

REQUEST FOR PROPOSALS

ResilientShasta Extreme Climate Event Mobility and Adaption Plan **SRTA Solicitation Number: S-00003**

Issued:	October 30, 2020
Contract Capacity:	Estimated budget of \$100,000
Performance Period:	Project to be completed by June 30, 2021
Payment Method:	Cost Reimbursement
Submissions Due:	3:00 p.m. PST on Monday, December 7, 2020

Interested applicants must [subscribe](#) to SRTA's bid posting webpage to receive notices when information and possible RFP addenda become available.

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



2020 SRTA Board Members and Agency Partners

Board Members

Leonard Moty, Chair
Greg Watkins, Vice Chair
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Affiliation

County of Shasta, District 2
City of Shasta Lake
City of Anderson
County of Shasta, District 1
County of Shasta, District 3
Redding Area Bus Authority
City of Redding

Agency Partners

Caltrans, District 2
City of Anderson
City of Redding
City of Shasta Lake
County of Shasta
Redding Area Bus Authority (RABA)
Dignity Health Connected Living (DHCL)
Healthy Shasta
North State Super Region (NSSR)
Pit River Tribe
Redding Rancheria (Yana, Wintu, Pit River)

Introduction

Shasta Regional Transportation Agency (SRTA) is the designated Metropolitan Planning Organization (MPO) for the Shasta County region. Member agencies are the cities of Anderson, Redding, and Shasta Lake, the county of Shasta and the Redding Area Bus Authority (RABA). Information regarding SRTA, regional plans and programs, and this procurement are available online at www.srta.ca.gov.

SRTA seeks proposals from qualified consultants to prepare the ResilientShasta Extreme Climate Event Mobility and Adaption Plan.

This project is funded by a Caltrans Adaptation Planning Grant, from Senate Bill 1, the Road Repair and Accountability Act of 2017. The estimated contract award budget is \$100,000.

Background

Recent years are making it increasingly clear that climate change has arrived in California.

- Following on the heels of a historic five-year drought, 2017 brought us record precipitation events. The first was a snowstorm that caused an overnight closure of Interstate 5, causing traffic backups of over 10 miles and heavily impacting the entire region's traffic. The following month, extreme precipitation required Shasta Dam's drum gates to be opened for the first time in nearly 20 years and caused water releases of over 70,000 cubic feet per second, resulting in considerable downstream flooding and damage.
- Later that year, the city of Redding set a new record for the most days of 100-plus degree temperatures.
- Record-breaking California wildfires, including the 2018 Camp Fire in Butte County, which destroyed over 18,000 structures (including 95% of the ridge-top community of Paradise), burned over 153,000 acres, and left at least 85 people dead, hundreds missing, and tens of thousands displaced. And the 2018 Carr Fire—the 7th most destructive in history at the time—having burned over 229,000 acres, destroyed over 1,600 structures, burned into the city limits of Redding, and resulted in 8 deaths. Most recently, the small rural communities of Igo and Ono located west of Redding experienced the Zogg Fire in Fall 2020, which burned over 50,000 acres and killed four. Many of these wildfire deaths were due to a lack of clear and/or safe evacuation routes or plans.

These historic events caused a series of cascading impacts that the region is still dealing with. In addition to horrific loss of life and massive economic losses, initial short-term impacts included closures of local streets/roads, highways, rail corridors, and Interstate 5; long detours; and increased congestion.

The ResilientShasta plan is funded primarily by a Caltrans Adaptation Planning grant. Climate change adaptation aims to anticipate and prepare for climate change impacts to reduce the damage from climate change and extreme weather events. This funding is intended to advance adaptation planning on transportation infrastructure, including but not limited to roads, railways, bikeways, trails, bridges, ports, and airports. Adaptation efforts will enhance the resiliency of the transportation system to help protect against climate impacts, with an emphasis on the communities most vulnerable to climate change impacts.

Caltrans District 2, which consists of Shasta, Siskiyou, Modoc, Trinity, Lassen, Plumas, and Tehama Counties, recently completed a Climate Change Vulnerability Assessment and is current developing an Adaption Priorities Report. Although their study only focused on state highways, their approach will greatly inform that of SRTA's and our effort may even use the same datasets.

It is anticipated that the ResilientShasta effort will help inform the Regional Transportation Plan, Long Range Transit Plan, and other planning efforts within the Shasta Region.

Geography & Study Area



View of Lassen Peak from
State Route 44

Shasta County is located at the geographic center and transportation crossroads of California's North State. The nearest large city is Sacramento, 150 miles to the south on the Interstate 5 corridor, while the Oregon state line lies 100 miles due north. The county occupies the northern part of the Sacramento Valley and includes southern portions of the Cascade mountain range. The county has an area of 3,785 square miles. Shasta County has an urbanized area which contains the cities of Anderson, Redding and Shasta Lake. The county is home to approximately 180,000 residents, about 80% of which live in the south-central urbanized area along I-5. Redding is the county seat and the region's primary socio-economic center.

The region is largely rural in character and geographically separated from other California metropolitan regions. Its population is one of the most dispersed in the state, having 49 persons per square mile compared to the statewide average of 239.¹

The Shasta Region has approximately 3,543 miles of roadways maintained by various federal, state, and local agencies and tribal governments. Interstate 5 is the backbone of the region's transportation network, carrying upwards of 70,000 trips per day—the highest usage for 315

¹ Shasta Regional Transportation Agency, FY 2015-16 Overall Work Program, <http://www.srta.ca.gov/148/Overall-Work-Program>, May 27, 2015.

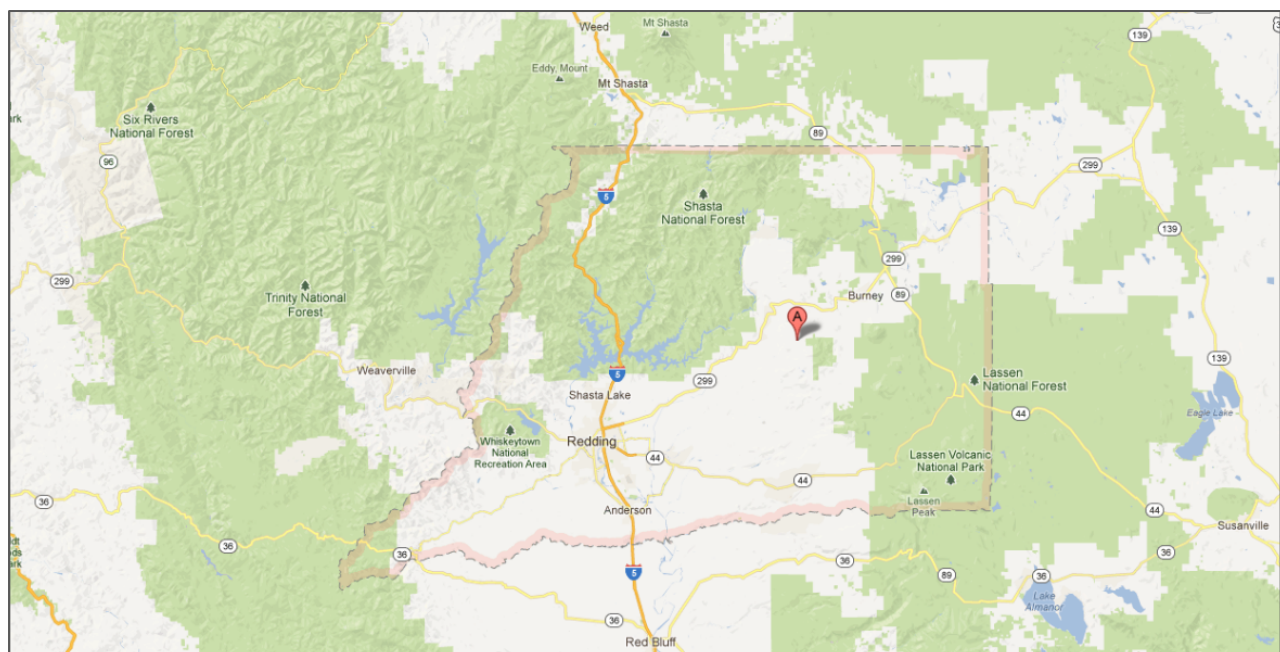
miles to the north (Eugene, OR) and 150 miles to the south (Interstate 5/State Route 99 junction). State Routes 299 and 44 provide primary travel to and from California's North Coast to the west and to Reno, Nevada to the east. Additional state highways in the county include State Routes (SRs) 36, 89, 151, and 273. There are approximately 517 bridges in the county, maintained by various jurisdictions.

Geographic elevations range from 425 feet on the valley floor to over 10,000 feet in Lassen Volcanic National Park. The region is surrounded by mountains to the west, north, and east. The Sacramento River flows through the center of the county and down the Sacramento Valley to the south. These attributes have contributed to the region's establishment as a center for recreation and tourism.

Topography

Figure 1 shows the topography and state highway/interstate layout of Shasta County.

Figure 1 – General Study Area



Project Scope of Work

Submitted proposals must include the tasks outlined below.

Task 1: Project Initiation and Management

Task Objective: To ensure clarity and consensus regarding project objectives, deliverables and schedule, consultant and SRTA roles, and administrative functions (i.e. reporting, invoicing, etc.). Also to identify—and subsequently avoid—potential pitfalls to the planning process.

Once a contract is signed and a notice to proceed issued, SRTA will contact consultant to setup a kick-off meeting and identify meeting topics. At the meeting SRTA and Consultant will establish and agree upon communication protocols, roles & responsibilities, expectations, and to review background information on the region. SRTA staff will explain the expected deliverables, progress reports, and invoicing procedures. Consultants will come prepared to discuss/request data and information needs, the project schedule, and initial next steps.

Deliverables:

- Kick-off meeting notes
- Project management plan, including the roles of the project manager and other project team members
- Updated schedule of project meetings, tasks, and deliverables
- Progress reports that summarize task progress & deliverables in accompaniment of monthly invoices (sample invoice included as Attachment A).

Task 2: Data and Information Collection

The consultant will be responsible for identifying and collecting local and state data needed for analysis and completion of the project. SRTA has a set of regional transportation infrastructure data in ArcGIS formats, but the consultant may need to assist with updating it with more current US Census or other data. SRTA does not have any datasets on generally accepted climate change data. However, Caltrans has recently completed district-level Climate Change Vulnerability reports and made those reports and data available online at: <https://dot.ca.gov/programs/transportation-planning/2019-climate-change-vulnerability-assessments>. SRTA is located within Caltrans District 2 and data may be available for download from Caltrans. Additional relevant reports and plans that may inform this effort may be found on the ResilientShasta webpage at: <https://www.sрта.ca.gov/320/ResilientShasta>.

Consultant will be responsible for procuring the appropriate climate change datasets for the region and developing scenarios, at a minimum, based on available Representative Concentration Pathway (RCP) 4.5 and RCP 8.5 data for Shasta County. Other datasets may need to be collected and prepared from the following sources: demographic data (most recent five-year American Community Survey data), vulnerable communities, modes of travel, the regional transportation network, the regional transit network, structures such as bridges and culverts, and other infrastructure with a transportation nexus.

Deliverables:

- Technical memoranda, as appropriate
- Datasets (in ArcGIS, tables, or other appropriate formats)
- Methodology documentation, as appropriate

Task 3: Public and Stakeholder Outreach Meetings and Support

The consultant shall plan and help administer public and stakeholder outreach throughout the life of the project. SRTA has obtained the MindMixer platform to help with online public

outreach, but outreach may also take the form of webinars, online meetings, or in-person meetings if conditions allow. The consultant's responsibilities will include the preparation of materials (e.g. press releases, graphics, presentations, polling questions, maps, and charts), developing meeting notes, and any necessary follow up. The consultant will be expected to prepare a minimum of four polls and/or surveys as well as prepare and facilitate at least two online public and stakeholder outreach efforts. Additionally, the consultant may be asked to remotely attend a SRTA Board of Directors meeting to help present final project deliverables.

Deliverables:

- Content for public outreach (e.g. poll questions, graphics, maps and charts, etc.)
- Meeting notes and summaries provided to SRTA staff
- Technical memoranda summarizing results

Task 4: Evaluation of Current and Projected Conditions

Task Objective: Using the data and information collected in Task 2, the consultant will help evaluate how climate change is projected to impact the Shasta Region.

Using the hazard layers developed for the Caltrans District 2 Climate Change Vulnerability Assessment (or information as similar as practical), the consultant will overlay various additional layers (e.g. the regional transportation network and vulnerable communities) to identify communities and infrastructure most exposed to each hazard. As part of this work, the consultant will evaluate how, at a minimum, the two climate scenarios (RCP 4.5 and RCP 8.5) might differently impact the region. Evaluation of each scenario should include the potential impacts of temperature, precipitation (e.g. flooding and/or dam failure), and wildfire on vulnerable communities and the regional transportation network.

Deliverables:

- Technical report to be delivered to SRTA summarizing the findings, including at minimum: the likely regional impacts of climate change (e.g. wildfires, temperature, precipitation, etc.), the likelihood of and differences between the potential scenarios, the vulnerable communities likely to be impacted by each scenario, and the regional transportation infrastructure (e.g. travel corridors, bridges, culverts, etc.) to be impacted by each scenario
- ArcGIS online maps to help illustrate findings, including at a minimum, maps showing the RCP 4.5 and RCP 8.5 projections for temperature, precipitation, and wildfire, and their potential impacts on the regional transportation infrastructure and vulnerable communities

Task 5: Identification and Evaluation of Potential Mitigation Steps and Strategies

Building off the findings delivered in Task 4, the consultant will help SRTA identify and evaluate potential adaptation strategies that SRTA and/or its regional partners could implement to improve outcomes, such as: expanding and improving the use of transit fleets in the evacuation of rural communities; ITS and real-time information solutions; communication among various first responders; reverse direction lanes; fuel management along corridors; improvements such

as heavy truck staging during interstate closures, temporary traffic controls, etc.; the use of multimodal trails as alternate ingress/egress routes during emergency events, and other strategies that may be proposed as part of the process. The consultant will provide any additional GIS mapping that may be necessary to help evaluate these potential strategies.

The consultant will assist SRTA in categorizing the strategies by appropriate planning horizons (e.g. short term, mid-term, long term), project type (e.g. planning project, capital project, and operational) and recommending immediate next steps. The consultant will also assist SRTA in identifying costs and potential funding sources.

Deliverables

- Technical memoranda that includes, at minimum:
 - an analysis, evaluation, and summary of a minimum of 24 strategies among the following three project types: planning projects, capital projects, and operational projects;
 - documentation of the evaluations' findings;
 - recommended strategies for adoption;
 - identify funding sources; and
 - areas that may warrant further study.

Task 6: Final Report

The consultant shall utilize previously completed technical memos and findings as the basis for developing a cohesive and comprehensive working draft report. The body of the report shall be concise and written for non-technical audiences. Exhibits, tables, and other infographics shall be used wherever appropriate in order to convey technical concepts and key points in a more approachable manner. Technical documentation of the planning process, public input, data, and other such elements shall be attached as appendices to the report. The working draft shall be provided to SRTA for review and comment. Input and direction from SRTA and its partner agencies will then be incorporated into a public review report. Any public comments shall be compiled into an appendix to a final report, and SRTA may request additional changes based on public review to be incorporated into the final draft copy to be presented to the SRTA Board of Directors.

Deliverables:

- Working draft report
- Public review draft report
- Final report, including fifteen (15) color hard copies
- Electronic format of all project deliverables, including data and support files

Timeline

An anticipated/estimated project schedule is provided at the end of this document as Attachment B.

Proposal Contents

Written proposals shall not exceed 35 pages (including attachments). At a minimum, the following information should be included and clearly labeled:

1. Transmittal letter--signed by an officer who may contractually bind the business, with a description of the firm containing the firm name, firm address, firm's status as a DBE or non-DBE, age of the firm, NAICS code, and annual gross receipts (may be a range). The proposal shall be a firm offer for a minimum of 60 days and contain a statement to that effect. The proposal shall contain a statement that all activities performed within the proposed scope of work will be performed at a not-to-exceed price.
2. Statement of understanding of the scope of work that illustrates the consultant's familiarity with climate change and climate change adaptation, and a discussion of a technical approach and management approach.
3. List of the personnel on the project team, including a summary of their qualifications and work experience (resumes may be included as an attachment). This includes sub-consultants proposed for use.
4. Representative list of similar projects completed within the last five years including: project description and services provided, budget and schedule performance, and contact information for the client reference.
5. Work plan and schedule to complete the project scope of work identifying milestones and deliverables.
6. Cost proposal worksheet, including: fee schedule on a time (by personnel) and materials basis; cost by task; and total cost to complete the project. The cost proposal shall be fully inclusive of all services, overhead, and direct expenses.
7. How the respondent heard of the procurement.

Pre-Proposal Conference

A pre-proposal conference will be held on Tuesday, November 17 beginning at 1 p.m. PST via Zoom:

Meeting ID: 811 4433 4241

Passcode: 276865

To join via the Zoom client:

Visit <https://us02web.zoom.us/j/81144334241> and enter the above passcode.

To join via telephone:

Dial 1-888-788-0099 and follow the prompts, referring to the above meeting ID and passcode.

Please indicate your interest in the pre-proposal conference to the contact person via email.

RFP Questions, Contact Person, and Schedule

Questions

Questions concerning this RFP will be responded to collectively and made available for interested applicants via the SRTA website. All email inquiries must be submitted no later than 3:00 p.m. PST on Monday, November 16, 2020, to the below contact person. **Questions taken from prospective vendors, and responded to by SRTA staff, will be reported on SRTA's bid posting webpage.** All responses to questions will be posted on the [SRTA website](http://www.srta.ca.gov/bids.aspx) no later than 3:00 p.m. PST on Thursday, November 19, 2020. Interested applicants must subscribe to SRTA's bid posting webpage at <http://www.srta.ca.gov/bids.aspx> so that they are notified of any addenda to the RFP, or for responses to questions received.

Contact Person

Michael Kuker

Associate Transportation Planner

mkuker@srta.ca.gov

530-262-6204

Schedule

The RFP schedule follows on the next page.

Figure 2 – RFP Schedule

Tasks	Deadline
Release RFP	Friday, October 30, 2020
Interested Vendor Questions Due	3:00 p.m. PST on Monday, November 16, 2020
Pre-Proposal Conference	1:00 p.m. PST on Tuesday, November 17, 2020
SRTA Response to Vendor Questions	No later than 3:00 p.m. PST on Thursday, November 19
Vendor Proposals Due	3:00 p.m. PST, Monday, December 7, 2020 (no postmarks accepted)
Evaluation and Ranking of Proposals	December 7–9
Interviews (if necessary)	December 7–9
Consultant-SRTA Contract, including Budget and Scope of Work	December 9 –11
SRTA Board of Directors Approval	Tuesday, December 15, 2020
Contract Start	Wednesday, December 16, 2020

Proposal Evaluation

A panel will be formed to evaluate the proposals using consensus scoring and make a recommendation in consultation with the executive director, which will then go to the SRTA Board of Directors for approval. The proposal evaluation will be based on the scoring criteria presented in Figure 3.

Figure 3 – Proposal Scoring Criteria

Criteria	Maximum Possible Points
Thoroughness of proposal and meeting the RFP project scope of work and the project’s overarching objectives	40
Qualifications and similar experience of the consulting firm and project team	20
Cost and value of services to be provided	20
Innovative ideas to meet RFP objectives	10
DBE participation level	5
References	5

In unusual circumstances where a recommendation cannot be made based on the proposals alone, the highest ranked consultants may be invited to an interview conducted via Zoom. Presentations will be allowed, with a time limit specified prior to the interview. Should interviews

be held, SRTA will evaluate the interview using the criteria presented below in Figure 4, and the interview score will then be added to the statement score to determine the final ranking. The evaluation panel will then make a recommendation based upon the final ranking, which will go to the executive director for approval.

Figure 4– Interview Scoring Criteria (if conducted)

Criteria	Maximum Possible Points
Understanding of the work to be done	15
Experience with similar kinds of work	20
Quality of staff for work to be done	15
Total	50

Contract Award

The anticipated start date is December 16, 2020, with an anticipated completion date of June 30, 2021. Consultant selection will be based on a combination of funding availability and the value of the services to be provided.

Barring any delays (i.e. the need for a budget amendment, extension of the RFP response date, etc.), the SRTA Executive Director will schedule the proposed technical services agreement for consideration by the SRTA Board of Directors on December 15, 2020. The agreement is not in force until approved by the SRTA Board of Directors and written authorization to proceed is provided to the selected consultant.

Standard Consulting Agreement

SRTA’s standard Technical Services Agreement (TSA) will be used for the agreement between SRTA and the selected consultant. SRTA’s TSA template is provided by separate attachment to the RFP distribution.

Protest Procedure

All protests will follow SRTA protest procedures for procurements as delineated in Appendix 1.

Debriefing

SRTA will provide an informal debriefing to interested consultants not selected for this contract, once a final contract has been negotiated and executed.

Proposal Submittal

Please submit consultant proposals to:

Shasta Regional Transportation Agency
Attn: Michael Kuker
1255 East Street, Suite 202
Redding, CA 96001
srta@srta.ca.gov

Submittals must be received at the SRTA office before **3:00 p.m. PST on Monday, December 7, 2020**. No proposals will be accepted after this time. **Postmarks are not acceptable**. Consultants may forward their proposal by email or by mail, or delivery service. Proposal receipt will be acknowledged by email.

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 and Terms

Public Records Act: All proposals submitted in response to the RFP will become the exclusive property of SRTA. At such time as a contract award is recommended to the agency, all bids and proposals become a matter of public record and will be regarded as public records and subject to the Public Records Act (Gov. Code Section 6254 et. seq.).

If consultant feels that any information in their proposal is “proprietary” in nature, then consultant must provide a second proposal (clearly labeled) with that information removed, which would be shared in the event of any Public Records Act request. Otherwise, their submitted proposal will be provided in the event of a Public Records Act request and consultant, by submitting a proposal to this RFP, waives any claims against and hold SRTA harmless for the release of their proposal.

In the event of litigation concerning the disclosure of any records, SRTA’s sole involvement will be as a stakeholder, retaining the records until otherwise ordered by a court. The proposer, at its sole expense and risk, shall be fully responsible for any, and all, fees for prosecuting or defending any action concerning the records and shall indemnify and hold SRTA harmless from all costs and expenses, including attorney’s fees, in connection with, any such action.

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 (email acceptable) prior to the

deadline. Proposals may be withdrawn following the proposal deadline for good cause; please consult with the RFP contact person to discuss this.

RFP Addendum or Addenda: Any changes to the RFP will be made by written addenda 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. Any addenda will be posted on-line only. 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.

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 a disadvantaged business enterprise (DBE) goal of 4.8% for federal fiscal years 2018/2019/2020. SRTA encourages respondents to include the participation of DBE businesses within your proposal.

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.

Appendix I

PROTEST PROCEDURES FOR PROCUREMENTS

I. PROTESTS

The following procedures shall be used by Shasta Regional Transportation Agency (SRTA) to fairly and promptly respond to any protests received regarding third-party contracts or the contracting process. SRTA will consider all protests or objections regarding the contracting process or the award of an Agreement received by SRTA by 4 p.m. on the deadlines discussed below. SRTA will review only protests submitted by an actual or prospective Proposer. Protests by prospective subcontractors will be rejected. A protest by any adversely affected Proposer must be made in writing and must be mailed or hand delivered to SRTA. A protest which does not strictly comply with the SRTA protest procedures will be rejected.

A. Protests Before Bid/Proposal Opening

Protests relating to the content of the solicitation (i.e., RFP, IFB, RFQ), including protests related to DBE/UDBE requirements, must be filed within five (5) business days after the date the solicitation or addendum with the revised content is released to the public by SRTA. Failure to file a protest concerning the content of the solicitation or addendum prior to this deadline constitutes a waiver of any protest on these grounds.

B. Protests Related to Determination of Responsiveness

In the event the RFP contains a DBE/UDBE goal and SRTA makes a determination that Proposer has not met the goal or good faith effort requirements set forth in this RFP, SRTA will send the Proposer a Notice of Non-Responsiveness. Protests relating to any Notice of Non-Responsiveness must be filed within five (5) business days after the date of such notice. Failure to file a protest concerning the non-responsiveness determination prior to this deadline constitutes a waiver of any protest on these grounds and SRTA shall not be obligated to send Proposer any further notices.

C. Protests After Bid/Proposal Due Date

After Proposers are shortlisted and/or selected for negotiations, notices will be sent to all relevant Proposers. Protests relating to failure to make the shortlist must be filed within five (5) business days following protester's receipt of a notice regarding the shortlisting. Protests relating to the intent to make an award must be filed within five (5) business days following protester's receipt of the notice regarding the intent to negotiate. The date of filing shall be the date SRTA receives the protest. Untimely protests will be rejected. If deemed necessary, SRTA shall notify all Proposers of record that a protest has been filed and the award has been postponed until further notice. If necessary, Proposers will be asked to extend the time for acceptance of their proposal in order to avoid the need for readvertisement of the solicitation.

D. Protest Contents

A letter of protest must set forth detailed grounds for the protest and be fully supported with technical data, documentary evidence, names of witnesses, and other pertinent information related to the subject being protested. The protest also must state the law, rule, regulation, or policy upon which the protest is based. Protests concerning the relative weight of the evaluation criteria or the formula used in assigning points to make an award determination will be rejected. The protester must allege or establish a clear violation of a specific law, rule, regulation, or policy. If the protester considers that the protest contains proprietary material that should be withheld, a statement advising of this fact must be affixed to the front page of the protest document, and alleged proprietary information shall be so identified wherever it appears. Protests shall be mailed to:

The Protest Administrator

Reference: SRTA Contract Solicitation No. S-00003

E. Role Of The Protest Administrator

If a protest raises solely a question of law, the Executive Director shall retain the services of SRTA Legal Counsel to serve as the Protest Committee. SRTA Legal Counsel will prepare a recommendation regarding the protest, in writing, to the SRTA Executive Director within ten (10) business days.

The Protest Administrator shall review each protest to determine if it is in compliance with the deadline, format, content, and notice requirements set forth in this Section. If a protest does not meet such requirements it may be rejected without further consideration. A written notice of such rejection shall be sent to the protester.

If the protest requires resolution of questions of fact, the Protest Administrator, his/her designee will appoint individuals to participate on a Protest Committee. The Protest Administrator will endeavor to appoint at least one of the Protest Committee members from an outside agency, and no one may sit on the Protest Committee that has a known and direct connection to the procurement that is the subject of the protest. The Protest Administrator also will appoint a chairperson for the Protest Committee. The Protest Administrator will gather the documents that the Protest Committee will need for its investigation and prepare a memo to the Protest Committee containing background information regarding the protest. Any communication regarding the protest between the protester and SRTA shall be through the Protest Administrator during the protest proceedings. Protesters may not contact anyone at SRTA other than the Protest Administrator. Protest Committee

The Protest Committee shall ensure the protest was received within the timeline specified and review the protest to determine if it itemizes in appropriate detail each matter contested as well as any factual reason(s) for the requested protest. The Committee chairperson shall schedule the date of the Protest Committee meeting, contact the Committee panel members, and distribute all protest documentation.

F. Reply To Protest

The Protest Committee will review all qualifying protests in a timely manner and may hold an informal hearing if deemed necessary in order to complete its investigation. The Protest Committee will prepare a recommendation regarding the protest, in writing, to SRTA's Executive Director within ten (10) business days of the date of receipt of the protest. All materials included with the original protest at time of submittal will be considered. Supplemental materials filed by a protester after the protest deadline will not be considered unless there are extenuating circumstances in the opinion of the Protest Committee. Protest documents will not be withheld from any interested party outside of SRTA, with the exception that information will be withheld when required by law or regulation. The Executive Director or his/her designee will either sustain or reject the protest in writing based upon the recommendation of the Protest Committee and the best interests of SRTA. This decision will be communicated in writing to the protestor and/or the party whose proposal is the subject of the protest and delivered by email or overnight delivery.

G. Results Of The Protest

If the protest relating to a contract award is sustained, the original Notice of Intent to Award may be withdrawn after the deadline for protest reconsideration has passed. SRTA then may issue a new Notice of Intent to Award to a different bidder/Proposer and a new protest period will commence using the same timelines discussed above. If the protest is rejected, the original Notice of Intent to Award will stand and SRTA will continue with contract negotiations with the awardee.

H. Federal Transit Administration Requirements Not Applicable in the absence of FTA Funding

1. FTA Review of Protests

- a. In the case of contracts funded by the FTA, the FTA will review only protests regarding the alleged failure of SRTA to have written protest procedures or alleged failure to follow such procedures.
- b. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities. Alleged violations of a specific federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with that federal regulation. See Buy America Requirements, 49 C.F.R. 661.15; Participation by Minority Business Enterprise in DOT Programs, 49 C.F.R. 26.
- c. The FTA will review only protests submitted by an interested party defined as an actual or prospective bidder or Proposer whose direct economic interest would be affected by the award of the contract or by failure to award the contract in accordance with FTA Circular 4220.1F. A subcontractor does not qualify as an "interested party." (See FTA Circular 4220.1E, Chapter VII, Section I (1)(c))."

2. Time for Filing

- a. Protesters shall file a protest with the FTA not later than five (5) business days after a final decision is rendered under the SRTA protest procedure. A copy of any protest documents filed with the FTA must be provided concurrently to SRTA. In instances where the protester alleges that SRTA failed to make a final determination on the protest, protesters shall file a protest with the FTA not later than five (5) business days

after the protester knew or should have known of the failure of SRTA to render a final determination on the protest.

- b. SRTA shall not award a contract for five (5) business days following its decision on a bid protest except in accordance with the provisions and limitations of subparagraph 6. After five (5) business days, SRTA shall confirm with the FTA that the FTA has not received a protest on the contract in question.

3. Submission of Protest to the FTA

- a. The protester must exhaust its administrative remedies by pursuing the recipient's protest procedures to completion before appealing the recipient's decision to the FTA. (FTA Circular 4220.1F, Page VII-3, November 1, 2008).
- b. Protests should be filed with the FTA Region 9 office and a copy must be sent to SRTA by the protester.
- c. The protest filed with the FTA shall:
 - Include name and address of protester
 - Identify SRTA as the grantee, the SRTA Contract Administrator, and number of the contract solicitation
 - Contain a statement of the grounds for protest and any supporting documentation. This should detail the alleged failure to follow protest procedures or the alleged failure to have procedures and be fully supported to the extent possible
 - Include a copy of the local protest filed with SRTA and a copy of the SRTA decision, if any

4. SRTA Response

- a. The FTA shall notify SRTA in a timely manner of receipt of a protest.
- b. SRTA shall submit the following information not later than ten (10) business days after receipt of notification by the FTA of the protest:
 - a copy of SRTA's protest procedure
 - a description of the process followed concerning the protester's protest
 - any supporting documentation
- c. SRTA shall provide protester with a copy of the above submission.

5. Protester Comments

The protester must submit any comments on the SRTA submission not later than ten (10) business days after the protester's receipt of the SRTA submission.

6. *Withholding of Award*

When a protest has been timely filed with SRTA before award, SRTA shall not make an award prior to five (5) business days after the resolution of the protest, or if a protest has been filed with the FTA, during the pendency of that protest, unless SRTA determines that:

- a. The items to be procured are urgently required;
- b. Delivery or performance will be unduly delayed by failure to make the award promptly;
or
- c. Failure to make prompt award will otherwise cause undue harm to SRTA or the federal government.

The FTA reserves the right not to participate in the funding of any contract awarded during the pendency of a protest.

7. FTA Action

Upon receipt of the submissions, the FTA will either request further information or a conference among the parties, or will render a decision on the protest.

Appendix 2

Expected Project Milestones

December 16, 2020

Kickoff meeting between SRTA and consultant. (This date is flexible.)

February 23, 2021

Present evaluation of Current and Projected Conditions to SRTA board of directors, along with list of candidate strategies to be evaluated as part of next phase for comment.

April 27, 2021

Present draft of report to SRTA board of directors for comment.

June 30, 2021

Present final report to the SRTA board of directors for approval.