

STAFF REPORT



MEETING DATE:	4/28/15
SUBJECT:	Authorize Request for Proposals (RFP) for Consultant Services to Identify and Develop Projects for Grant Funding Opportunities
AGENDA ITEM:	5-13
STAFF CONTACT:	Daniel Wayne, Senior Transportation Planner

STAFF RECOMMENDATION:

It is recommended that the board of directors authorize the executive director to issue a request for proposals (RFP) for consultant services to identify and develop projects to compete for grant funding opportunities.

DISCUSSION:

New and ongoing funding opportunities, including the Affordable Housing and Sustainable Communities (AHSC) Program, provide grants to local and regional agencies as well as private sector developers. Eligible uses include transportation and housing related capital projects, planning efforts needed to prepare such projects for construction, and programs that encourage the use of public transit and active transportation modes. The attached Strategic Growth Council Memorandum lists projects being considered for funding during the first cycle of AHSC Program grants. Readying local projects to compete for such grants requires substantial preparation and coordination among project stakeholders.

In February, the board of directors asked staff to prepare an RFP for consultant services to review various grant program guidelines, identify a range of local projects that would be most competitive for grants, and prepare a select few grant applications in partnership with the applicant. A range of grant-eligible projects and those that are recommended to be the subject of grant applications will be presented to the board of directors for consideration.

ALTERNATIVES:

The board may modify the scope, budget, and terms of the RFP, or continue this item to request more information.

FINANCING:

Federal Highway Administration Metropolitan Planning (FHWA PL) carryover funds in the amount of \$100,000 have been budgeted in the draft FY 2015/16 Overall Work Program for consultant services. The actual cost to perform the scope of work will be determined through the competitive procurement process.

A blue ink signature of Daniel S. Little, written in a cursive style.

Daniel S. Little, AICP, Executive Director

Attachments: Strategic Growth Council Memo Re: Applicants Invited to Submit Full Applications for the Affordable Housing and Sustainable Communities Program
Draft Request for Proposals for Consultant Services to Identify and Prepare Projects for Grant Funding

California Strategic Growth Council

Memorandum

DATE: March 18, 2015

TO: Interested Stakeholders

FROM: Strategic Growth Council staff

RE: Applicants Invited to Submit Full Applications for the Affordable Housing and Sustainable Communities Program

Thank you for your continued interest in the first year of the Affordable Housing and Sustainable Communities (AHSC) Program. This memo provides a list of all applicants invited to submit a full application following the initial concept application review.

The Strategic Growth Council (SGC) and the Department of Housing and Community Development (HCD) received 147 concept applications requesting over \$760 million for this highly competitive program. \$120 million is available to award under the FY 2014-15 Notice of Funding Availability.

SGC and HCD invited 54 concept proposals from 22 counties requesting \$301,788,579 to compete for the approximately \$120 million in the full proposal phase. The proposals represent a wide range of VMT reduction strategies and are set in large urban centers, medium-sized cities, small towns and rural areas across the state.

	AHSC \$ Requested	# of Applications
Total Amount Requested in Invited Proposals	\$301,788,579	54
Total Amount Invited - Affordable Housing Set-Aside	\$235,703,077	44
Total Amount Invited - Disadvantaged Community Set-Aside	\$229,267,483	37

The revised deadline for invited applicants to submit a full application is April 20, 2015 at 5 pm. SGC will release a complete list of all applicants after awards are announced in late June/early July in order to allow for completion of the process.

AHSC Program staff will be available to consult with applicants who were not invited to submit full proposals to provide feedback on how they can be more competitive in future rounds of funding. Any applicants who would like to schedule a follow-up consultation should contact staff via email at ahsc@hcd.ca.gov.

Thank you again for your engagement in this process.

FY 2014-15 Affordable Housing and Sustainable Communities Program: Concept Applications Invited to Submit Full Proposal

Applicant	Project Name	County	MPO	Funding Requested	Affordable Housing Set-Aside	Disadvantaged Community Set-Aside
Mid-Peninsula The Farm, Inc	Pippin Apartments	Santa Cruz	AMBAG	\$3,698,477	Yes	
Chelsea Investment Corporation	Fancher Creek Town Center - Family	Fresno	Fresno COG	\$10,994,072	Yes	Yes
Chelsea Investment Corporation	19th Street Senior Apartments	Kern	Kern COG	\$2,559,394	Yes	Yes
City of Merced	Gateway Terrace II	Merced	Merced CAG	\$1,460,480	Yes	Yes
Resources for Community Development	Riviera Family Apartments	Contra Costa	MTC/ABAG	\$5,968,208	Yes	
Eden Housing, Inc.	Miraflores Senior Housing	Contra Costa	MTC/ABAG	\$5,077,558	Yes	Yes
City of Oakland	94th and International	Alameda	MTC/ABAG	\$5,165,251	Yes	Yes
Satellite Affordable Housing Associates	Camino 23 - Linking Affordable Housing to Local and Regional Connections in Oakland	Alameda	MTC/ABAG	\$4,081,027	Yes	Yes
EAH Inc.	3706 San Pablo Avenue	Alameda	MTC/ABAG	\$11,113,773	Yes	Yes
Housing Authority of the County of Santa Clara	777 Park Ave	Santa Clara	MTC/ABAG	\$6,025,407	Yes	
City of South San Francisco	South San Francisco Complete Streets to Transit and Employment: Pedestrian and Bicycle Safety Improvement Project	San Mateo	MTC/ABAG	\$7,728,625		Yes
Peninsula Corridor Joint Powers Board	South San Francisco Caltrain Station Access and Improvements Project	San Mateo	MTC/ABAG	\$4,650,000		
META HOUSING CORPORATION	Civic Center 14 TOD Apartments	Alameda	MTC/ABAG	\$1,750,000	Yes	Yes
META HOUSING CORPORATION	Hayward Senior Apartments	Alameda	MTC/ABAG	\$2,183,000	Yes	
BRIDGE Housing Corporation	San Leandro Senior	Alameda	MTC/ABAG	\$7,997,808	Yes	Yes
Community Housing Development Corporation	Filbert Townhomes	Contra Costa	MTC/ABAG	\$6,778,838	Yes	Yes
West Grand and Brush, LLC	West Grand & Brush, Phase 1	Alameda	MTC/ABAG	\$8,933,218	Yes	Yes
Habitat for Humanity East Bay/Silicon Valley	Central Commons	Alameda	MTC/ABAG	\$1,000,000	Yes	

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FY 2014-15 Affordable Housing and Sustainable Communities Program: Concept Applications Invited to Submit Full Proposal

Applicant	Project Name	County	MPO	Funding Requested	Affordable Housing Set-Aside	Disadvantaged Community Set-Aside
City of Morgan Hill	Reducing VMT-Related GHG Emissions by Improving Pedestrian and Bicycle Connectivity in the Monterey Road Corridor	Santa Clara	MTC/ABAG	\$6,772,506		Yes
Eden Housing, Inc.	El Cerrito Senior Mixed Use Apartments	Contra Costa	MTC/ABAG	\$6,923,351	Yes	
City of Fairfield	Fairfield/Vacaville Intermodal Station	Solano	MTC/ABAG	\$4,800,000		
1300 Fourth Street Associates, L.P.	Mission Bay South Block 6 East	San Francisco	MTC/ABAG	\$15,000,000	Yes	
Tenderloin Neighborhood Development Corporation	Eddy & Taylor Family Housing	San Francisco	MTC/ABAG	\$12,284,976	Yes	Yes
The John Stewart Company	Hunters View Block 10	San Francisco	MTC/ABAG	\$7,900,532	Yes	Yes
Mercy Housing California 64, LP	222 Beale Street, S.F. - Affordable Housing and Transit Improvements	San Francisco	MTC/ABAG	\$6,500,000	Yes	
California Vanpool Authority	Vanpool Expansion Project	Multiple Counties	Multi-MPO	\$3,000,000		Yes
Truckee Development Associates	Truckee Railyard Downtown Corridor Improvements Project	Nevada	Non-MPO	\$8,000,000	Yes	
META HOUSING CORPORATION	West Sac Family Apartments	Yolo	SACOG	\$3,487,950	Yes	Yes
City of West Sacramento	Delta Lane Affordable Housing and Grand Gateway Transportation Infrastructure	Yolo	SACOG	\$6,730,888	Yes	Yes
City of Sacramento	Rio Linda Boulevard Bridge Replacement Project	Sacramento	SACOG	\$674,240		Yes
Pacific Housing, Inc.	Junction Station Lofts	Placer	SACOG	\$3,461,595	Yes	
City of Roseville	Improvements to Regional Transit/Bike Facility Transfer Point Station and New Mobility Training Program	Placer	SACOG	\$718,500		
San Diego Association of Governments	San Diego Regional Inland Rail Trail	San Diego	SANDAG	\$8,000,000		Yes
San Diego Association of Governments	South Bay Bus Rapid Transit (BRT) Project	San Diego	SANDAG	\$7,000,000		Yes

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FY 2014-15 Affordable Housing and Sustainable Communities Program: Concept Applications Invited to Submit Full Proposal

Applicant	Project Name	County	MPO	Funding Requested	Affordable Housing Set-Aside	Disadvantaged Community Set-Aside
City of National City	Westside Infill Transit Oriented Development	San Diego	SANDAG	\$5,480,271	Yes	Yes
AMCAL Multi-Housing Two, LLC	Villa Encantada Apartments	San Diego	SANDAG	\$6,040,050	Yes	
Wasatch T Street	Creeside Villa Apartment Transit Oriented Development	San Diego	SANDAG	\$7,259,450	Yes	Yes
Cabrillo Economic Development Corporation	The Village Apartments	Santa Barbara	SBCAG	\$5,161,380	Yes	
American Communities, LLC	Crenshaw Villas	Los Angeles	SCAG	\$2,200,000	Yes	Yes
Century Housing Corporation	Anchor Place	Los Angeles	SCAG	\$2,441,616	Yes	Yes
C&C Development, LLC	Depot at Santiago	Orange	SCAG	\$6,352,699	Yes	Yes
META HOUSING CORPORATION	Sylmar Court Apartments	Los Angeles	SCAG	\$2,500,000	Yes	Yes
East LA Community Corporation	1st and Soto TOD Apartments Phase 2	Los Angeles	SCAG	\$4,072,843	Yes	Yes
META HOUSING CORPORATION	127th Street Apartments	Los Angeles	SCAG	\$1,500,000	Yes	Yes
META HOUSING CORPORATION	Gundry Hill Apartments	Los Angeles	SCAG	\$2,500,000	Yes	
Coachella Valley Housing Coalition	March Veterans Village	Riverside	SCAG	\$7,885,736	Yes	Yes
McCormack Baron Salazar	MacArthur Park Apartments Phase B	Los Angeles	SCAG	\$7,014,560	Yes	Yes
META HOUSING CORPORATION	El Segundo Family Apartmens	Los Angeles	SCAG	\$1,900,000	Yes	Yes
BRIDGE Housing Corporation	Jordan Downs --Phase 1	Los Angeles	SCAG	\$6,500,000	Yes	Yes
Corporate Fund For Housing	Mosaic Gardens at Westlake	Los Angeles	SCAG	\$8,000,000	Yes	Yes
VCOR	Grand View Village	San Joaquin	SJCOG	\$12,932,113	Yes	Yes
Domus Development, LLC	Anchor Village, Stockton, California	San Joaquin	SJCOG	\$5,857,141	Yes	Yes
City of San Luis Obispo	Shifting Modes Within South Broad Street Neighborhoods	San Luis Obispo	SLOCOG	\$1,860,270		
Self Help Enterprises	Lindsay Village	Tulare	Tulare COG	\$5,910,776	Yes	Yes

TOTAL CONCEPTS INVITED TO SUBMIT FULL APPLICATIONS	54
TOTAL AHSC FUNDING REQUESTED FROM CONCEPTS INVITED TO SUBMIT	\$301,788,579
NUMBER OF CONCEPTS INVITED WHICH QUALIFY FOR AFFORDABLE HOUSING SET-ASIDE	44
NUMBER OF CONCEPTS INVITED WHICH QUALIFY FOR DISADVANTAGED COMMUNITY SET-ASIDE	37

3/18/2015

Draft
REQUEST FOR PROPOSALS FOR:

Support services to identify and prepare transportation and development projects for grant funding

Issued [***Date to be inserted***]

Submittals are due by 5:00 PM on [***Date to be inserted***]

Shasta Regional Transportation Agency
1255 East Street, Suite 202
Redding, CA 96001
(530) 262-6190



PROJECT BACKGROUND & INTENT

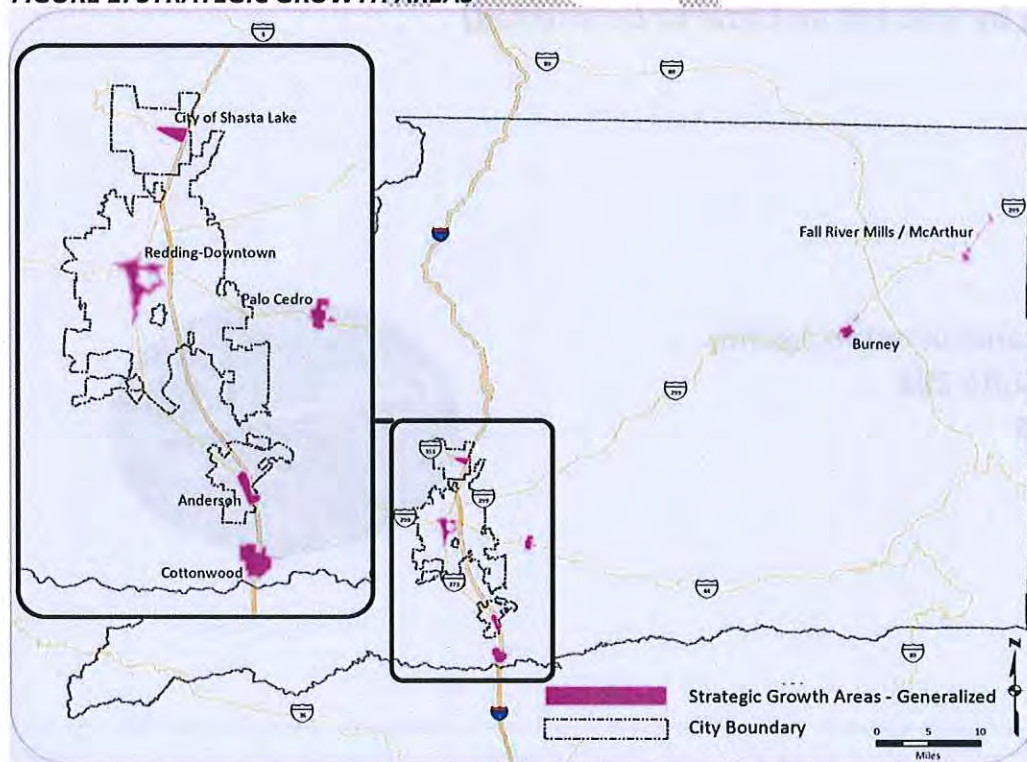
Shasta Regional Transportation Agency (SRTA) is the designated metropolitan planning organization (MPO) for the Shasta County region. Member agencies are the cities of Shasta Lake, Redding, and Anderson and the county of Shasta. Detailed information regarding SRTA, regional plans and programs, and this procurement are available online at www.srta.ca.gov.

SRTA is seeking a qualified consultant to support implementation of the 2015 Regional Transportation Plan (RTP) for Shasta County, including the region's first Sustainable Communities Strategy (SCS). More specifically, the selected consultant shall work with SRTA, local jurisdictions, private-sector developers, and other relevant stakeholders to identify projects that would be competitive for state grant funds and to ready select project grant applications. Prospective project types include any combination of the following:

- Infill and redevelopment projects;
- Affordable housing projects;
- Public use facilities;
- Goods and freight movement projects;
- Community infrastructure projects;
- Multi-modal transportation infrastructure projects;
- Public transportation capital and operations projects;
- Intelligent transportation systems (ITS) projects;
- Plug in electric vehicle charging infrastructure; and
- Other project types that are consistent with the 2015 RTP for Shasta County

The geographic scope of this effort is limited to projects located within Strategic Growth Areas delineated by the 2015 RTP (see Figure 1 below).

FIGURE 1: STRATEGIC GROWTH AREAS



PROJECT SCOPE OF WORK

TASK #1: GRANT PROGRAM REVIEW

1.1 Research program guidelines and evaluation criteria associated with the distribution of auction proceeds from the Greenhouse Gas Reduction Fund (GGRF). See California Air Resources Board (CARB) website for information on the range of available programs:

<http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/ggrfprogrampage.htm>

1.2 Perform an appropriate level of review for other potential grant funding opportunities, focusing on programs that would most directly aid in implementation of the region's Sustainable Communities Strategy strategies as described in the 2015 Regional Transportation Plan.

1.3 Evaluate the characteristics and merits of individual project proposals and the general content of applications that were awarded funds in the most recent grant cycle(s).

DELIVERABLES: Interim report summarizing GGRF-funded and other prospective grant programs, including information on: 1) project eligibility; 2) project evaluation criteria; and 3) nature and characteristics of projects selected funding during the previous cycle.

PROPOSAL NOTES: Proposals should describe the approach whereby information shall be obtained, including but not limited to document research and interviews. It is anticipated that work hours dedicated to Task #1 will constitute roughly 10-20% of the overall budget proposal.

TASK #2: SURVEY REGION FOR POTENTIAL PROJECTS

2.1 In consultation with SRTA, local jurisdictions, developers, and other applicable community stakeholders, identify project needs within the region that align with grant opportunities identified in Task #1.

DELIVERABLES: Work plan for review and approval. Interim report on identified regional project needs, including individual fact sheets for a range of top candidate projects. Fact sheets shall include a concise narrative and, as appropriate, informative tables and exhibits, photographs and graphics, and other pertinent details that will aid in the selection of projects to proceed to Task # 3 (preparation of grant applications).

PROPOSAL NOTES: Proposals should describe the approach whereby community stakeholders will be engaged, how project concepts will be identified and fleshed out, and how consensus will be built among community stakeholders. It is anticipated that work hours dedicated to Task #2 will constitute roughly 30-40% of the overall budget proposal.

TASK #3: PREPARE GRANT APPLICATIONS

3.1 Prepare grant applications for select planning and capital project grants. It is assumed that major technical tasks (e.g. engineering, documentation of site control, etc) will be the responsibility of the lead agency submitting the grant proposal. The consultant will be responsible for:

- Formulating the proposal concept in consultation with local agencies and stakeholders;
- Defining and developing consensus on a specific and detailed scope of work;
- Developing a detailed project budget, including the identification of cash and in-kind match contributions; and
- Organizing and composing the general content of the proposal, including narrative, exhibits, maps, letters of support, and other elements that are required or otherwise needed for a competitive application package.

DELIVERABLES: Up to three (3) complete grant application packages will be readied for submittal.

PROPOSAL NOTES: Proposals should communicate your understanding of what constitutes a competitive grant application. For example, a diversity of projects are known to exist within the region; however, it is anticipated that projects will need to be reimagined and repackaged in order to address the multiple objectives found in respective grant program project evaluation criteria and to leverage matching funds. It is anticipated that work hours dedicated to Task #3 will constitute roughly 40-60% of the overall budget proposal.

PROPOSAL CONTENTS

Consultants interested in providing the services specified in this RFP must submit a written proposal comprised of the following required information:

1. Transmittal letter signed by an officer who may contractually bind the business.
2. Description of the firm's expertise and services.
3. Narrative demonstrating:
 - An adequate familiarity with and understanding of the Shasta County region;
 - An understanding of the project scope of work and objectives, tied to an appropriate technical approach; and
 - Expertise and experience in the area of grant writing.
4. Contract manager that will be assigned to SRTA, including a summary of his or her qualifications and accomplishments relevant to the scope of work in this RFP.
5. Client references, including a description of the services provided, budget, and contact information.
6. A fee schedule of hourly rates

RFP QUESTIONS, RFP SCHEDULE AND CONTACT PERSON

Inquiries concerning this RFP must be submitted in writing no later than 5:00 pm on **[insert date here]** and directed to Daniel Wayne, Senior Transportation Planner, at dwayne@srta.ca.gov. All inquiries received will be responded to collectively and made available to all interested applicants via the SRTA website. All interested applicants are encouraged to register for the mailing list so that they may be notified should additional information or addenda to the RFP be made available.

The following RFP schedule is anticipated:

Tasks	Deadline
Release RFP	TBD
Questions Due	TBD
SRTA Response to Questions	TBD
Proposals Due	By 5:00 P.M. on Date TBD
Evaluation and Ranking of Proposals	TBD
Interviews (if necessary)	TBD
SRTA Board of Directors Approval	June 30, 2015
Contract Start	July 1, 2015

PROPOSAL EVALUATION

Proposals received shall be reviewed by an evaluation panel according to the criteria and weighting shown in Figure 2 below. The consultant evaluation panel is typically composed of SRTA staff and may include representative(s) from SRTA partner agencies and/or Caltrans. The Executive Director will forward the results of the evaluation to the SRTA Board of Directors for approval.

Consultants may be invited to interview at the discretion of SRTA. Should interviews be requested, SRTA will provide a list of questions including how they will be scored before the interviews. Presentations may be allowed, with a specified time limit.

Figure 2 – Scoring Criteria

Criteria	Points
Comprehension, understanding of the project	10
Qualifications, experience and credentials of the firm and project team	10
Technical approach	20
References	10
DBE participation level	5
Cost and value of services to be provided	15
Total:	100
Interviews (optional)	15

CONTRACT AMOUNT

The dollar value of this contract shall be established through the competitive bidding process. Consultant selection shall be based on the cost *and* the value of services to be provided. In no case shall proposals exceed \$100,000.

The proposal shall be signed by an individual authorized to bind the offer of said proposal. The proposal shall be a firm offer for a minimum of 90 days, and contain a statement to that effect. It is anticipated that the SRTA executive director will present the proposed contract for consideration by the SRTA Board of Directors meeting scheduled for June 30, 2015. The contract shall not be in force until approved by the SRTA Board of Directors and a written notice-to-proceed is furnished.

PROPOSAL SUBMITTAL

Please submit one original proposal, signed by an officer of the firm authorized to bind the firm contractually, and three (3) copies (total of 4) to:

Shasta Regional Transportation Agency
Attn: Daniel Wayne, Senior Transportation Planner
1255 East Street, Suite 202
Redding, CA 96001

Submittals must be received before **5:00 PM on [Insert day of week and date here]**. No proposals will be accepted after this time.

Please note that the cost of preparing and submitting a proposal, pre-contract meetings, and participating in an interview—if held—are at the sole expense of the proposer. SRTA reserves the right to reject any or all proposals, and to waive any informality, technical defect, or clerical error in any proposal at SRTA's discretion. Solicitation of proposals in no way obligates SRTA to contract with any firm or individual. The decision to approve and award a contract is at the discretion of SRTA.

ADDITIONAL INFORMATION & TERMS

Protest Procedure: All protests must be in writing within five (5) business days from the results notification and at least ten (10) days prior to a SRTA Board of Directors meeting in order for the protest to be considered at that meeting. Send protests signed by the protesting party or an authorized agent to the SRTA executive director. Include a description of the relief or corrective action in the protest. The protest should stipulate an issue of fact concerning the following points:

- A matter of bias, discrimination, or conflict of interest on the part of an evaluator(s);
- Errors in computing the score; and/or
- Non-compliance with procedures described in this RFP or SRTA's established policies.

SRTA will only consider protests based on the above matters. SRTA will reject protests without merit if they address issues such as: 1) an evaluator's professional judgment on the objective quality of a proposal; or 2)

SRTA's assessment of its own and/or other agencies needs or requirements. SRTA will review and respond to protests in a timely manner.

Public Records Act: All proposals submitted in response to the RFP will become the exclusive property of SRTA. At such time the SRTA executive director recommends a proposal to the board of directors and such recommendation appears on the board agenda, all proposals submitted in response to the RFP shall become a matter of public record and shall be regarded as public records. **If there are any trade or proprietary secrets included by the consultant, the consultant may provide a different copy of the proposal that would be acceptable to release to the public. If an alternate document is not made available to SRTA by the consultant, then the original proposal, as submitted, will be released as requested.** Proprietary information can include secret formulas, processes, and methods used in production. It can also include a company's business and marketing plans, salary structure, customer lists, contracts, and details of its computer systems. In some cases, the special knowledge and skills that an employee has learned on the job are considered to be a company's proprietary information.

Modification or Withdrawal of Proposal: Any proposal received prior to the deadline may be withdrawn or modified either personally, through e-mail, or by written request of the consultant. To be considered, the modification must be received in writing, with the same number of copies as the original proposal, prior to the deadline. Negligence on the part of a proposer in preparing the proposal confers no right of withdrawal of the proposal after the proposal has been opened. No proposal may be withdrawn for a period of 60 days following the proposal deadline.

RFP Addendum(a): Any changes to the RFP will be made by written addendum(a) issued by SRTA, and shall be considered part of the RFP. The RFP deadline may be extended dependent upon the nature of the changes issued. Upon issuance, such addenda shall be incorporated into the agreement documents, and shall prevail over inconsistent provisions of earlier issued documentation and be forwarded to prospective consultants and posted on-line. It will be the consultant's responsibility to assure that all addenda are incorporated into the proposal as required according to all the terms and conditions for submittal of the proposal. In no event will SRTA modify the RFP with less than five (5) days remaining to the deadline, without extending the RFP deadline.

Verbal Agreement or Conversation: No prior, current, or post-award verbal conversations or agreement(s) with any officer, agent, or employee of SRTA shall affect or modify any terms or obligations of this RFP, or any contract resulting from this procurement.

Special Funding Considerations: Any contract resulting from this RFP will be financed with funds available to SRTA. The contract for this service is contingent upon the provision of these funds to SRTA. In the event these funds are reduced or eliminated, SRTA reserves the right to terminate or revise any contract.

Alternatives: Consultants may not alter any requirement of the RFP in the response to the RFP. If the consultant brings to SRTA's attention, at least fifteen (15) days before the RFP deadline, a more efficient and/or alternative way to reach the end product than the scope delineates, SRTA reserves the right to cancel the RFP and re-bid the project. Since SRTA desires to enter into one contract to provide all of the intended services, only those proposals to provide all services will be considered.

DBE Requirement: SRTA has determined that disadvantaged business enterprises, as defined in 49 CFR Part 26, will have the opportunity to compete fairly for contracts financed, in whole or in part, with federal funds. SRTA has established a disadvantaged business enterprise (DBE) goal of 9% for federal fiscal years 2012/2013/2014 beginning October 1, 2011 through September 30, 2014.

Buy America: Buy America regulations apply to federally assisted procurements, typically development and/or construction activities subject to a NEPA determination, exceeding certain amounts. Buy America Regulations require the consultant to provide goods produced or manufactured in the US, unless the federal government has granted a waiver authorized by those regulations.

Equal Employment Opportunity/Affirmative Action: In awarding a contract to a consultant, SRTA includes language within the contract which requires the consultant to certify their compliance with federal regulations.

Audit and Indirect Costs: As required by 49 U.S.C. Section 5325(b)(3), all federally assisted contracts and subcontracts including program management, architectural engineering, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services must be performed (i.e. a consultant cannot incur and invoice the agency any unallowable, unallocable, or unreasonable costs prohibited by the Federal Acquisition Regulations (FAR) and/or the contract terms and conditions) and audited in accordance with FAR Part 31 cost principles. The consultant, its sub-consultants, and sub-recipients must accept FAR indirect cost rates for one-year applicable accounting periods established by a cognizant federal or state government agency, if those rates are not currently under dispute, and these established rates will apply for purposes of contract estimation, negotiation, administration, reporting, change order, options, and payments, not limited by administrative or de facto ceilings.