

Berrien County Transit Consolidation Feasibility Study

Request for Proposals (RFP)

Requested by:

Southwest Michigan Planning Commission

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I. Introduction

The Southwest Michigan Planning Commission (SWMPC) is seeking a qualified consultant with substantial experience in preparing comprehensive transit operations analysis and developing transit operating plans.

This document will hereafter be referred to as the RFP. The consultant may be a corporation or an individual and will hereafter be referred to as the Consultant. A submitter of a proposal in response to this RFP will hereafter be referred to as the Proposer.

The Berrien County Transit Consolidation Feasibility Study (hereafter referred to as the Study) will be conducted under the guidance of the Southwest Michigan Planning Commission staff and the Berrien Coordinated Transportation Coalition. The purpose of the Study is:

- To streamline transit service, simplifying and improving access to transit use for riders;
- To achieve service efficiencies and economies;
- To provide a central focus on transit for Berrien County; and
- To create a robust transit system to meet the growing and changing needs of the residents of Berrien County.

The products and deliverables of the Study will be:

- Detailed work plan (with timeline) for the three-year planning process, including responsibilities of consultant and responsibilities of steering committee members and staff;
- Identification of alternatives for transit coordination or consolidation;
- Detailed implementation plan for the advancement of the preferred alternative, including phasing, costs, funding, timelines, and legal agreements; and
- PowerPoint presentation incorporating the results of the case studies, interview/focus group/survey results, and implementation plan.

The overarching purpose of the deliverables will be to assist steering committee members and stakeholders in envisioning a coordinated countywide transit system that addresses the needs of a diverse range of residents throughout Berrien County.

Time Frame: Proposals are due to the Southwest Michigan Planning Commission by **5pm on February 1, 2011**. Project duration is May 1, 2011 through September 30, 2013.

Background

Geography. Berrien County sits in the Southwest corner of the State of Michigan, just 90 miles from Chicago, IL. Berrien County borders Lake Michigan on the West, Indiana on the South, Cass County, MI on the East, and Van Buren County, MI on the North. A high proportion of

commuters traverse the county or enter/exit the county on a daily basis to access jobs, healthcare, and other services. The Southern part of the county falls within the urbanized areas of Michigan City and South Bend, IN. Neighboring Van Buren County falls within the metropolitan statistical area of Kalamazoo, MI and part of neighboring Cass County lies within the urbanized area of Elkhart, IN.

Current Transit Systems. Berrien County is currently the only county in the State of Michigan to have four transit providers. This creates a complex system for riders to navigate if they need to cross the county or cross jurisdictional or service area boundaries. The names of the four transit agencies (with the names of the transit services following) are listed below:

- Twin Cities Area Transportation Authority / Twin Cities Dial-a-Ride
- City of Niles / Niles Dial-a-Ride Transit
- City of Buchanan / Buchanan Dial-a-Ride
- County of Berrien / Berrien Bus

The need for the Berrien County Transit Consolidation Feasibility Study came out of the Berrien County Transit-Human Services Coordination Study and the Berrien County Transit Study, completed in 2009 (both available for download at http://swmpc.org/transit_study.asp). During the completion of these plans, the Berrien Coordinated Transportation Coalition was formed. It is made up of several human service agencies that serve Berrien County, as well the four public transit providers in the county. The members of the Berrien Coordinated Transportation Coalition are committed to discussing and developing a plan to identify opportunities for integrating and/or consolidating, where practical, transit services in Berrien County.

Demographics. The Berrien County Transit-Human Services Coordination Study cited above illustrates the locations of potentially transit-dependent populations in Berrien County. For example, there are pockets of population dispersed throughout Berrien County, in both rural and urban areas, where 25 to 50 percent of the population is age 65 or older, along with several pockets where more than 50 percent of the population is age 65 or older. This includes areas that currently have no transit service. Within the Twin Cities, Niles, and Buchanan service areas, there are large tracts where 20 to 50 percent of the population has a disability as well as pockets where more than 50 percent of the population has a disability. There are also tracts both in urban and rural areas where more than 20 percent of the population lives at or below poverty level.

During the process of writing the Berrien County Transit-Human Services Coordination Study, the working group drew various conclusions about the implications of the demographics and the current transit service available in Berrien County. These include the understanding that transit dependent persons in Berrien County have little or no access to jobs and services outside the County, including much-needed destinations in Kalamazoo, Battle Creek, and South Bend, Indiana. Some of the other conclusions include the need for a simplified point of access to obtain information about available transit service, as well as the need for appropriate travel training for riders and potential riders.

II. Scope of Work

Task 1: Evaluation of Current Operations

The Consultant must first become familiar with each of the four transit systems by doing the following:

- Review data presented in the Berrien County Transit Study and the Berrien Coordinated Transit Coalition;
- Ride each system (at least one dial-a-ride trip and one line haul trip) to become familiar with the service;
- Attend a meeting of the Berrien Coordinated Transportation Coalition;
- Schedule a meeting or conference call with transit providers in neighboring areas (Cass County, Van Buren County, and South Bend, IN) to understand how the transit needs and services intersect across geographic boundaries;
- Review relevant studies and plans, including but not limited to: the Long Range Transportation Plans for the two metropolitan transportation study areas, and the transit service plans for neighboring transit services (including Van Buren County Transit, Cass County Transit, Dowagiac Dial-a-Ride, Transpo, and North Indiana Commuter Transit District); and
- Review relevant case studies of transit coordination/consolidation projects from comparable regions in the country.

The Consultant should also review the Berrien County Transit-Human Services Coordination Study and the Berrien County Transit Study to gain familiarity with other transportation services offered in the county (i.e., van services, ridesharing, taxi subsidies, intercity rail, intercity bus service, etc.). The results of the Study should consider how public transit could potentially be coordinated and/or consolidated with these types of transportation services.

Financial Analysis: The Consultant will evaluate the operational financial condition of each transit operation in several areas. The Consultant will:

- Review past year and current year budgets and assess overall financial condition. This includes examining measures to describe the relative efficiency of the current system (i.e., cost per revenue hour, cost per revenue mile, cost per passenger);
- Review all permanent and one-time revenue sources for both capital and operating expenses. Specifically, a review of federal and state transit dedicated fund sources will be made;
- Request and evaluate five-year financial projections from each transit provider based on current levels of service (if service changes are anticipated, incorporate those in projections);
- Include in the financial projections, information about the projected state match for transit projects;
- Summarize costs, terms and conditions of each operational service contract of the current transit providers; and

- Summarize the financial condition and sustainability of each transit provider based on the current level of service.

Physical Asset Analysis: The Consultant will review the current and future physical asset requirements of each transit provider (i.e., facilities, equipment, communication systems). This will be done as follows:

- Perform on-site visits with each transit provider to review all current physical assets and assess how these assets can be used for transit support and/or operations, including identifying which assets would not be available for transit consolidation and the reason(s) why;
- Review status of all current transit capital projects and proposals for each transit provider;
- Review each transit provider's projected capital needs for the next 20 years based on current and projected levels of services, including but not limited to, maintenance and administrative facilities, rolling stock replacement (buses and support vehicles), parking facilities, fare collection technology, communications systems, etc; and
- Identify current capital opportunities, resources, and plans that could be used in support of potential transit consolidation options.

Support Staff Analysis: The Consultant will examine the organizational systems (staffing) assessment of each transit provider. This will entail the following tasks:

- Request current organization charts and job descriptions from each operation;
- Review the current staffing levels of each operation by cost, full time equivalent (FTE), fund source and function;
- Identify the functional roles, responsibilities and associated staffing levels of each service provider; and
- Identify possible issues or deficiencies with the current personnel structures with each transit provider.

Service Evaluation: The Consultant will evaluate current transit service by examining the following elements:

- Review current levels of service, productivity, and accessibility offered with those services (including ADA compliance); and
- Review and evaluate Short Range Transit Plans (SRTP) in order to identify possible service plan changes projected by each transit provider.
- The service evaluation must include fixed route and dial-a-ride services offered by each transit provider, and must also consider private taxi and van services in the capacity that they relate to public transit services.

Governance Summary: The Consultant will summarize the manner in which each transit operation and each transit mode is governed, by examining these areas:

- Governing Body or Policy Board representation and meeting settings;
- Recent participation by policy makers related to transit funding and operations;
- Accessibility of information for public and other stakeholders; and
- Ways in which transit services are coordinated in a jurisdiction where similar services are being provided by another jurisdiction.

Task 2: Evaluation of Proposed Options

The Study will include a detailed analysis of potential options for future transit service scenarios, including considerations of the following:

- Cooperation/coordination of existing providers.
- Consolidation of service providers.
- Consolidation to a single county-wide service provider.

Each option will be evaluated in terms of the following key areas of study and will fully assess the strengths, weaknesses, opportunities, and threats of each option. The assessment of each option should also include a detailed analysis of financial implications, sharing and/or use of existing and future physical assets, support staff, and service performance and integration.

Financial Comparison: The Consultant will evaluate the operational financial condition of each option. The Consultant will:

- Develop conceptual budgets for each option using Task 1 criteria and all pertinent transit cost factors;
- Determine how each option would affect all permanent and one-time revenue sources used for both capital and operating expenses anticipated for each option; specifically, the use of federal and state transit dedicated fund sources will be fully assessed;
- Project five-year fiscal impacts and benefits for each option based on current levels of service (if service changes are anticipated, incorporate those in projections);
- Summarize implementation issues associated with the consolidation and/or transfer of each operational service contract or implementation of new contracts for each option, as needed. Summary should include potential labor/union issues;
- Evaluate the legal feasibility of each option based upon federal and state legislation governing transit authorities;
- Evaluate the insurance coverage options involved with each coordination/consolidation option, taking into account the need for transit service to cross the Michigan/Indiana state line;
- Summarize financial implications and forecasts for each option based on current and proposed levels of service; and
- Compare each option to the status quo.

Physical Asset Comparison: The Consultant will further elaborate on the physical asset analysis and how it would apply to each option(s). This will be done as follows:

- Determine the required physical assets needed to support each option(s);
- Identify the potential of sharing the physical assets currently in use that may be used in the proposed option(s);
- Determine how to create a shared-used facility or obtain “credit” for FTA funded assets that would no longer be used for transit purposes;
- Determine whether current transit capital projects and proposals for each transit provider should be modified based on each option;
- Project the capital needs of a consolidated operation for the next 20 years based on current and projected levels of service including, but not limited to, maintenance and administrative facilities, rolling stock replacements, parking facilities, service vehicles and replacement, fare collection and communication improvements, etc; and
- Compare each option to the status quo.

Support Staff Comparison: The Consultant will develop and assess the required organizational personnel needs and staffing levels of each option. This will entail the following tasks:

- Forecast staffing levels of each option by cost, FTE, fund source and function;
- Identify the functional responsibilities of each staff person;
- Develop proposed organization structures, job descriptions and financial summary of each of the proposed options; and
- Evaluate the costs and coverage of each of the consolidation options to the status quo. (Where feasible, use comparably structured transit agencies as benchmarks).

Service Comparison: The Consultant will compare each option and its ability to provide service as follows:

- Review service and productivity levels for each option(s), and what common service policies should be assumed for each option;
- Identify potential service enhancements and cost savings gained through possible route optimization (such as route interlining, reduced deadhead hours, vehicle assignments, and improved service contracts) for each of the coordination/consolidation options;
- Identify potential service reductions (including the need to switch from dial-a-ride service to line haul service and vice versa) involved with each of the coordination/consolidation options;
- Provide recommendations for improved operational procedures and policies (e.g., ADA eligibility, transfer policies, etc.);
- Identify potential service options beyond the current service and the ways in which various types of service could coordinate with each other (including dial-a-ride, fixed route, paratransit, private van service, ridesharing, etc.);
- Consider the level of connectivity between the proposed options and other available modes of transportation (non-motorized, taxi, rail, intercity bus, etc);
- Consider the level of connectivity between urban and rural areas inherent in each option; and
- Compare each option to the status quo.

Governance Comparisons: The Consultant will develop options to govern the transit operations outlined in each option. This would include:

- Summarize alternative governance structures (as outlined in state legislation) that are the most appropriate for each option; and
- Specifically propose and define possible governance structures for each of the potential consolidation options; and
- Compare each option to the status quo.

Summary Report of Comparisons: Summarize an evaluation for each consolidation option based on the findings of Task 2, including:

- A comprehensive analysis of governance issues, financial status, service quality and operational efficiencies; and
- An evaluation of possible responses and reactions to the strengths and weaknesses identified by local agencies and other community stakeholders.

Task 3: Guidance and Implementation Documentation

Steering Committee Support: The Consultant will support the activities of the SWMPC staff and the steering committee members (transit agencies and social service providers) by assisting with the following elements:

- Identify non-technical and technical “fatal flaws” of a consolidation option and determining if other alternatives can be developed;
- Participate in timely briefings related to the Study’s progress and findings;
- Determine the level of interest of the Coalition towards specific consolidation option(s);
- Participate in steering committee meetings;
- Develop and distribute public information; including but not limited to, meeting notices, press releases, and other forms of public information; and
- Present study findings in draft form in order to obtain feedback and revisions as deemed appropriate.

Public Input and Consensus-Building: Choosing and implementing a particular option will require arriving at a certain degree of consensus at the decision-making level. To help facilitate this consensus-building, the Consultant will need to provide information and assistance as needed. Specific efforts are anticipated to include:

- Prepare and coordinate one presentation to policy makers and other key stakeholders in each of the four transit service areas (Twin Cities, Niles, Buchanan, and rural);
- Devise and implement a variety of strategies for public input on the Study, based heavily upon the recommendations of the Berrien Coordinated Transportation Coalition and SWMPC staff (who will assist in supplying stakeholder contact information and coordinating public meetings). Public input methods can include surveys, focus groups,

public hearings, and other methods. Public input must include special consideration for disabled, elderly, minority, low-income, and limited English proficiency populations.

- Prepare and coordinate discussions with key regional agencies and potentially state legislative contacts;
- Present study findings in draft form to obtain feedback and revisions as deemed appropriate; and
- Research and answer questions about details and assumptions involved with consolidation option(s) if needed.

Final Consolidation Plan: A final document describing the preferred option(s) will be prepared, regardless of the outcome. Even if no consolidation is ultimately recommended, this Plan will include short, mid, and long term strategies that can be used to achieve a more coordinated system for the users of the dial-a-ride services and line haul services in Berrien County. Specific tasks include:

- Prepare a detailed explanation of the proposed organizational structure from the preferred option(s);
- Prepare informational materials about the preferred recommendation(s);
- Prepare a strategic plan of action to achieve the preferred option(s); and
- Prepare a complete business plan. The business plan should be designed to facilitate the creation and implementation of a regional public transportation agency. At a minimum, a business plan will include a management and organization structure as well as financial, operating, service planning, and marketing plans.

Proposed Schedule

Activity	Date
Request for Proposals released	December 14, 2010
Deadline for proposal submittal	February 1, 2011
Interviews/selection process (tentative)	February/March 2011
SWMPC board approval	April 2011
Notice to proceed (subject to contract signing)	

Meetings and Presentations

In addition to meetings required to perform previously mentioned task activities, the Consultant will facilitate and participate in the following meetings and presentations as outlined below:

- Meetings with SWMPC staff (as needed)
- Meetings with the Berrien Coordinated Transportation Coalition (as needed)
- Monthly progress reports

Budget

The budget for this contract is not to exceed **\$175,000**.

III. Proposal Requirements

Proposal content and completeness are important. Clarity and conciseness are essentials and will be considered in assessing the proposer's capabilities. All Consultant proposals submitted in response to this request will be screened by a review committee. The committee will determine, through the screening process, which consultants will be invited to make formal presentations and be interviewed by the selection committee. The selection committee reserves the right to make a final selection without an interview.

One reproducible and seven copies of the proposal must be received at the Southwest Michigan Planning Commission office by **February 1, 2011 at 5:00 P.M. EST**. Proposals not received by that date and time *will not be considered*.

In order to simplify the review process and maximize the degree of comparative analysis, the proposal should be organized in the following manner:

1. Transmittal letter

The transmittal letter should be signed by an official authorized to bind the Consultant contractually and will contain a statement to the effect that the proposal is a firm offer for 90 days. The letter accompanying the proposal will also provide the following: name, title, address, email address, and telephone number of individuals with the authority to negotiate and contractually bind the company. The transmittal shall contain a statement of understanding of the RFP.

2. Table of Contents

Include identification of the material by section and page number.

3. Overview

This section should clearly convey that the Consultant understands the nature of the work and the general approach to be taken to accomplish it. This section should include, but not be limited to, a discussion of the purpose of the project, the organization of the project effort, and a summary of the proposed approach.

4. Detailed Work Plan

The prospective contractor shall provide a schedule for completing the project, within the schedule set forth in this RFP. The schedule shall identify the major tasks to be undertaken and the time frame for each task.

This section should include the following components:

5. Task Description

Include a full description of each step to be followed in carrying out the project. The work description should be presented in sufficient detail (tasks, subtasks, etc.) to show a clear understanding of the work and the proposed approach.

6. Deliverables

A description of the format, content, and level of detail that can be expected for each deliverable.

7. Management Approach

This section should describe the firm's management approach. If the proposal is a team effort, the distribution of work among the team members should be indicated. Describe the organization of the management, the structure of the work assignments, and any specific features of the management approach that require special explanation. Designate by name the project manager to be employed who will oversee the project. **No substitutions of the identified project manager will be allowed without prior approval of SWMPC.**

Include the name and qualifications of all professional personnel to be employed, a resume for each professional (included in an appendix), a statement indicating how many hours each professional will be assigned to the contract and what tasks each professional will perform. Staffing assignments should be specific enough to demonstrate understanding of skills required and commitment of proper resources. **No substitutions of the project team will be allowed without prior approval of SWMPC.**

One or two relevant samples of the firm or individual's past work may also be enclosed (one copy only).

8. Budget and Billing Format

A cost analysis of the proposed budget will be done by SWMPC staff. Under various circumstances the budget could be subject to review by the Michigan Department of Transportation or the Federal Transit Administration. The allowability of individual items of cost will be determined by 48CFR, Federal Acquisition Regulations System, Chapter 1, Part 31 et. Seq. The Consultant will also be required to comply with 49 CFR, Part 18, and Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments. The Consultant should have an accounting system capable of segregating direct costs from indirect costs per the above cited regulations. The Consultant and Subconsultants (if applicable) will comply with all applicable laws and maintain books, documents, papers, and accounting records for a period of three years from the date of the final payment.

9. Project Budget

A maximum of **\$175,000** has been budgeted for Consultant services for this project.

10. Task Budget

A schedule of the estimated cost to complete each task should add up to the total cost of the project (see Table 1 & 2). The task budget should include a subsidiary breakdown of hours per task and billing rate charges. To ensure a full understanding of the resources committed to the project the schedule should clearly indicate the amount of hours key personnel will spend on each task.

11. Budget and Cost Breakdown

The prospective Consultant will prepare a detailed cost breakdown for the work to be performed during the project regardless of the method of reimbursement chosen. This will include all tasks required to complete the project including final reports and presentation.

- a. Direct Labor Costs** – A schedule of billing rates and hours worked by employee or category of employee is required of the prime Consultant and all Subconsultants, if applicable. Billing rates shall be based on actual pay rates and should cover all costs associated with the employee (salary, benefits, and anticipated cost of living and/or merit increases during the term of the contract). Depending on the individual cost structure, overhead may be applied as a component of the billing rate or applied separately. The Consultant should be prepared to validate billing rates with payroll registers, wage agreements, or other payroll documentation.
- b. Overhead Rates** – The overhead rate should include all indirect costs not readily assignable to cost objectives specifically benefited. Typically an overhead rate is calculated on a company or division-wide basis by segregating expenses into direct cost and indirect cost categories and then dividing the indirect costs by a direct cost base such as direct labor to arrive at an overhead rate. The overhead rate is then applied on a contract by contract basis to recapture the indirect costs that are not chargeable directly to a final objective, such as: general and administrative costs, facilities, equipment, supplies, accounting, maintenance, materials, etc. Some cost structures may be broken into various overhead rates that are applied to different bases. The Consultant should be prepared to provide supporting documentation such as prior agreements with government agencies or audits of prior year activities to validate overhead rate structures.
- c. Direct Cost** – Direct costs are those incremental costs that can be identified specifically with a particular final cost objective. Although in some instances direct cost and indirect cost may include similar categories, incremental direct cost attributable to final objectives must be separated and not included in the overhead calculation. All direct costs specifically attributed to the project and not included in the billing rates must be itemized by budget category to be eligible for reimbursement. Once contractually authorized, direct cost budgets may not be substituted without prior written consent of SWMPC.
- d. Subconsultant Fees** – Subconsultants must provide the same cost data detail as the prime Consultant (see Table 1 and Table 2).

The hypothetical cost format example given below is to illustrate required components of the cost proposal only, and may have to be tailored to fit individual cost structures.

Hypothetical Cost Estimate

Table 1. Direct Cost by Task				
Cost Items	Task 1	Task 2	Task 3	Total
1. Direct Labor	3,700	17,053	5,502	26,255
2. Overhead (____% of Line 1)	1,480	6,821	2,201	10,502
Total Salary Burden	5,180	23,874	7,703	36,757
3. Direct Expenses				
Telephone/FAX	35	28	15	78
Postage/Shipping	12	8	35	55
Graphics/Printing	11	11	75	97
Travel	350		500	850
Misc.	45	45	45	135
Total Direct Expenses	453	92	670	1,215
4. Subconsultant Fees*	4,244	22,276	2,726	29,246
Total	9,877	46,242	11,099	67,218

Table 2. Project Task Costs by Key Personnel

Task No. and Description	Key Staff #1	Key Staff #2	Staff Supporter	Total Hours
Task 1. Establish Parameters	25	75		100
Task 2. Data Collection and Analysis		400	250	650
Task 3. Final Report and Presentation	15	50	175	240
Total Hours	40	525	425	990
Billing Rate	\$75.00	\$44.06	\$25.00	
Memo Total	\$3,000.00	\$23,131.50	\$10,625.00	

*Subconsultants must provide required cost components found in Tables 1 & 2

12. Insurance Requirements

Without limiting SWMPC's right to obtain indemnification from the Consultant or any third parties, the Consultant, at its sole expense, shall maintain in full force and affect the following insurance policies throughout the term of the contract:

- Comprehensive general liability insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage. Comprehensive general liability insurance policies shall name SWMPC, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under the terms of the contract are concerned. Such coverage for additional insured shall apply as primary insurance or self-insurance and any other insurance, maintained by SWMPC, its officers, agents, and employees, shall be given excess only and not contributing with insurance provided under the Consultant's policies herein.
- Comprehensive automobile liability insurance with limits for bodily injury of not less than \$25,000 per person, \$250,000 per accident, and for property damages of not less than \$50,000, or such coverage with a combined single limit of \$250,000.
- Professional liability insurance of at least \$1,000,000.
- Worker's compensation insurance as required by law.

This insurance shall not be canceled or changed without a minimum of thirty (30) days advance written notice given to SWMPC. The Consultant shall provide certification of said insurance to SWMPC within twenty-one (21) days of the date of the execution of the contract. Such certification shall show, to SWMPC's satisfaction, that such insurance coverages have been obtained and are in full force; that SWMPC, its officers, agents, and employees will not be responsible for any premiums on the policies; that as and if required such insurance names SWMPC, its officers, agents, and employees, shall be in excess only and not contributing with insurance provided under the Consultant's policies herein.

In the event the Consultant fails to keep in effect at all times insurance coverage as herein provided, SWMPC may, in addition to other remedies it may have, suspend or terminate the contract upon the occurrence of such event.

13. Disadvantaged Business Enterprise (DBE) Certification

DBE Bidders Listing (Attachment B) must be completed for all Consultants and Subconsultants regardless of DBE affiliation. SWMPC participates in the State of Michigan's DBE program. Only DBE firms currently certified through the State of Michigan will participate as DBEs in the program.

SWMPC will not deny award to Consultants on the basis of DBE participation, who demonstrate that they have used good faith efforts to achieve DBE participation.

Consultants selected on the basis of DBE participation must provide the following information with the initial proposal or before entering into a contractual agreement with SWMPC:

- The names and addresses of the DBE firms.

- A description of the work each DBE will provide.
- The dollar amount of participation by each DBE.
- Proof of DBE certification.
- Written confirmation that the DBE will participate.
- If DBE participation is not achieved, evidence of good faith efforts must be provided.

Prime Consultants are required to maintain records and document payments to all Subconsultants for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative from SWMPC, MDOT, FTA, or DOT. This reporting requirement also extends to any certified DBE Subconsultant, the date of payment, and total dollar figure paid to each Subconsultant.

SWMPC will safeguard from disclosure to third parties information that may reasonable be regarded as confidential business information, consistent with federal, state, and local laws.

14. Conflicts of Interest

The prospective Consultant shall disclose any financial, business, or other relationship with SWMPC that may have an outcome on the selection.

15. Summary of Qualifications

Proposals shall include a summary of the firm's qualifications, including resumes of assigned staff.

16. Signing of Proposal/Authorization to Negotiate

The proposal shall be signed by an official authorized to bind the Proposer and shall contain a statement to the effect that the proposal is a firm offer for a 90-day period. The Proposal shall also provide the following name, title, address, email address, and telephone number of individuals with authority to negotiate and contractually bind the company.

17. Attachments

Attachments to be included at the end of the proposal are as follows (as attached herein):

- Attachment A: Title VI Assurance
- Attachment B: DBE Participation
- Attachment C: Budget and Cost Breakdown
- Attachment D: Consultant resume(s) and one or two relevant work samples

IV. Proposal Submittal

A. Preparation of Proposal

The proposal shall be formatted in accordance with the requirements specified in *Section III: Proposal Requirements* of this RFP. Proposal forms shall be executed by an authorized signatory as described in *Section III-K: Signing of Proposal/Authorization to Negotiate*. All proposals shall be prepared by, and at the expense of, the Proposer.

B. Examination of RFP Document

The Proposer shall be solely responsible for examining, with appropriate care, the RFP, including any addenda issued during the proposal period. The Proposer shall also be responsible for informing itself with respect to any and all conditions which may in any way affect the amount or nature of the proposal or the performance of the work in the event the Proposer is selected. Failure of the Proposer to examine and inform itself in this manner shall be at the Proposer's own risk and no relief for error or omission shall be given.

C. Submission of Proposal/Period of Acceptance

One reproducible (unbound, single-sided) master and eight copies (not stapled) of all proposals must be received at SWMPC no later than **5:00 PM. EST on February 1, 2011**. Proposals will not be accepted after 5:00 P.M. EST. Proposals should be mailed or hand-delivered to:

Anna Rahtz, Transportation Planner
Southwest Michigan Planning Commission
185 E. Main St. – Suite 701
Benton Harbor, MI 49022

All proposals will remain firm for a period of ninety (90) days following the final date for submission. All proposals will become the sole property of SWMPC and a part of its official records without obligation on the part of SWMPC.

This RFP is not to be construed as a contract of commitment on the part of SWMPC. SWMPC reserves the right to reject all proposals, to seek additional information from each proposer, or to issue another RFP, if deemed appropriate.

D. Modification or Withdrawal of Proposals

Any proposal received before the date and time specified above for receipt of proposals may be withdrawn or modified by written request of the Proposer. To be considered, however, the modified proposal must be received by the proposal due date and time specified previously.

All verbal modifications to these conditions or provisions are ineffective for proposal evaluation purposes. Only written changes issued by Proposer to SWMPC are authorized and binding.

E. Rejection of Proposals

Failure to meet the requirements for the request for proposals will be cause for rejection of the proposal. SWMPC may reject any proposal if it is conditional, incomplete, or contains irregularities or inordinately high cost rates. SWMPC may waive an immaterial deviation in a proposal. Waiver of an immaterial deviation shall in no way modify the Request for Proposals document or excuse the Proposer from full compliance with the contract requirements if the Proposer is awarded the contract.

V. Consultant Selection

All Consultant proposals submitted in response to this request will be screened by a selection committee. The committee will determine, through the screening process, which consultants will be invited to make formal presentations and be interviewed by the committee. The selection committee reserves the right to make a final selection without an interview.

The actual award of the contract will be by the SWMPC Board (tentatively set for the April 19, 2011 meeting). Proposal opening does not constitute the awarding of a contract. The contract is not in force until it is awarded by SWMPC and executed by the SWMPC designees.

The Consultant will be interviewed by a committee made up of SWMPC staff and representatives from each of the four transit providers. The following criteria will be used for the selection of the consultant:

1. A clearly exhibited understanding of the purpose of the project;
2. A clearly exhibited understanding of how to go about performing the necessary work tasks;
3. The capacity of performing the work necessary, as outlined in this RFP;
4. Qualifications and relevant experience of each individual who will be working on the project, that are clearly evident in each of the following categories:
 - a. Transit operations and finance;
 - b. Legislation that governs public transit, both federally and in the State of Michigan;
 - c. Public outreach (particularly with environmental justice populations);
 - d. Presenting in front of commissions as well as in front of the public;
 - e. Administering surveys;
5. A clearly exhibited understanding of the needs of a diverse range of transit riders or potential transit riders;
6. The ability to develop and persuasively convey a vision for a future transportation system;
7. Timely submission; and
8. Completeness.

VI. Proposer Objections

A Proposer may object to any of the terms or provisions set forth in the RFP's Scope of Work or to the selection of a particular Proposer on the ground that SWMPC's procedures, the provisions

of this RFP, or applicable provisions of federal, state, or local law have been violated or inaccurately or inappropriately applied by submitting to SWMPC a written explanation of the basis for the objection. Deadlines for submittal of objections are:

- No later than two weeks prior to the date proposals are due, for objections to RFP provisions; or
- Within three working days after the date on which contract award is authorized or the date the Proposer is notified that it was not selected, whichever is later, for objections to Proposer selection.

If the Proposer does not state any objections, SWMPC will assume that the RFP scope of services is acceptable to the Proposer and has been fully factored into its response. If the Proposer intends to negotiate with SWMPC concerning any part of the proposed scope of services that the Proposer finds objectionable, the Proposer must provide specific language in its response that will address or cure its objections.

VII. SWMPC Rights

Within the confines of federal, state, and local rules and regulations, SWMPC may investigate the qualifications of any proposer under consideration, require confirmation of information furnished by a proposer, and require additional evidence of qualifications to perform the work described in this RFP.

SWMPC reserves the right to:

- Reject any or all of the proposals if it deems such action is in the public interest;
- Issue subsequent Requests for Proposals;
- Cancel the entire Request for Proposals;
- Remedy technical errors in the Request for Proposals process;
- Appoint an evaluation committee to review the proposals;
- Seek the assistance of outside technical experts in proposal evaluation;
- Approve or disapprove the use of particular Subconsultants;
- Establish a short list of Proposers eligible for interviews after review of written proposals;
- Negotiate with some, all, or none of the respondents to the RFP;
- Solicit best and final offers from all or some of the Proposers;
- Award a contract to one or more Proposers;
- Accept an offer other than the lowest price offer; and
- Waive informalities and irregularities in proposals and the bid process.
- This RFP does not commit SWMPC to enter into a contract, nor does it obligate SWMPC to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. All proposals will be subject to public disclosure as required by the Michigan Freedom of Information Act.

SWMPC reserves the right to investigate the qualifications of all firms under consideration to confirm any part of the information furnished by a Proposer, or to require other evidence of

managerial, financial, or other capabilities which are considered necessary for the successful performance of the contract.

VIII. RFP Questions

All questions on the RFP should be submitted in writing by January 24, 2011 to:

Anna Rahtz, Transportation Planner
Southwest Michigan Planning Commission
185 E. Main St. – Suite 701
Benton Harbor, MI 49022
rahtza@swmpc.org

Attachment A – Title VI Assurance

The Southwest Michigan Planning Commission, in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations and Article I, Section 26 of the Michigan Constitution, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority 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, or national origin in consideration of an award.

