



The Association of Central Oklahoma Governments

REQUEST FOR PROPOSALS

Defining and creating a Regional Transit Authority in Central Oklahoma

Issued: April 18, 2017
Due Date: May 19, 2017

Send to:

Association of Central Oklahoma Governments
Attention: John G. Johnson, Executive Director
4205 N. Lincoln Boulevard
Oklahoma City, OK 73105

PHONE: (405) 234-2264
E-MAIL: jgjohnson@acogok.org

Summary

The Association of Central Oklahoma Governments (ACOG) is requesting proposals from professional consultants to provide technical assistance and planning support with the development of a Regional Transit Authority (RTA) for Central Oklahoma. ACOG seeks to define and create a Regional Transit Authority in collaboration with the RTA Task Force members, with the legal and technical assistance of the consultant, with the end goal of establishing the geo-political structure of the Central Oklahoma RTA and determining the next steps to fund and staff the RTA.

The RFP is also available on ACOG's website at <http://www.acogok.org/about/solicitations/>

Background Information

Established in 1966, ACOG is an association of local governments (the cities, towns and county governments) within the Central Oklahoma area. ACOG works as a regional planning organization on multiple missions including mobility, public safety, water and quality of life issues that impact the citizens of Central Oklahoma. ACOG is one of 11 councils of government charged with addressing regional issues and partnerships throughout the state of Oklahoma.

ACOG is the designated Metropolitan Planning Organization (MPO) for the greater Oklahoma City region, a region of 47 communities with a cumulative population of approximately 1.1-million residents. As Central Oklahoma's MPO, ACOG is a federally recognized entity that coordinates transportation planning activities and federal funding programs for the region.

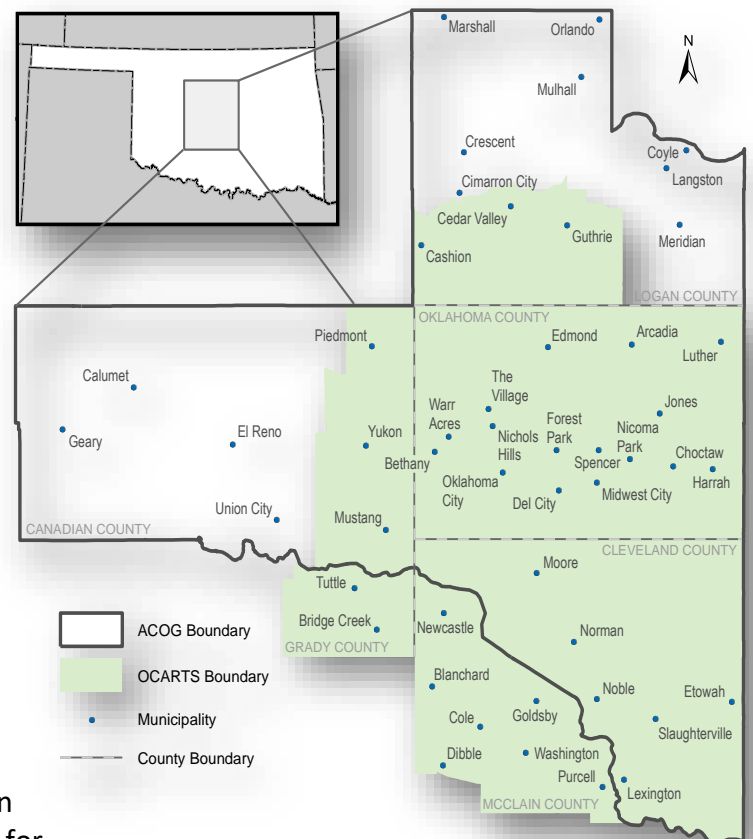


Figure 1: OCARTS Area & ACOG Region

The Oklahoma City Area Regional Transportation Study (OCARTS) Transportation Management Area (TMA) encompasses all of Oklahoma and Cleveland Counties, and parts of Canadian, Grady, Logan, and McClain Counties. The Intermodal Transportation Policy Committee approved the current study area geography in February 2002. Figure 1 reflects the OCARTS area in relation to the four-county ACOG region.

Scope of Work

Attached to this Request for Proposals as [Exhibit 1](#) is the Scope of Work activities and deliverables expected from the proposed vendors.

Proposal Requirements

Interested consultants should submit a Letter of Interest and proposal not to exceed twenty-five (25) pages in length. ACOG recognizes that each agency approaches work in a distinct and unique manner. To remain consistent with our evaluation process, we ask that each applicant provide the following:

- Company history
 - Examples of previous related work and experience
 - Work approach to this scope, including tasks, timeline, and deliverables
 - Identification of key personnel, including any sub-consultants
 - Budget of tasks and rates
 - Additional information relevant to agency strengths and significance to proposal
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Selection and Review Process

ACOG staff and a committee of the RTA Task Force will review the proposals, and proposals given the strongest consideration will be asked to interview with the review committee. After interviews, the search committee will select one vendor to service the program. The final selection of a consultant is contingent upon approval by the ACOG Board of Directors. ACOG reserves the right to negotiate a contract, including a scope of work, and contract price, with any proposers or other qualified party.

This Request for Proposal does not commit ACOG to award a contract, to pay any cost incurred in preparation of a response to this Request, or to procure or contract for services or supplies. ACOG reserves the right to accept or reject any and all responses received as a result of this Request, or cancel this Request in part or in its entirety if it is in the best interests of ACOG to do so. Proposers shall not offer any gratuities, favors, or anything of monetary value to any officer, employee, agent, or director of ACOG for the purpose of influencing favorable disposition toward either their proposal or any other proposal submitted as a result of the Request for Proposals.

ACOG reserves the right to amend, consolidate, expand, cancel, delete, or request additional consulting services for one or more of the study's Scope of Work activities if ACOG deems that such activity is advantageous to ACOG and the successful completion of the study. ACOG reserves the right to suggest to any or all proposers to the Request for Proposals that such proposers form into teams of consulting firms or organizations deemed to be advantageous to ACOG in performing the Scope of Work. ACOG will suggest such formation when such relationships appear to offer combinations of

expertise or abilities not otherwise available. Proposers have the right to refuse to enter into any suggested relationships.

All proposals submitted hereunder become the exclusive property of ACOG.

Pre-Bid Conference

There is not a pre-bid conference scheduled for this process. However, if demand and feedback is high, a conference will be scheduled and all applicants will be informed of the time, date and place.

Evaluation Criteria

ACOG is searching for the best possible candidate for this project and will base its selection on the following:

- Understanding of ACOG’s requirements and goals
 - Familiarity with federal transit requirements
 - Experience assisting MPOs and/or state DOTs in creating regional transit systems
 - Experience with similar projects of this scope, magnitude, and complexity
 - Experience and qualifications of key personnel assigned to this work scope, program, including documentation of team expertise specific to this scope and relevant past work examples
 - Indicators that the bidding agency can meet the scope of work defined in this proposal
 - Articulation of the importance of responsibly managing public funds shared by all involved parties and commitment to accountability, accessibility and transparency
 - Demonstrated ability to meet schedules without compromising sound planning practices
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Proposal Evaluation

The proposals submitted by each Contractor, Firm, or Contractor Team, will be evaluated according to the following factors:

Scoring Factor	Available Points
Understanding of scope and quality of project approach	20
Demonstrated familiarity MPO planning and transit requirements	25
Project manager and team qualifications	10
Experience working with MPOs or state DOTs on similar regional transit projects	25
Staff availability and ability to produce deliverables at key milestones	20
Total Points	100

Certifications

Please see [Attachments A](#) and [B](#).

Project Budget

The level of funding for this study is based on existing funds available. ACOG will look to each proposed bidder to provide the estimated hours and amounts needed for this project and the work plan, as well as any optional expansions to the work plan as may be appropriate in the development of the RTA and next steps.

The study budget is subject to change based on the availability of funds or other unforeseen events or activities.

Contract Award

ACOG will notify the selected candidate by telephone, email and writing. Following verbal notification, ACOG will negotiate a standard professional service agreement with the selected candidate. The selected candidate's proposal will be incorporated by reference in the contract. Additionally, ACOG will notify, in writing, the candidates who are not selected.

The contract with the selected candidate will require either a Certificate of Insurance from the candidate's workers' compensation insurance provider or a completed Affidavit of Exempt Status under the Workers' Compensation Act.

ACOG is not responsible for any costs incurred by selected consultant prior to its formal issuance of a Notice to Proceed.

Protest Procedures

In the course of this solicitation for proposals and the selection process, a proposer (bidder or offer or whose direct economic interest would be affected by the award of the contract) may file a protest when in the proposer's opinion, actions were taken by ACOG staff and/or the selection committee which could unfairly affect the outcome of the selection procedure. All protests should be in writing and directed to Mr. John G. Johnson, Executive Director, Association of Central Oklahoma Governments, 4205 N. Lincoln Blvd., Oklahoma City, OK, 73105. Protests should be made immediately upon occurrence of the incident in question but no later than five (5) business days after the proposer receives notification of the outcome of the selection procedure. The protest should clearly state the grounds for such a protest.

Upon receipt of a protest, ACOG's Executive Director will review the actual procedures followed during the selection process and the documentation available. If it is determined the action(s) unfairly changed the outcome of the process, notifications with the selected proposer will cease until the matter is resolved.

Proposed Schedule

The following is a tentative schedule for the consultant selection process:

- RFP Issued: April 18, 2017
- *Deadline for RFP questions: May 12, 2017
- Deadline for RFP proposal submission: May 19, 2017
- Short list selection and scheduling of interviews May 31, 2017
- Interviews: June 12-16, 2017
- Selection of Vendor: June 19-23, 2017
- Approval of contract negotiation: ACOG Board Meeting, June 29, 2017
- Notice to proceed: After finalized contract

*Questions about the RFP can be directed via email to John G. Johnson (jgjohnson@acogok.org) until 5:00 p.m. CDT, May 12, 2017. An addendum with received questions and agency responses and a list of available agency data sources will be released on the ACOG website the following week.

Legal Matters

- A. It is understood that this RFP does not obligate ACOG to pay any costs incurred by the applicant in the preparation and submission of a proposal or an interview.
- B. ACOG reserves the right to reject any or all proposals and to negotiate the terms of the contract, including the award amount, with the selected vendor prior to entering into a contract.
- C. If any litigation should occur concerning or resulting out of any proposals submitted to ACOG, the sole venue of any legal action shall be the applicable court of the County of Oklahoma and the laws of the State of Oklahoma.

- D. ACOG reserves the right to reject any or all proposals.
 - E. After evaluation by ACOG, all proposals become a matter of public record.
 - F. As a public agency formed under Title 74, Oklahoma Statutes, ACOG is exempt from income, property and sales tax.
 - G. The Association of Central Oklahoma Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, disability/handicap, or income status in consideration for an award.
 - H. The selected bidder will agree to a written contract with ACOG.
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ATTACHMENT A

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY, AND VOLUNTARY EXCLUSION**

This Certification is required by the regulation implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98 Section 98.510, Participants' responsibilities. The Regulations are published as Part II of the June 1985, Federal Register (pages 33, 036-33, 043)

Read instructions for Certification below prior to completing this certification.

1. The prospective proposer certifies, by submission of this proposal that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any Federal department or agency.
2. Where the prospective proposer is unable to certify to any of the statements in this certification, such prospective proposer shall attach an explanation to this proposal.

Date

Signed – Authorized Representative

Title of Authorized Representative

Instructions for Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion:

1. By signing and submitting this agreement, the proposer is providing the certification as set below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the proposer knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**ATTACHMENT B
CERTIFICATION REGARDING LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersign, to any person influencing or attempting to influence an officer or employee of a federal agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- If any funds other than Federal appropriated funds have been paid or will be paid to any person for attempting to influence an officer or employee of any federal agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal or Federally assisted contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
- The undersigned shall require that the language of this certification be included in the award documents of all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 32, US Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(Name of Entity)

(Name and Title of Authorized Official)

(Signature of above Official)

(Date)

Exhibit 1

SCOPE for RTA Task Force Planning Support

The Association of Central Oklahoma Governments (ACOG) seeks professional legal consultant support to provide subject matter expertise, moderated discussion, and technical services for the Central Oklahoma Regional Transit Authority Task Force (Task Force). This Task Force, established through a 2015 Memorandum of Understanding (MOU) among six Central Oklahoma municipalities, has been charged with defining and creating a Regional Transit Authority in Central Oklahoma.

For historical context, since 2009 ACOG planning staff has worked with the volunteers and elected officials of Central Oklahoma under the umbrella of Regional Transit Dialogue (RTD) to discuss, consider, determine and decide certain guidelines for the governance structure, district boundaries and functions of a Central Oklahoma RTA. It is expected that the Consultant will review and consider the robust nature of the previous work of the RTD in the development of potential governance models, service areas and board structures so as to benefit from the quality work of the previous efforts of the RTD.

The consultant shall provide supportive legal counsel and guidance regarding transit agency structures, policies, governance, and possess extensive legal experience with transit system development and operations. The Task Force will look first and foremost for experienced legal counsel to lead the efforts to create a Regional Transit Authority which best fits the political landscape of Central Oklahoma and the six Central Oklahoma municipalities which have united to create a regional transit system.

The consultant will be engaged to support and help moderate this collaborative effort, with the end goal of establishing the geo-political structure of the Central Oklahoma RTA and determining the next steps to fund and staff the RTA. The consultant will be asked to be an extension of staff, become familiar with local issues and RTA research and efforts to date, conduct and present research on best practices from peer regions for establishing and launching a new RTA, help facilitate collaboration in determining and achieving the necessary and sequential steps to establish and launch a RTA, and support the Task Force's work in crafting the related public messaging and related public opinion surveys.

Consultant activities will be defined as:

Project Management

- Contract terms. The selected bidder will be required to enter into a written agreement for services with ACOG, which outlines the specific terms and conditions of the services to be provided. All of these terms are subject to negotiation between the bidder and ACOG, including the price for the provision of the services. Failure to reach a written agreement of all terms, or an impasse in the negotiations, will authorize ACOG to reject the bid and to continue with the bid selection process as defined by ACOG procurement policies and procedures.

SCOPE for RTA Task Force Planning Support (Cont.)

- Invoicing requirements with progress reports and/or deliverables, all as outlined and set forth in the final written agreement with ACOG.

Task 1 –Onsite Meetings

- The Task Force is expected to meet monthly, with the potential for called meetings, with the goal of collaboratively identifying and establishing the preferred governance structure and functions of the Central Oklahoma RTA. The consultant will be asked to attend and support the monthly Task Force meetings, anticipated to occur for 6-12 months or until the RTA is established through a Memorandum of Agreement (MOA) among municipalities.
- To advance the formation of the RTA, consultant will present the Task Force with best practice expertise, regional transit authority governance standards and requirements, and appropriate facilitated guided discussion about, but not limited, the following topics:
 - Past committee work on potential RTA governance models, service areas, and board structures.
 - RTA formation and governance historical best practices from peer regions.
 - Legal review of RTA considerations and requirements.
 - Consideration and determination of preferred governance model.
 - Consideration and determination of preferred district geography.
 - Consideration and determination of preferred board structure.
 - Consideration and determination of RTA's initial strategic first steps
 - Drafting of a Memorandum of Agreement to establish an RTA

These general topics are further discussed in Tasks 2 and 3.

- Consultant will generate information to help educate the Task Force on transit governance, fundamentals of the provision of transit, Federal Transit Administration (FTA) regulations and on funding requirements.
- Consultant will provide research and best practices on transit financing mechanisms and yields to assist the Task Force in identifying funding sources most appropriate and legally possible for Central Oklahoma.
- Consultant will help generate information necessary for developing related public opinion surveys or polling to support this effort.

Deliverables

- Agendas, meeting materials, presentations.
- Meeting summaries will be delivered by the consultant within 5 business days of each Task Force meeting.

Task 2 – RTA Governance Model, District, and Board Structure and Bylaws

- The Task Force will be undertaking an aggressive schedule to meet regional goals for establishing the RTA and subsequent funding for transit.
- Consultant will assist the Task Force in defining the RTA structure. Assistance includes providing peer research, developing language for RTA bylaws, or appropriate governing rules and procedures. Consultant will provide information and support on the following decision points:
 - Review of past work and recommendations on RTA structure, geography, and governance
 - Establishing the RTA district geography
 - Further defining RTA Board representation, selection process and term limits
 - Formalizing the process for amending/expanding/ and/or reducing the RTA district geography
 - Formalizing the relationship between the RTA and the municipalities
 - Staffing requirements for the RTA
- Consultant will provide research and make recommendations on the role and functions of the RTA. Existing transit systems including Central Oklahoma Transportation and Parking Authority (COTPA/dba EMBARK, Cleveland Area Rapid Transit (CART), and Edmond Citylink will be part of the Task Force. Consultant will identify and make recommendations on how the RTA might interact with, fund, and/or operate the existing transit systems over time.
- A general implementation timeline has been drafted for RTA establishment. The consultant will refine and update the implementation schedule and adjust it based on Task Force discussion and decision points.
- Consultant will develop a draft MOA that will be designed for cities to execute and establish the RTA.
- Develop and refine RTA budget leading up to referendum for funding.
- Develop contingency plan for RTA should initial referendum for funding be delayed or fail in first election.

Deliverables

- Sequential schedule of critical path elements and necessary action items
- Draft Bylaws or appropriate rules of governance and policies or process for the RTA
- Districting plan and service area amendment procedure
- Draft MOA
- Budget Plan for RTA (Pre-referendum) and Contingency Budget
- Identification of RTA's strategic first steps after formation
- RTA Staffing Plan

Task 3 – FTA Compliance

- Consultant will provide guidance on RTA start-up in terms of establishing a relationship with FTA, including the following:
 - Legal review of local, state, and federal requirements of an RTA
 - Legal review of COTPA, CART, and Citylink (City of Edmond) charters, ordinances, governance statutes, labor contracts, and an inventory of assets & liabilities
 - RTA's recipient status with FTA
 - FTA Master Agreement
 - Certification & Assurances
- Examine and recommend a regional strategy for managing FTA 5307 formula funding to support the creation of the RTA and existing local transit capital needs and services.

Deliverables

- White paper which includes options and implementation strategies on Regional Sub-allocation of FTA Formula Funds, and other transition considerations.