant? _____ Yes _____ No

Is this firm a Subconsultant? _____ Yes _____ No

If so, Identify specialty: _____

Is this firm a certified DBE? _____ Yes _____ No

If so, by whom? _____

Is this firm currently debarred? _____ Yes _____ No

Is this firm currently the subject of debarment proceeding? _____ Yes _____ No

2. FINANCIAL INFORMATION

Firm's annual gross receipts (average of last three years)

_____ <\$300,000

_____ \$300,000 - \$599,999

_____ \$600,000 - \$999,999

_____ \$1,000,000 - \$4,999,999

_____ >\$5,000,000

Information will be maintained as confidential to the extent allowed by Federal and State law. The undersigned swears that the above information is correct. Any material misrepresentation may be grounds for terminating any contract which may be awarded and initiating action under Federal and State laws concerning false statements.

(Name, Title)

(Date)

APPENDIX D - TITLE VI AGREEMENT/CONTRACT REQUIREMENTS

During the performance of this contract, the CONSULTANT, for itself, its assignees and successors in interest (hereinafter referred to as the "consultant") agrees as follows:

1. Compliance with Regulations: The CONSULTANT shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The CONSULTANT, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of Subconsultants, including procurements of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subconsultants, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the CONSULTANT of the CONSULTANT's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.
4. Information and Reports: The CONSULTANT shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Arizona Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information the CONSULTANT shall so certify to the Arizona Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this contract, the Arizona Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the CONSULTANT under the contract until the CONSULTANT complies, and/or;
 - b. cancellation, termination or suspension of the contract, in whole or in part.
6. Certification of Non-segregated facilities: The Federally-assisted consultant hereby certifies that the CONSULTANT does not maintain or provide for the CONSULTANT's employees any segregated facilities at any of the CONSULTANT's establishments, and that the CONSULTANT does not permit the CONSULTANT's employees to perform their services at any location, under the CONSULTANT's control, where segregated facilities are maintained. The Federally-assisted CONSULTANT certifies further that the CONSULTANT will not maintain or provide for the CONSULTANT's employees any segregated facilities at any of the CONSULTANT's establishments, and that the CONSULTANT will not permit employees of the CONSULTANT to perform their services at any location, under the CONSULTANT's control, where segregated facilities are maintained. The Federally-assisted CONSULTANT agrees that a breach of this Certification is a violation of the Equal Opportunity clause in this Agreement. As used in this Certification, the term "segregated facilities" means any waiting rooms and other storage or dressing rooms which are segregated by explicit directive or are in fact segregated on the basis of race, color, or national origin, because of habit, local custom, or otherwise.

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7. The CONSULTANT shall include the provisions of paragraphs 1 through 5 above in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any subcontract. or procurement as MAG, ADOT, FHWA, and FTA may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that, in the event the CONSULTANT becomes involved in, or is threatened with, litigation with a Subconsultant or supplier as a result of such direction, the CONSULTANT may request the State to enter into such litigation to protect the interests of the State, and, in addition, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX E - PROGRESS REPORT FORMAT SAMPLE

[CONSULTANT LETTER HEAD]
[DATE]

[MAG PROJECT MANAGER]
Maricopa Association of Governments
302 North First Avenue, Suite 200
Phoenix, Arizona 85003

Re: Progress Report No. [#] and Invoice for the Period of [Month] 20[XX]

[For Each Task, the CONSULTANT is to provide the percent of work completed to date, a narrative describing the work accomplished, data obtained, problems encountered, meetings held and reports and/or data produced. It is the responsibility of the CONSULTANT to document that the work accomplished for each task during the reporting period is commensurate with the amount of money billed for the task in the invoice.]

[The narrative describing the work accomplished should be of sufficient detail to enable the Project manager to clearly understand the progress on the task during the reporting period. Wherever possible, the CONSULTANT should submit along with the progress report appropriate documentation of work accomplished, such as partial or complete draft technical reports or working papers, etc.]

TASK 1 - DATA COLLECTION

Percent of Work Completed: 100 percent.

Work Accomplished: A database in both hard copy and electronic format was developed and a methodology for keeping the database current was established.

Data Obtained: Information on the transportation facilities was secured for each of the facilities in the study area. The data included, but was not limited to: name, location, and current and historical traffic levels.

Meetings Held: The following meetings were held in connection with the data collection effort:

[MONTH, DAY, YEAR], with the MAG project manager to review data collected for the facilities.

[MONTH, DAY, YEAR], with the Advisory Committee to obtain input on the data collection process.

[MONTH, DAY, YEAR], with MAG staff to review comments on preliminary database.

[MONTH, DAY, YEAR], with the public and special interest groups to obtain input on the distribution of the database.

Reports or Data Produced: A database in electronic format was produced and provided to MAG staff on [MONTH, DAY, YEAR].

TASK 2 - INVENTORY

Percent of Work Completed: 100 percent.

Work Accomplished: A facilities inventory was completed, and the data obtained in Task 1 were compiled into a Draft Inventory Technical Report for distribution to the Advisory Committee.

Data Obtained: See Task 1.

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Meetings Held: The following meetings were held:

[MONTH, DAY, YEAR], met with MAG staff to finalize the outline for the Inventory Technical Report.

[MONTH, DAY, YEAR], met with the MAG project manager to obtain suggestions on methods for comparing facility information.

Reports or Data Produced: A draft Inventory Technical Report was produced and distributed to members of the Advisory Committee for review and comment.

TASK 3 - FORECASTS

Percent of Work Completed: 100 percent.

Work Accomplished: Forecasts of travel demand on inventoried facilities were prepared for 2000, 2010 and 2020. The forecasts were consistent with County control totals reviewed by the Advisory Committee last month. The forecasts included a breakdown by facility type.

Data Obtained: See Task 1.

Meetings Held: [MONTH, DAY, YEAR], met with MAG staff to discuss comments on preliminary forecast results.

Reports or Data Produced: A draft forecasts report was produced and distributed to members of the Advisory Committee for review and comment.

TASK 4 - DEMAND/CAPACITY ANALYSIS AND FACILITY REQUIREMENTS

Percent of Work: Completed: 60 percent.

Work Accomplished: An hourly capacity was computed for each of the inventoried facilities using the federal guidance provided by MAG staff.

Data Obtained: See Task 1.

Meetings Held: A meeting was held on [MONTH, DAY, YEAR] to discuss the differences between the capacity calculations for this study versus previous studies.

Reports or Data Produced: None. However, a draft set of capacity estimates is enclosed documenting the assumptions and data input used to prepare the estimates.

TASK 5 - ALTERNATIVES

Percent of Work Completed: 25 percent.

Work Accomplished: Other regional plans were examined to determine the type of alternatives that were used to meet future demand.

Data Obtained: Regional plans from San Diego, Los Angeles, Denver, Seattle Tucson and Chicago were collected.

Meetings Held: On [MONTH, DAY, YEAR], a meeting was held with planners for the Pima Association of Governments to discuss alternatives.

Reports or Data Produced: None.

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TASK 6 - EVALUATION OF ALTERNATIVES

Work on this task has not begun.

TASK 7 - RECOMMENDATIONS

Work on this task has not begun.

TASK 8 - IMPLEMENTATION

Work on this task has not begun.

Problems Encountered

Some of the capacity calculations prepared for the study were different from the capacity calculations used in previous studies. These differences were discussed and resolved at a meeting held with MAG staff on [MONTH, DAY, YEAR]

Invoice:

The enclosed invoice is for the third progress payment of \$[ENTER DOLLAR AMOUNT]. The total amount billed to date is \$[ENTER DOLLAR AMOUNT].

Sincerely,

[PROJECT MANAGER NAME]
[PROJECT MANAGER TITLE]

Enclosure

APPENDIX F - DEBARMENT/SUSPENSION CERTIFICATION

STATE OF)

SS.)

COUNTY OF)

I, _____ of the City of _____, in the County of

_____ and the State of _____, of full age, being duly sworn according to the law of my oath depose and say that:

In accordance with the terms of U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR Part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," 2 CFR Part 180:

1. Proposer certifies to the best of its knowledge and belief, that it and its principals, including its first tier Subconsultants: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded or disqualified from covered transactions by any Federal department or agency; (b) Have not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction; violation of any Federal or State antitrust statute; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property; (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; (d) Have not within a three-year period preceding this certification had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Proposer certifies that it and its principals, including its first tier Subconsultants will treat each lower tier contract or lower tier subcontract under the Project that (a) equals or exceeds \$25,000, (b) is for audit services, or (c) requires the consent of a Federal official, as a covered contract for purposes of 2 CFR Part 1200 and 2 CFR Part 180, and will otherwise comply with the Federal requirements of 2 CFR Part 1200 and 2 CFR Part 180, and will assure that each lower tier participant involved in the Project is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded or disqualified from participation in this transaction by any Federal department or agency;
3. Proposer certifies that if, later, it or its principals, including any of its first tier Subconsultants, become aware of any information contradicting the statements of subparagraphs (1)(a) through (d) above, it will promptly provide any necessary information to MAG;
4. If Proposer or any of its principals, including any of its first tier subconsultants or lower tier participants, is unable to certify to the statements within paragraphs 1, 2, and 3 above, the Proposer shall indicate so on its Signature Page.
5. The Proposer further certifies that their firm is not currently debarred, suspended, or proposed for debarment or suspension by the State of Arizona, or any subdivision thereof.
6. Proposer agrees to notify MAG of any change in the status or facts certified above, should one occur, until such time as the Contract is actually executed by MAG, and thereafter during performance of the Contract.

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Dated: _____

Signature of Proposer

Printed/Typed Name of Proposer

Corporate seal (if applicable)

Sworn to before me this ____ day of _____, 2012, in the County of _____,

State of _____

(Seal)
Affix Notary seal here

Notary Public

My commission expires _____

APPENDIX G - DISADVANTAGED BUSINESS ENTERPRISE

Arizona Department of Transportation Disadvantaged Business Enterprise Program as Adopted by Maricopa Association of Governments

1.0 Policy:

The Arizona Department of Transportation (hereinafter “ADOT”) has established a Disadvantaged Business Enterprise (hereinafter “DBE”) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. ADOT has received Federal financial assistance from the U.S. Department of Transportation (hereinafter “USDOT”) and as a condition of receiving this assistance, ADOT has signed an assurance that it will comply with 49 CFR Part 26.

Maricopa Association of Governments (MAG) has adopted ADOTs DBE program and will ensure compliance with 49 CFR Part 26.

It is the policy of ADOT to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy of ADOT:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts; and
6. To assist in the development of firms that can compete successfully in the market place outside the DBE program.

Maricopa Association of Governments as a Sub-recipient of Federal financial assistance will administer and manage its contracts from advertising, consultant selection, negotiation, contract execution, processing payment reports and contract modifications, audits, DBE compliance (e.g., reporting and monitoring) through contract closeout.

2.0 Assurances of Non-Discrimination:

The CONSULTANT, subrecipient, or Subconsultant shall not discriminate on the basis of race, color, sex or national origin in the performance of this contract. The CONSULTANT shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of 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 state deems appropriate. The CONSULTANT, subrecipient, or Subconsultant shall ensure that all subcontract agreements contain this non-discrimination assurance.

3.0 Definitions:

1. Disadvantaged Business Enterprise (DBE): a for-profit small business concern which meets both of the following requirements:
 - a. is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more such individuals; and,
 - b. whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

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2. **Socially and Economically Disadvantaged Individuals:** any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:
 - a. Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis.
 - b. Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - i. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
 - ii. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - iii. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - iv. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - v. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - vi. "Women;"
 - vii. Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA), at such time as the SBA designation becomes effective.
3. **Joint Venture:** an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.
4. **Non-DBE:** any firm that is not a DBE.
5. **RACE-CONSCIOUS:** a measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.
6. **RACE-NEUTRAL:** a measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

4.0 Working with DBEs:

ADOT works with DBEs and assists them in their efforts to participate in Federal-aid contracts. All Proposers should contact the ADOT Civil Rights Office at the address shown below for assistance in their efforts to use DBEs.

Arizona Department of Transportation
Civil Rights Office

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1135 North 22nd Avenue (second floor), Mail Drop 154A
Phoenix, AZ 85009
Phone (602) 712-7761
FAX (602) 712-8429

5.0 Applicability:

ADOT has established an overall annual goal for DBE participation on Federal-aid contracts. ADOT intends for the goal to be met with a combination of race conscious efforts and race neutral efforts. Race conscious participation occurs where the CONSULTANT uses a percentage of DBEs, as defined herein, to meet the contract-specified goal. Race neutral efforts are those that are, or can be, used to assist all small businesses or increase opportunities for all small businesses. The regulation, 49 CFR 26, defines race neutral as when a DBE wins a prime contract, is awarded a subcontract on a project without DBE goals, or is awarded a subcontract from a prime Consultant that did not consider the firm's DBE status.

The CONSULTANT shall meet the goal specified herein with DBEs, or establish that it was unable to meet the goal despite making good faith efforts to do so. Prime CONSULTANTS are encouraged to obtain DBE participation above and beyond any goals that may be set for this project.

The provisions are applicable to all Proposers including DBE Proposers.

6.0 AZ Unified Certification Program (AZUCP)

Arizona is a member of the AZ Unified Certification Program (AZUCP). Only DBE firms that are certified by the AZUCP are eligible for credit on ADOT and its subrecipient federal-aid projects. A list of DBE firms certified by AZUCP is available on the internet at www.azdbe.org. The list will indicate contact information and specialty for each DBE firm, and may be sorted in a variety of ways. However, ADOT does not guarantee the accuracy and/or completeness of this information, nor does ADOT represent that any licenses or registrations are appropriate for the work to be done.

ADOT's certification is not a representation of qualifications and/or abilities. The CONSULTANT bears all risks that the firm may not be able to perform its work for any reason.

7.0 General:

Each CONSULTANT shall establish a program that will ensure nondiscrimination in the award and administration of contracts and subcontracts.

Each CONSULTANT shall also designate a full time employee who shall be responsible for the administration of the CONSULTANT's DBE program.

Agreements between the Proposer and a DBE in which the DBE promises not to provide subcontracting quotations to other Proposers are prohibited.

8.0 DBE Subconsultant Payment Reporting:

ADOT is required to collect data on DBE and non-DBE participation to report to FHWA on Federal-aid projects. Maricopa Association of Governments will notify the CONSULTANT that such record keeping is required by ADOT for tracking DBE participation.

The CONSULTANT shall submit a report on a monthly basis indicating the amounts earned by and paid to all DBEs and non-DBEs working on the project. In addition, the CONSULTANT shall require that all DBE and non-DBE Subconsultants verify receipt of payment.

The CONSULTANT shall provide all such required information for the current month by the 5th of the following month. The required information shall be submitted electronically through the ADOT's local public agency web-based payment tracking system <https://arizonalpa.dbesystem.com>.

9.0 Goals:

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All Federal-aid projects are assessed for a DBE availability goal. The following language shall be used in Federal-aid contracts to identify if the intended project is classified as race conscious or race neutral.

The minimum goal for participation by DBEs on this project is as follows:

[Enter Percentage Number] Percent

All Proposers are required to submit with their proposal DBE Consultant and DBE Subconsultant Affidavits **OR** a Good Faith Effort Certificate.

OR

This contract has been assessed as race neutral.

The Arizona Department of Transportation (ADOT) has not established a DBE participation goal on this contract. Consultants are still encouraged to employ reasonable means to obtain DBE participation. The CONSULTANT is notified that record keeping is required by the ADOT so it can track DBE participation where only race neutral efforts are employed. DBE Participation Affidavit forms are NOT required for race neutral projects. All payment reporting requirements apply to race neutral contracts and Certification of Payments forms will be required if DBEs are used on race neutral contracts.

10.0 Crediting DBE Participation Toward Meeting Goals:

10.01 General Requirements:

Only the value of the work actually performed by the DBE can be credited toward DBE participation. Credit towards the CONSULTANT's DBE goal is given only after the DBE has been paid for the work performed.

The CONSULTANT bears the responsibility to determine whether the DBE possesses the proper CONSULTANT's license(s) to perform the work. If a DBE cannot complete its work due to failure to obtain or maintain its licensing, the CONSULTANT bears the responsibility to immediately request approval to replace the DBE with another DBE and notify the MAG Project Manager and the ADOT Civil Rights Office.

ADOT's certification is not a representation of qualifications and/or abilities. The CONSULTANT bears all risks that the DBE may not be able to perform its work for any reason.

A DBE may participate as a prime Consultant, Subconsultant, joint venture partner with either a prime Consultant or a Subconsultant, or as a vendor of materials or supplies. A DBE joint venture partner shall be responsible for a clearly defined portion of the work to be performed, in addition to meeting the requirements for ownership and control.

The dollar amount of work to be accomplished by DBEs, including partial amount of a lump sum or other similar item, shall be on the basis of subcontract, purchase order, hourly rate, rate per ton, etc., as agreed to between parties.

Where more than one DBE is engaged to perform parts of an item (for example, supply and installation), the total amount payable to the DBEs will not be considered in excess of the prime Consultant's bid amount for that item.

DBE credit may be obtained only for specific work done for the project, supply of equipment specifically for physical work on the project, or supply of materials to be incorporated in the work. DBE credit will not be allowed for costs such as overhead items, capital expenditures (for example, purchase of equipment), and office items.

If a DBE performs part of an item (for example, installation of materials purchased by a Non-DBE), the DBE credit shall not exceed the lesser of (1) the DBE's contract or (2) the prime Consultant's bid for the item, less a reasonable deduction for the portion performed by the Non-DBE.

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When a DBE performs as a partner in a joint venture, only that portion of the total dollar value of the contract which is clearly and distinctly performed by the DBE's own forces can be credited toward the DBE goal.

The CONSULTANT may credit second-tier subcontracts issued to DBEs by non-DBE Subconsultants. Any second-tier subcontract to a DBE used to meet the goal must meet the requirements of a first-tier DBE subcontract.

All DBE and non-DBE subcontracting activity must be reported by the CONSULTANT and counted toward participation. This includes lower-tier subcontracting regardless of whether or not the DBE is under contract with another DBE.

DBE prime Consultants must meet the DBE participation goal or demonstrate good faith efforts. This is determined by counting the work the DBE has committed to performing with its own forces, as well as the work that it has committed to be performed by DBE Subconsultants and DBE suppliers.

A prime Consultant may credit the entire amount of that portion of a contract that is performed by the DBE's own forces. The cost of supplies and materials obtained by the DBE for the work of the contract can be included so long as that cost is reasonable. Leased equipment may also be included. No credit is permitted for supplies purchased or equipment leased from the prime Consultant or its affiliate(s).

When a DBE subcontracts a part of the work of its contract to another firm, the value of the subcontract may be credited towards the DBE goal only if the DBE's Subconsultant is itself a DBE and performs the work with its own forces. Work that a DBE subcontracts to a non-DBE firm does not count toward a DBE goal.

A prime Consultant may credit the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, provided the fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

11.0 Submission with Proposal:

All Proposers are required to certify in their proposal on the "Disadvantaged Business Enterprise (DBE) Goal Commitment Form" either:

1. The established goal for DBE participation has been met and arrangements have been made at the time of submission with certified DBEs or
2. The Proposer has been unable to meet the goal prior to the submission of the bid and has attached completed "Consultant Certification of Good Faith Efforts".

PROPOSALS SUBMITTED WITH ALTERED, INCOMPLETE, OR UNSIGNED FORMS WILL BE CONSIDERED NON-RESPONSIVE.

Certifications on forms other than those furnished by Maricopa Association of Governments will be considered non-responsive.

12.0 Proposer Meeting DBE Goal:

12.01 General:

If the Proposer indicates in its submissions that it has met or exceeded the DBE goal, the Consultant Intended Participation Affidavit and a DBE Subconsultant Intended Participation Affidavit must be submitted for each DBE that it is participating in the contract as provided on the Affidavit.

1. The Consultant Intended Participation Affidavit, must be received by the Maricopa Association of Governments with the proposal package. This Affidavit shall indicate that the Proposer has met or exceeded the DBE goal if this was indicated on the submittal.

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2. The Affidavit must be accurate and complete in every detail and must be signed by an officer of the CONSULTANT(S).
3. The Consultant Intended Participation Affidavit must be submitted listing the DBEs used and the creditable amounts.
4. A separate DBE Subconsultant Intended Participation Affidavit must be submitted for each DBE used to meet the goal of the project. The Proposer shall indicate each DBE's name, the work items the DBE will perform, and proposed subcontract amount. All partial items must be explained. If not, the DBE will be considered to be responsible for the entire item.
5. A Proposer must determine DBE credit in accordance with Section 10 above, entitled "Crediting DBE Participation Toward Meeting Goals." The Affidavits will be reviewed by the Maricopa Association of Governments.
6. Only those DBE firms certified by the Arizona Unified Certification Program (AZUCP) will be considered. It shall be the Proposer's responsibility to ascertain the certification status of designated DBEs.

13.0 Documented Good Faith Effort:

13.01 General:

If the Proposer has stated in its proposal that it has been unable to meet the DBE goal, that Proposer must demonstrate, through detailed and comprehensive documentation, that good faith efforts have been made to solicit, assist, and use DBE firms to meet the DBE goal prior to proposal submission.

Failure to demonstrate good faith efforts to the satisfaction of ADOT will result in the rejection of the proposal.

The Proposer who cannot meet the DBE goal at the time of submission must submit its documentation of good faith effort to Maricopa Association of Governments, at the time of proposal submission.

Proposers are encouraged to review Appendix A of 49 CFR Part 26.

In order to be awarded a contract on the basis of good faith efforts, the Proposer must show that it took all necessary and reasonable steps to achieve the DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful. The Maricopa Association of Governments will consider the quality, quantity, and intensity of the different kinds of efforts the Proposer has made. The efforts employed by the Proposer should be those that one could reasonably expect a Proposer to make if the Proposer were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE goal. Mere pro forma efforts are not sufficient good faith efforts to meet the DBE contract requirements.

The Proposer shall, as a minimum, seek DBEs in the same geographic area in which it generally seeks subs for a given project. If the Proposer cannot meet the goals using DBEs from this geographic area, the Proposer, as part of its effort to meet the goals, shall expand its search to a reasonably wider geographic area.

The following is a list of types of efforts a Consultant must address when submitting good faith effort documentation.

1. Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising, written notices, and other means) the interest of all certified DBEs who have the capability to perform the work of the contract. The Proposer must solicit this interest within sufficient time to allow DBEs to respond to the solicitation. The Proposer must determine with certainty if the DBEs are interested by taking appropriate steps to follow-up initial solicitations.
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood

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that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime Consultant might otherwise prefer to perform these work items with its own forces.

3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. Negotiating in good faith with interested DBEs. It is the Proposer's responsibility to make a portion of the work available to the DBE Subconsultants and suppliers, and to select those portions of work or material needs consistent with the available DBE Subconsultants and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided from the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform work.

A Proposer using good business judgment would consider a number of factors in negotiating with Subconsultants, including DBE Subconsultants, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a Proposer's failure to meet the DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime Consultant to perform the work of a contract with its own organization does not relieve the Proposer of the responsibility to make good faith efforts. However, prime Consultants are not required to accept higher quotes from DBEs if the price difference is excessive or unreasonable. Documentation, such as copies of all other bids or quotes, must be submitted

5. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The Proposer's standing within its industry, membership in specific groups, organizations or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the Proposer's efforts to meet the project goal.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or consultant.
7. Making efforts to assist interested DBEs in obtaining necessary equipment supplies, materials, or related assistance or services.
8. Effectively using the services of available minority/women community organizations; minority/women consultants groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

In determining whether a Proposer has made good faith efforts, Maricopa Association of Governments will take into account the ability of other Proposers to meet the DBE goal.

The Proposer will not be considered to have made good faith efforts if the Proposer failed to contact the Maricopa Association of Governments and ADOT Civil Rights Office prior to the letting, either in writing, by e-mail, or by telephone, to inform the Maricopa Association of Governments and ADOT Civil Rights Office of the firm's difficulty in meeting the DBE goals on a given project, and to request assistance. If the Proposer contacts Maricopa Association of Governments and ADOT Civil Rights Office by telephone, the contact must be documented in a telephone log indicating the date and time of call, and name of the person to which he spoke. The telephone number for the ADOT Civil Rights Office is (602) 712-7761. The contact must be made in sufficient time to allow the ADOT Civil Rights Office to provide assistance.

Proposers submitting good faith efforts to Maricopa Association of Governments are required to use the MAG Certification of Good Faith Effort form.

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The Maricopa Association of Governments and the ADOT Civil Rights Office will analyze the submittal to determine if in fact good faith efforts have been demonstrated consistent with ADOT procedures and the Federal regulations, 49 CFR 26, Appendix A. Should the Proposer's Good Faith Effort submission be found unsatisfactory, the Proposer may appeal the determination of the Maricopa Association of Governments.

A written protest may be filed by the Proposer within five working days upon receipt of rejection of Good Faith Effort to the following address:

Office of the Executive Director
Maricopa Association of Governments
302 North First Avenue, Suite 200
Phoenix, AZ 85003

14.0 Time is of the Essence:

TIME IS OF THE ESSENCE IN RESPECT TO THE DBE PROVISIONS.

15.0 Contract Performance:

Contract items of work designated by the CONSULTANT to be awarded to DBEs shall be performed by the designated DBE or MAG-approved DBE substitute. DBE contract work items shall not be performed by the CONSULTANT, or a non-DBE Subconsultant without prior approval by MAG. The DBE must perform a commercially useful function; that is, the DBE must manage, perform, and supervise a distinct element of work.

MAG reserves the right to inspect all records of the CONSULTANT and all records of the DBEs concerning this contract.

Within five working days of notice to proceed, the CONSULTANT shall upload electronic copies of signed DBE subcontract agreements to the Maricopa Association of Governments through ADOT's web-based payment tracking system <https://arizonalpa.dbesystem.com>. As part of this submittal, consultants shall be required to log into the system and enter the name, contact information, and subcontract amounts for all Subconsultants and vendors performing on the project as verification that scopes of services and commitments made through the DBE Intended Participation Affidavits are being met.

Use of a DBE named on the DBE Intended Participation Affidavit is a condition of award. Substitution will not be allowed without written evidence from the prime Consultant and DBE that the DBE is unable or unwilling to perform. Consultants may not terminate a DBE subcontract for convenience, in whole or in part, except to the extent that ADOT has eliminated items of work subcontracted to the DBE. All terminations, substitutions, and reductions in scope must be approved by MAG.

16.0 Non-Performance by DBEs:

In the event a DBE is unable or unwilling to fulfill its agreement with the CONSULTANT, the CONSULTANT will immediately notify the MAG Project Manager and provide all facts surrounding the matter. Such failure on the part of a DBE will not relieve the CONSULTANT of responsibility for meeting the DBE goal on the contract. The CONSULTANT shall immediately make reasonable good faith efforts to obtain another certified DBE to perform an equal or greater dollar value of work to the extent needed to meet the DBE goal. The substitute DBE's name, description of work, and dollar value of work shall be submitted to the MAG Project Manager. Approval by MAG must be obtained prior to the substitute DBE beginning work.

In the event a prime Consultant is unable, after a substantial good faith effort, to obtain another certified DBE, ADOT's Civil Rights Office may lower or waive the DBE goal on the project. However, the ADOT Civil Rights Office must approve this in writing prior to a Non-DBE starting the work which had been subcontracted to the DBE.

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17.0 Compliance:

The CONSULTANTS achievement of the goal is measured by actual payments made to the DBEs. The CONSULTANT shall submit at the completion of the project the “Certification of Payments to DBE Firms” form for each DBE firm working on the project. This form shall be signed by the prime contract and the relevant DBE, and be submitted to MAG.

Acceptance and final payment to the CONSULTANT will not be made until all “Certification of Payments to DBE Firms” forms are received and deemed acceptable to the Maricopa Association of Governments.

18.0 Sanctions:

If the Maricopa Association of Governments determines that the CONSULTANT has failed to make sufficient reasonable efforts to meet contract DBE goals, or to otherwise carry out these DBE special provisions, such failure shall constitute a breach of contract and may result in termination of the contract, or any other such remedy as the MAG Project Manager deems appropriate.

If the MAG Project Manager determines that such failure is not cause to terminate the contract, an amount equal to the value of the DBE goal that was not obtained will be deducted from the payment due the CONSULTANT. However, if the failure is the first by the CONSULTANT, and the MAG Project Manager determines the failure was an unintentional error or oversight, the amount to be deducted may be reduced up to one-half ($\frac{1}{2}$) of the value of the unobtained DBE goal as determined by the Maricopa Association of Governments. In addition to any other sanctions, willful failure of the CONSULTANT or a DBE to comply with this contract or with the Federal DBE regulations may result in disqualification from further contracting, subcontracting, or other participation in Maricopa Association of Governments projects.

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APPENDIX H - DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION OF PAYMENT

The undersigned prime Consultant on MAG Project [Name] hereby, certifies that full payment was made, to the firm indicated for materials and/or work performed under this project's contract as follows:

Name of DBE Firm _____ was paid \$ _____

This certificate is made under Federal and State laws concerning false statement. Supporting documentation for this payment is subject to audit and should be retained for a minimum of three years from project acceptance date. In the event the DBE was not paid in accordance with affidavits submitted by the prime Consultant, all documentation supporting the CONSULTANT's position should be submitted.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENT MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

(Prime Consultant)

By: _____ Date: _____

Title: _____

The undersigned Subconsultant/supplier/manufacturer for the above named project hereby certified that payments were received and/or justification by CONSULTANT is correct.

I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

(Subconsultant/Supplier/Manufacturer)

By: _____ Date: _____

Title: _____

APPENDIX I - MAP

