

## **REQUEST FOR PROPOSALS** to perform the following:

- Supplemental Environmental Impact Report (EIR) for the 2022 Regional Transportation Plan
- Assess the performance potential of Sustainable Communities Strategy (SCS) strategies
- Support SRTA in the preparation of SCS submittal documentation to the California Air Resources Board (ARB)

**SRTA Solicitation Number:** S-00012

**Issued:** August 30, 2021

**Contract Capacity:** Estimated at \$80,000

**Performance Period:** October 25, 2021 – June 30, 2024

**Payment Method:** Time and Materials

**Submissions Due:** 3:00 p.m. PDT on Tuesday, September 21, 2021

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**



## 2021 SRTA Board Members and Agency Partners

### Board Members

Greg Watkins, Chair  
Baron Browning, Vice Chair  
Joe Chimenti  
Leonard Moty  
Mary Rickert  
Kristen Schreder  
Mark Mezzano

### Affiliation

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

### 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](http://www.srta.ca.gov).

SRTA seeks proposals (35 pages or fewer) from qualified consultants to assist the agency in preparing environmental documents and to conduct air quality and greenhouse gas (GHG) emissions modeling in support of the agency's Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). Consultants should have extensive and recent experience with both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) related to regional transportation plans, as well as familiarity with ARB's SCS review process and experience with the California Air Resources Board's (CARB) Emission FACTor (EMFAC) model.

This project may be funded by one or more of the following fund sources: Federal Highway Administration Planning (FHWA PL) funds; Planning, Programming, and Monitoring (PPM) Funds; Federal Transit Administration (FTA) funds; or other eligible federal or state funds.

## Background

Every 4 years, SRTA needs assistance in preparing environmental documents in support of the Shasta Region's Regional Transportation Plan (RTP) and preparing air quality modeling results with the CARB EMFAC model. The previous RTP was approved in October 2018 and is available for review on SRTA's website here: [2018 Regional Transportation Plan | Shasta Regional Transportation Agency, CA](#). The supporting environmental documents are located on SRTA's website here:

- [Supplemental EIR for the 2018 RTP/SCS](#)
- [EIR Checklist for the 2018 RTP/SCS](#)

SRTA's next RTP is due October 2022 and it's anticipated that only minor updates will be needed. ***SRTA anticipates that a Supplement Environmental Impact Report (SEIR) will be necessary. However, the agency will defer to the consultant's judgement based on prior experience and any recently updated CEQA/NEPA regulations related to regional plans.*** SRTA anticipates the following activities will be necessary, which are further detailed out in the RFP scope of work:

- Prepare a SEIR for the 2022 Regional Transportation Plan;
- Utilize data outputs from SRTA's ShastaSIM travel model to conduct air quality and GHG emissions modeling (<https://www.srta.ca.gov/174/Travel-Demand-Modeling>);
- Help quantify "off-model" GHG emissions reductions and/or vehicle miles traveled reductions for strategies or policies that cannot be easily modeled in ShastaSIM; and

- Provide technical support to SRTA staff in responding to federal and state agency questions regarding the environmental documents.

## Geography & Study Area



Recently completed Downtown Redding Multi-Use Infill Development Project

**Shasta County** is located at the geographic center and transportation crossroads of California's North State (See Figure 1). The nearest large city is Sacramento, over 160 miles to the south on the Interstate 5 corridor, and the Oregon state line lies 100 miles to the north. The county occupies 3,785 square miles in the northern part of the Sacramento Valley and is home to 182,155 residents.<sup>1</sup> Approximately 80% of the region's population live in the south-central urbanized area along I-5, which contains the cities of Anderson,

Redding and Shasta Lake and portions of the unincorporated county. As the largest urbanized area in the region, the city of Redding is the county seat and serves as the region's primary socio-economic center. The city of Redding also serves as the region's intermodal hub for local public transportation in Shasta County and connections between inter-regional public transportation providers such as Trinity Transit, Modoc Sage Stage, Amtrak, and Greyhound.

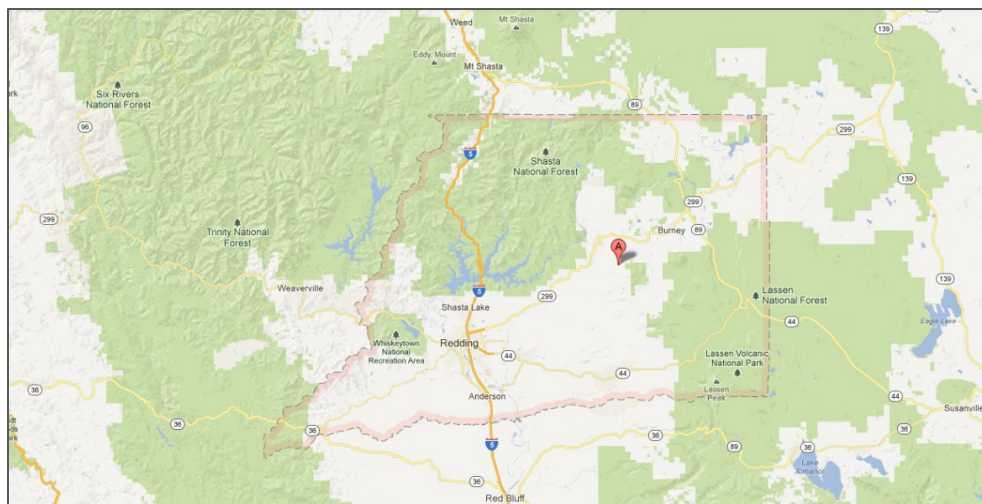
The region is largely rural in character and geographically separated from other California metropolitan regions. Its population is one of the most dispersed in the state, having 49 persons per square mile compared to the statewide average of 239.<sup>2</sup>

Along with the primary I-5 corridor, state highways in the county that intersect in the region include State Routes (SRs) 36, 44, 89, 151, 273 and 299. The region is surrounded by mountains to the west, north, and east with elevations ranging from 425 feet on the valley floor to over 10,000 feet in Lassen Volcanic National Park. 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.

<sup>1</sup> 2020 US Census [Decennial Census by Decades](#)

<sup>2</sup> Shasta Regional Transportation Agency, FY 2021-22 Overall Work Program, <http://www.srta.ca.gov/148/Overall-Work-Program>, April 27, 2021.

**Figure 1 – General Study Area**



## **Project Scope of Work**

SRTA is seeking a qualified consultant(s) to assist SRTA in preparing environmental documents for the 2022 RTP, to conduct associated outreach, present and submit information to pertinent federal/state agencies, conduct air quality and GHG emissions modeling, and assist with conducting off-model GHG and/or VMT reduction calculations. Submitted proposals must address the tasks outlined below.

### **Task 1: Project Initiation and Management**

A kick-off meeting with SRTA and selected consultant will be held at the commencement of the contract to 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. Consultant and SRTA will also identify the frequency of project meetings to keep each up-to-date throughout the project and to address questions as they arise.

#### Deliverables may include, but are not limited to:

- Kick-off meeting
- Project management plan, including the roles of the project manager and other project team members
- Progress reports that summarize task progress & deliverables in accompaniment of monthly invoices.

### **Task 2: Initial Study/Notice of Preparation (IS/NOP)**

The consultant will review prior environmental documents, discuss any changes for the 2022 RTP and prepare an Initial Study that will discuss each of the issues in the Initial Study Checklist. Consultant will identify which categories need to be discussed in detail in the SEIR. Based on prior experience, the development of draft and final documents is not a “one-and-done”

situation and Consultants should assume SRTA staff may review each draft document up to three times before documents are issued for public comment or final publication.

Deliverables may include, but are not limited to:

- Draft and final Initial Study
- Prepare draft NOP for staff review and submit final NOP to State Clearinghouse
- Provide 10 hardcopies of the IS/NOP and one electronic copy of each

**Task 3: Supplemental Environmental Impact Report (SEIR)/Response to Comments/Findings and Statement of Overriding Considerations**

The consultant will prepare a draft and final SEIR that meets all of the required components under CEQA. Consultant should ensure the SEIR also complies with SB 375, SB 743, and any other recent legislation, where appropriate. Consultant should plan to receive comments on the SEIR and prepare comments as part of the final document. It's anticipated that because the 2022 RTP is regional in nature and that most projects will be handled at a local level, that the plan will have a substantial impact and that a Statement of Overriding Considerations will have to be prepared. Consultant should also plan on preparing a resolution to certify the SEIR for the 2022 RTP/SCS. A link to the prior resolution is available for reference on SRTA's website here:

[https://www.srta.ca.gov/DocumentCenter/View/4324/Resolution18-12\\_Signed\\_Reduced](https://www.srta.ca.gov/DocumentCenter/View/4324/Resolution18-12_Signed_Reduced)

Consultant should plan on assisting staff with filling out the EIR checklist for the adopted 2022 RTP (see link in background section). Based on prior experience, Consultants should assume SRTA staff may review each draft document up to three times before documents are issued for public comment or final publication.

Deliverables may include, but are not limited to:

- Draft SEIR
- Final SEIR
- Draft and final Response to Comments
- Draft and final Findings and Statement of Overriding Considerations
- Draft and final Resolution to certify the final SEIR, Findings and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
- Assist SRTA with filling out EIR checklist for the adopted 2022 RTP

**Task 4: Air Quality/Greenhouse Gas (GHG) Emission Estimations and EMFAC Modeling**

The consultant will utilize speed bin outputs from SRTA's ShastaSIM travel model to prepare and conduct GHG emissions modeling using CARB's EMFAC model. Consultant will work with SRTA's travel model consultant, DKS Associates, to ensure the proper tables are prepared for all model years. Consultant will need to model all vehicles and also SB 375 category vehicles only. The following model years should be calculated at a minimum:

- 2005 (baseline for SB 375 only)
- 2020 (analysis/target year for SB 375 reduction targets and base data year)
- 2035 No Project
- 2035 with RTP

- 2042 or 2045 No Project
- 2042 or 2045 with RTP

Deliverables:

- EMFAC model outputs for each year including the chosen and “no project” scenarios
- Model outputs that can be put into CARB’s SCS submittal package table (see Task 8)

**Task 5: Mitigation Monitoring and Reporting Program**

The consultant should develop a programmatic Mitigation, Monitoring, and Reporting Program as part of the final SEIR to ensure that as other agencies implement projects, they can reduce their environmental impact. It’s anticipated this would be an appendix to the final SEIR. Based on prior experience, Consultants should assume SRTA staff may review each draft document up to two times before documents are issued for public comment or final publication.

Deliverables:

- Draft and final Mitigation, Monitoring, and Reporting Program

**Task 6: Scoping Meeting/Public Meetings/Teleconference meetings**

Due to the challenges of the COVID-19 pandemic, it’s anticipated that most public meetings will be handled online. The consultant will prepare and assist SRTA in conducting a scoping meeting for the project. Due to current challenges with COVID-19, consultant should plan to lead an online scoping meeting in partnership with SRTA staff. Consultant should plan to attend up to two SRTA Board of Director meetings remotely to present information on the environmental documents and to take and/or respond to comments.

Based on prior experience, review by the California Air Resources Board of the agency’s adopted RTP/SCS confirming that it can meet the region’s GHG reduction targets is not a fast process and can take 6-9 months to complete. Consultant should also plan to attend up to six teleconference meetings with state or local agencies to discuss the results of the environmental documents and explain the outputs of the air quality/GHG emissions modeling and/or policy/strategy off-model results, after adoption of the 2022 RTP/SCS. Consultants may be tasked with providing additional information to questions posed by CARB staff in the form of technical memos.

Deliverables:

- Preparation of materials and lead discussion of an online Scoping Meeting.
- Preparation of materials and participation in up to two SRTA Board of Directors meetings.
- Preparation of materials and participation in up to six CARB teleconference meetings.
- Prepare up to three technical memos addressing CARB questions on the adopted 2022 RTP/SCS.

### Task 7: Off-Model Strategies, Policies, and Calculations

SRTA is required to develop and provide supporting detail for strategies that will help the region meet its required -4.0% reduction in GHG emissions by year 2035, under Senate Bill 375 (SB 375). While some strategies/policies can be modeled in the regional travel demand model (ShastaSIM), not all strategies can, or the model is not sensitive enough to provide useful results.

Consultant will be asked to help identify and quantify the GHG and/or VMT reduction benefits of various strategies that cannot be modeled in ShastaSIM and develop a set of “off-model” calculations that illustrate the benefits of those strategies. In Attachment C SRTA has listed out a set of ten (10) preliminary strategies we may explore during development of the 2022 RTP. For purposes of this task Consultant should assume detailed analysis of at least seven “off-model” strategies, including but not limited to those in Attachment C.

#### Deliverables:

- Detailed analysis of a minimum of seven “off-model” strategies that would help the region meet GHG reduction targets.
- Technical memo(s) summarizing potential GHG and/or VMT reductions from off-model strategies.

### Task 8: Complete SCS data submittal and assist in responding to ARB questions during the SCS evaluation process

Utilizing travel model and EMFAC outputs, Census data, GIS, and/or other analysis, the consultant shall populate the attached ARB Submittal Package Table, with assistance from SRTA and SRTA’s travel model consultant. Meta-data shall also be documented via technical memo. See Attachment D for examples of the ARB Submittal Package Guidelines and Tables.

#### Deliverables:

- Completed ARB Submittal Package Table
- Technical memo providing meta-data for the ARB Submittal Package Table

### Options

- **Option #1** – SRTA reserves the right to amend the contract budget up to 15% of the original contract budget for unplanned work necessary to complete or defend the environmental documents for the 2022 RTP/SCS.

### Timeline

The 2022 Regional Transportation Plan is due by October 2022, and consultant should develop a proposed project timeline that anticipates meeting that need. Consultant should expect to start the project within seven days or less after approval of a contract at the SRTA Board of Directors meeting on October 21, 2021.

Additionally, consultant should plan for possible discussions with state agencies regarding the SEIR, GHG/VMT analysis, and off-model analysis as they evaluate whether the RTP would achieve the GHG reduction goal for up to nine months after adoption of the 2022 RTP.

## 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 following **mandatory items**:
  - firm name,
  - firm address,
  - firm's status as a disadvantaged business enterprise (DBE) or non-DBE,
  - firm's status as a disabled veteran business enterprise (DVBE) or non-DVBE,
  - age of the firm,
  - NAICS code, and
  - annual gross receipts (may be a range).

The proposal shall contain a statement acknowledging SRTA's DBE and DVBE goals. The proposal shall be a firm offer for a minimum of 90 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 as well as illustrating consultant's familiarity with the Shasta Region.
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), and anticipated share of the project workload (by percentage). The project team should include any sub-consultants proposed for use. ***Please note that SRTA must approve any personnel changes in advance.***
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. Letters of recommendation from previous clients can also be provided.
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.

## 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 5:00 p.m. PDT on Friday, September 10, 2021**, 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 5:00 p.m. PDT on Tuesday, September 14, 2021. 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

Sean Tiedgen  
Senior Transportation Planner  
[srta@srta.ca.gov](mailto:srta@srta.ca.gov)  
530-262-6185

### Schedule

The RFP will follow the schedule as outlined in the table below:

| Tasks                                                                  | Deadline                                                               |
|------------------------------------------------------------------------|------------------------------------------------------------------------|
| Release RFP                                                            | August 30, 2021                                                        |
| Interested Vendor Questions Due                                        | September 10, 2021, by 5:00 p.m. PDT                                   |
| SRTA Response to Vendor Questions                                      | September 14, 2021, by 5:00 p.m. PDT                                   |
| Vendor Proposals Due                                                   | <b>September 21, 2021, by 3:00 p.m. PDT</b><br>(No postmarks accepted) |
| Evaluation and Ranking of Proposals                                    | September 21 – September 28, 2021                                      |
| Interviews (if necessary)                                              | September 28 – October 1, 2021                                         |
| Negotiate Consultant-SRTA Contract, including Budget and Scope of Work | September 28, 2021, through October 19, 2021                           |
| SRTA Board of Directors Approval                                       | October 21, 2021                                                       |
| Contract Start                                                         | October 25, 2021, Pending approval by SRTA Board of Directors.         |

## Proposal Evaluation

A panel will be formed to evaluate the proposals, 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 2. In unusual circumstances where a recommendation cannot be made based on the proposals alone, the highest ranked consultants may be invited to an interview. Should interviews be held, SRTA will

provide a list of questions and evaluation criteria before the interviews. Presentations will be allowed, with a specified time limit.

**Figure 2 – Proposal Scoring Criteria**

| Criteria                                                                                                        | Scoring Weight |
|-----------------------------------------------------------------------------------------------------------------|----------------|
| Thoroughness of proposal to meet RFP project needs and the project's overarching objectives                     | 30             |
| Qualifications and experience of the consulting firm and project team                                           | 30             |
| Value of services to be provided                                                                                | 20             |
| Knowledge demonstration of Shasta Region                                                                        | 5              |
| Disadvantaged Business Enterprise (DBE) and/or Disabled Veterans Business Enterprise (DVBE) participation level | 5              |
| References                                                                                                      | 10             |

### **Contract Amount and Award**

SRTA staff has estimated the project budget to be \$80,000, with a maximum budget estimated at \$92,000 should Option #1 be utilized. This may be adjusted depending on the agreed upon budget for the initial contract. The project budget cannot be exceeded without an amendment to the contract.

The anticipated start date is October 25, 2021, based on the approval of the SRTA Board of Directors, with a June 30, 2024, contract expiration. Consultant selection will be based on a combination 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 **Thursday, October 21, 2021**. The agreement is not in force until approved by the SRTA Board of Directors, signatures are collected, and a written authorization to proceed is provided by SRTA 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. A link to SRTA's TSA template is provided in Attachment B.

### **Protest Procedure**

All protests will follow the SRTA protest procedures for procurements as delineated in Attachment A.

## 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: Sean Tiedgen, Senior Transportation Planner**  
**1255 East Street, Suite 202**  
**Redding, CA 96001**  
[srta@srta.ca.gov](mailto:srta@srta.ca.gov)

Submittals must be received at the SRTA office before **3:00 p.m. PDT on Tuesday, September 21, 2021**. 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 is executed, all bids and proposals related to that contract 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 Goal: SRTA encourages respondents to include the participation of DBEs within their proposal.

DVBE Requirement: SRTA has determined through the California Disabled Veteran Business Enterprise Program, as defined in the Military and Veterans Code section 999, that DVBEs will have the opportunity to compete fairly for contracts financed, in whole or in part, with state funds. For this procurement, SRTA has a DVBE goal of 3%. SRTA encourages respondents to include the participation of DVBEs within their 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.

## **List of Attachments:**

### **Attachment A**

SRTA's Protest Procedures for Procurements (see attached)

### **Attachment B**

SRTA's Technical Services Agreement Template is located here:

<https://www.srta.ca.gov/DocumentCenter/View/5589/2021-Technical-Services-Agreement-Draft>

### **Attachment C**

SRTA's Preliminary 2022 RTP/SCS Strategies:

<https://www.srta.ca.gov/DocumentCenter/View/5648/SRTA-Preliminary-2022RTP-SCS-Strategies>

### **Attachment D**

CARB's SCS Submittal Package:

- Example Guidelines: <https://www.srta.ca.gov/DocumentCenter/View/5649/CARB-SCS-Submittal-Package-Summary-Guide-July2020>
- Example Tables: <https://www.srta.ca.gov/DocumentCenter/View/5650/CARB-SCS-Submittal-Package-Example-Tables-July2020>

# PROTEST PROCEDURES FOR PROCUREMENTS

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## 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.

### 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.

## **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-00012

## **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.

## **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.

## **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.

## **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))."

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.

#### 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

#### 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.

#### 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.

#### *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.

#### 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.