

Request for Proposals

Environmental Assessment--Beach Nourishment for the Southern Monterey Bay Area

Not to Exceed \$130,000



445 Reservation Road, Suite G
Marina, CA 93933-0809

REQUEST FOR PROPOSALS

Not to Exceed \$130,000

Issued: January 26, 2012

Due: February 27, 2012 by 4 P.M.

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I. Introduction

The consultant will work under the direction and guidance of staff from the Association of Monterey Bay Area Governments (AMBAG). AMBAG will assist the consultant in coordinating work with the Southern Monterey Bay Coastal Erosion Workgroup (SMBCEW) and the public. The consultant will be responsible for solicitation of input from the general public, public agencies and the private sector, using information approved by AMBAG staff. The selected consultant or consultant team will be expected to describe all proposed work necessary to complete the scope as shown, or propose, justify and describe an alternative work scope. The technical proposal shall include a detailed task specific budget as described herein.

II. Background

Over the last eight years, the California Coastal Sediment Management Workgroup (CSMW) has been developing a Coastal Sediment Management Master Plan (SMP) in order to formulate, promote, encourage and develop regional approaches to resolving coastal sediment deficit and surplus issues. As part of this effort, the CSMW has been developing educational, procedural, and regulatory guidance and technical tools to help address issues involved in implementing such regional approaches.¹

Recognizing the need to take the next step in implementation, the CSMW developed objectives for regional-based sediment management plans that:

1. Are implemented by local stakeholders
2. Target specific areas of concern within a given region
3. Develop regional strategies of addressing sediment surplus and deficit problems through beneficial reuse.

To pursue these objectives, the CSMW in concert with the California Department of Boating and Waterways (DBW), committed to fund such a plan for the southern Monterey Bay region and littoral cell, from the mouth of the Salinas River to Wharf II in Monterey. The objective of the *Coastal Regional Sediment Management Plan for the Southern Monterey Bay* (referenced in this document as CRSMP) was to identify appropriate sediment management actions throughout the region, including beach erosion solutions to specific locations in the southern Monterey Bay utilizing known beach restoration technologies, in-place beach nourishment programs, and completed/on-going sediment studies.

The CRSMP was presented and accepted by the Board of Directors of AMBAG in the fall of 2009. This document predicts that erosion will occur at rates of 1 to 6 feet along portions of the study area and that eight oceanfront facilities are at high risk due to this erosion. A copy the document can be found on the Boats and Waterways Department website <http://www.dbw.ca.gov/csmw/crsmp.aspx> (See Southern Monterey Bay Littoral Cell)

¹ An overview of this effort, as well as many of these tools, including the CRSMP, is available on the CSMW website: www.dbw.ca.gov/csmw/default.aspx.

III. Contract Information

The contract for the Study will be an agreement between AMBAG and the Consultant. The consultant will invoice AMBAG for services rendered, and AMBAG will compensate the consultant for these services as set forth in the agreement. Funding for the consultant services will be provided by AMBAG (up to \$130,000). The AMBAG Board of Directors has delegated the authority to award the contract to the AMBAG Executive Director and project deliverables will be reviewed by the AMBAG Project Manager and AMBAG.

IV. Contract Deliverables

1. Interim progress reports on a monthly basis and draft materials, in Microsoft Word, for each of the deliverables to Project Manager.
2. Presentations to groups identified in the scope.
3. Final Study Report, Draft Mitigated Negative Declaration and all supporting data in electronic format.

V. Project Manager

Randy Deshazo
Principal Planner
Association of Monterey Bay Area Governments
445 Reservation Road, Suite G
Marina, CA 93933-0809
No Phone Calls—email only
rdeshazo@ambag.org

VI. RFP Timetable

January 26, 2012	Issue Request for Proposals
January 31, 2012	Deadline to email questions about the RFP to Project Manager
February 3, 2012	Responses to questions will be posted on the AMBAG website
February 3, 2012	Any additions or amendments to the RFP will be posted on the AMBAG website
February 27, 2012	Closing date for receipt of proposals (4PM)
February 28, 2012	Finalists contacted to schedule interviews
Early March, 2012	Conduct interviews if necessary; recommend consultant
March 14, 2012	Board Approval; Contract award, execute contract
March 15, 2012	Start of Project/Begin Work
April 2013	Deadline for projection completion

Proposals (one original, six copies and a PDF version to be emailed to the Project Manager) must be received by the Project Manager no later than 4:00 p.m. on February 27, 2012. If mail delivery is used, the proposer should mail the proposal early enough to provide for arrival by this deadline.

Proposers use mail or courier service at their own risk. Neither the Project Manager nor AMBAG will be liable or responsible for any late delivery of proposals.

By submitting a proposal, the proposer certifies that his or her name or the consultant firm's name, as well as the name of proposer subcontractors, does not appear on the Comptroller General's list of ineligible contractors for federally assisted projects.

Until award of the contract, the proposals shall be held in confidence and shall not be available for public review. Upon award of a contract to the successful proposer, all proposals shall be public records. No proposal shall be returned after the date and time set for opening thereof.

VII. Study Objective

The objective of the current effort is to assist in the facilitation and implementation of the *Coastal Regional Sediment Management Plan for Southern Monterey Bay (CRSMP)*. The primary objective of this project is to analyze potential environmental impacts and benefits of beach nourishment with opportunistic sand placements (within a defined receiver area as proposed in the CRSMP) and establish the environmental documentation and framework in advance of a Regional Permit from the California Coastal Commission and Monterey Bay National Marine Sanctuary.

Chapter 4 of the CRSMP includes a brief description of critical species and habitats found in the study area. The environmental studies and documents are expected to build upon these generalized statements into adequate documentation of natural resources, potential impacts associated with placement of sand on the beach or in the nearshore, and to propose appropriate mitigation measures.

Besides the following tasks in the Scope described below, the Consultant will coordinate outreach work to the public and to relevant public agencies throughout the life of the project.

VIII. Project Study Scope

Task 1: CEQA Initial Study

Subtask 1:

AMBAG and SMBCEW to meet and confirm ultimate project description including confirmation of the selected potential receiver areas and “potential” stockpile site(s).

Subtask 2:

Based upon this project description, utilizing existing information and documentation (including the CRSMP), the consultant shall prepare an initial study. The initial study, per CEQA, shall identify and discuss those issues that may have potentially significant impact or worse impact on the environment. Issues to be addressed include impacts to both on and off-shore critical habitat and species. The initial study shall include an annotated bibliography and document reference list.

Subtask 3:

Provide a copy of initial study for review and concurrence by AMBAG, CSMW and SMBCEW .

Task 2: Biotic Assessment

Subtask 1:

The consultant shall identify sensitive habitats and species within the defined Project Area, which will consist of multiple potential receiver areas based on analyses conducted for this scope of work and the CRSMP-recommended placement location, and in the vicinity of consultant recommended “potential” stockpile site(s).

Subtask 2:

The consultant shall prepare technical studies characterizing the sensitive habitats and species within the defined Project Area and “potential” stockpile site(s). Analysis should include, but not necessarily limited to, Plover and other shorebirds, grunion, offshore eel grass and reefs, and dune species including Smith Blue Butterfly and legless lizard. For shorebirds and on-shore species, special attention should be given to mating, nesting and other beach/dune based activities that might affect the location, timing and placement of sand. For off-shore species and habitats, special attention to turbidity and related issues should be given. These studies should be consistent, to the extent feasible, with CSMWs draft Biological Impacts Analysis report, available from the CSMW website. Consult with MBARI, Moss Landing, CSUMB’s Sea Floor Mapping Lab to determine whether the extent of critical habitats (e.g., eelgrass, kelp, sand prospects) can be updated from that shown in the CRSMP.

Subtask 3:

Compile a document in form and content consistent with a programmatic biological assessment. Consultant shall ensure studies are consistent with requirements of National Marine Fisheries Service (NMFS), United States Fish and Wildlife Service (USFWS), and Monterey Bay National Marine Sanctuary (MBNMS). Provide locations and data in GIS format compatible with the CSMWs spatial data website (Task 7)

Task 3: Site Analysis

Subtask 1:

Characterize existing sand within the Project Area at a minimum of five locations (locations, techniques and profile extent to be determined in consultation with AMBAG and technical advisory group).

Subtask 2:

Building on the findings of the CRSMP, analyze and provide recommendations on prioritization of locations for beach nourishment based upon consultant proposed (AMBAG approved) criteria. Criteria should, at minimum, consider current/future erosion, sand characteristics, accessibility, impacts to habitat and species as well as

impacts to recreation. Special consideration should be given to the six “critical erosion areas” defined in the CRSMP, the CRSMP-recommended placement location, and the shoreline in the vicinity of the “convergence zone” (also described in the CRSMP). After consultation with AMBAG and the technical advisory group, the highest ranking sites will be incorporated into the Project Description

Subtask 3:

Building upon the findings of the CRSMP, analyze and provide recommendations on potential stockpile site(s). Analysis should utilize similar criteria as noted in Subtask 2 above.

Subtask 4:

Prepare report compiling information identified in Subtask 1, 2 and 3 above. Provide locations and data in GIS format compatible with the CSMWs spatial data website (Task 7).

Task 4: Sources of Material

Subtask 1:

Identify potential sources of opportunistic materials above and beyond those already identified in the CRSMP for Southern Monterey Bay. Locations include, but are not limited to:

- a. Areas of excess sediment, such as harbors, ports and wetlands, where sediment must be removed to restore function
- b. Flood control projects such as dams and debris basins where sediment may become available as a result of dredging or excavation to restore capacity
- c. Offshore locations of sand
- d. Other sources of opportunity including construction and highway maintenance projects

Subtask 2:

Building on the findings of the CRSMP, analyze the financial feasibility of removal, transport and placement of all identified potential source materials at the selected stockpile location(s)

Subtask 3:

Develop a testing and analysis protocol for potential opportunistic source(s). Protocols should include testing requirements to ensure the stockpiled sediment is chemically and physically appropriate for use at the placement locations (including nearshore placement) and security concerns to avoid illegal dumping at the stockpile location. CSMWs Sand compatibility and Opportunistic Use Program (SCOUP) provides significant guidance in this area.

Subtask 4:

Prepare report compiling information identified in Subtask 1, 2 and 3 above.

Task 5: Regulatory Framework

Subtask 1:

Building upon work completed by the SMBCEW and the CRSMP for Southern Monterey Bay, identify specific steps to address permitting requirements (local, State and federal) that would allow the lead agency to obtain a Regional Permit (SCOUP) for Receiver Area. Specific attention should be given to the requirements of placing sand below the high water line within the MBNMS.

Subtask 2:

Prepare report recommending order for completing required permit processes, timeline and anticipated additional data/report needs to complete such permits.

Task 6: CEQA Document

Subtask 1:

Contractor shall prepare a draft Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act and CEQA Guidelines, based upon the initial study prepared in TASK 1 and technical studies and recommendations prepared under Tasks 2 through 6.

Subtask 2:

Provide draft MND to AMBAG for review and comment.

Task 7: Final Study Report

Subtask 1:

Consultant shall prepare a Final Study Report (FSR). The FSR is to include a summary of the project and project description, an executive summary, chapters summarizing the reports submitted in Tasks 1 through 5 and the draft Mitigated Negative Declaration per Task 6. The document shall also include technical appendices with technical studies and analyses.

Subtask 2:

Present FSR to the Board of Directors of AMBAG.

Subtask 3:

Provide electronic copy of FSR to AMBAG.

Subtask 4:

Provide all appropriate data, including locations and attributes of: sensitive species and habitats; beach profile/characterization locations; recommended placement areas, and; stockpile locations, in a GIS format compatible with CSMWs "Coastal Web-Mapper", accessible through their website. All layers should be compatible with the WebMapper's coastal reference layer, and include appropriate metadata.

IX. General Conditions

A. Limitations

This request for proposal (RFP) does not commit AMBAG to award a contract, to pay any costs incurred in the preparation of proposals in response to this request, or to procure or contract for services or supplies. AMBAG expressly reserves the right to reject any and all proposals or to waive any irregularity or informality in any proposal or in the RFP procedure and to be the sole judge of the responsibility of any proposer and of the suitability of the materials and/or services to be rendered. AMBAG reserves the right to withdraw this RFP at any time without prior notice. Further, AMBAG reserves the right to modify the RFP schedule described above.

B. Award

AMBAG may ask RFP finalists to present oral briefings of their proposals. All finalists may be required to participate in negotiations and submit such price, technical, or other revisions of their proposals as may result from negotiations. AMBAG also reserves the right to award the contract without oral briefings or discussion, based upon the initial written proposals. Accordingly, each initial proposal should be submitted on the most favorable terms from a price and a technical viewpoint.

C. Verbal Agreement or Conversation

No prior, current, or post award verbal conversations or agreement(s) with any officer, agent, or employee of AMBAG shall affect or modify any terms or obligations of the RFP, or any contract resulting from this RFP.

D. Pre-contractual Expenses

Pre-contractual expenses include any expenses incurred by proposers and selected contractor in:

- Preparing proposals in response to this RFP
- Submitting proposals to AMBAG
- Negotiations with AMBAG on any matter related to proposals.
- Other expenses incurred by a contractor or proposer prior to the date of award of any agreement.

In any event, AMBAG shall not be liable for any pre-contractual expenses incurred by any proposer or selected contractor. Proposers shall not include any such expenses as part of the price proposed in response to this RFP. AMBAG and AMBAG shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFP. Failure to follow these instructions will result in the proposal rejection as unresponsive.

E. Signature

The proposal will also provide the following information: name, title, address, and telephone number of individual with authority to bind the consultant or consultant firm and also who may be

contacted during the period of proposal evaluation. The proposal shall be signed by an official authorized to bind the consultant or consulting firm and shall contain a statement to the effect that the proposal is a firm offer for at least a sixty (60) day period. Execution of the contract is expected by March, 2012.

F. Conflict of Interest Statement

Consultants and consultant firms submitting proposals in response to this RFP must disclose to AMBAG any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided under Agreement for consultant services to be awarded pursuant to this RFP.

If the consultant or firm has no conflict of interest, a statement to that effect shall be included in the proposal. The selected consultant shall refrain from and disclose subsequent potential conflicts during this contract.

G. Contract Arrangements

The successful consultant is expected to execute a contract similar to AMBAG's Standard Agreement, which meets the requirements of SAFETEA-LU. The most important provisions of the Standard Agreement are found in Attachment A. While \$1 million per occurrence in commercial general liability coverage is required, under special circumstances AMBAG may consider a lesser amount of insurance coverage, but not an amount less than \$1,000,000 per occurrence.

G1. Disadvantaged Business Enterprise (DBE) Policy: It is the policy of the U.S. Department of Transportation that minority-and women-owned business enterprises (hereby referred to as DBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds.

G2. DBE Obligation: The recipient or its subcontractor agrees to ensure that DBEs have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all recipients or subcontractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

G3. Title VI of the Civil Rights Act of 1964: The contractor agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (49 USC 2000d) and the regulations of the U.S. Department of Transportation issued thereunder in 49 CFR Part 21.

G4. Equal Employment Opportunity: In connection with the performance of the contract, the contractor shall not discriminate against any employee or applicant for employment because of race, color, age, creed, sex or national original. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Each proposal, to be considered responsive, must include the following:

(1) A copy of the consultant's affirmative action policy (applicable for firms with 50 or more employees)

(2) Discussion of the consultant's program for use of DBEs in the performance of this work, including the following:

- The names and addresses of DBE firms that will participate
- The description of the work each named firm will perform
- The dollar amount of participation by each DBE firm

X. Proposal Content and Organization

Proposals should be limited to specific discussion of the elements outlined in this RFP. The intent of this RFP is to encourage responses which meet the stated requirements, and which propose the best methods to accomplish the work within the stated budget.

The organization of the proposal should follow the general outline below. Each proposal should consist of a technical proposal (items 1-7 below) and a cost proposal (item 8).

1. Transmittal Letter

The transmittal letter should include the name, title, address, phone number, and original signature of an individual with authority to negotiate on behalf of and to contractually bind the consultant or consulting firm, and who may be contacted during the period of proposal evaluation. Only one transmittal letter need be prepared to accompany all copies of the technical and cost proposals.

2. Table of Contents

A listing of the major sections in the proposal and the associated page numbers.

3. Introduction

In this section, the proposer should demonstrate an adequate understanding of the role and relationships of each agency constituting AMBAG.

4. Technical Approach

This should include:

- A summary of the proposed approach
- An explanation of the consultant's intended role as related to the role of AMBAG
- A thorough explanation of the consultant's proposed course of action. References should be made to RFP requirements and the consultant's plans for meeting those requirements. If the consultant proposes major changes to the RFP approach, those changes should be specified clearly. The consultant should specify its technical approach, especially data elements to be sampled, staff to be interviewed, and documents to be reviewed, etc.
- An itemized description of the proposed project schedule (including visits, draft and final deliverables) and the deliverables to be produced.

- Consultant will identify expectations of AMBAG and AMBAG staff, our in-house resources, and other agency staff and resources that are assumed or needed by consultant.

5. Project Management

The proposer must prepare an explanation of the project management system and practices to be used to assure that the project is completed within the scheduled time frame and that the quality of the required products will meet AMBAG requirements.

6. Consultant and Subcontractor Staff

The proposal must describe the qualifications and experience of each professional who will participate in the project, including a resume for each member of the Consultant's team. If the firm is submitting a joint proposal summarize the history of how the different firms have worked together in the past. A project manager must be designated, and an organizational chart showing the manager and all project staff must be included. A matrix must be presented indicating the effort, either in percentage of the total project or in person-hours, which will be contributed by each professional, during each phase or task making up the project. If a subcontractor will be used, the proposer must include a letter from the subcontractor committing to perform at least the work shown for subcontractor professional in the above-described matrix. Any staffing changes to the consultant team after the contract has been awarded must be approved by the AMBAG Project Manager.

7. Consultant Qualifications and References

The proposal must describe the nature and outcome of projects previously conducted by the consultant which are related to the work described within the RFP. Descriptions should include client contact names, address, phone numbers, descriptions of the type of work performed, approximate dates on which the work was completed, and professional staff who performed the work. If a subcontractor is proposed, two to three similar qualifications and references should be provided for the subcontractor. Up to two samples of the consultant's work on closely related projects can also be included with the proposal, if available.

8. Cost Proposal

The cost proposal shall describe both the total and the detailed price for which the consultant will commit to complete the total scope of work and end products. The cost proposal detail shall describe estimated costs (only the total amount is a binding offer) for each professional's time, for the completion of each proposed task, for travel and per-diem (if applicable), and for materials and supplies. Failure to provide adequate cost data will result in the proposal rejection as unresponsive.

XI. Submittal Questions & Addenda

All questions on the RFP should be received no later than February 27, 2012, at 4 p.m. by e-mail at rdeshazo@ambag.org. AMBAG reserves the right to revise the RFP prior to the date that proposals are due.

Responses that require that an addendum be issued to the RFP will be posted on the AMBAG website no later than February 3, 2012 at 5 p.m. It is the responsibility of proposers to check the AMBAG website to determine if addenda have been issued. Any addenda to the RFP will become part of the RFP.

XII. Proposal Evaluation and Selection

A proposal review panel will evaluate the proposals. Proposers may be telephoned and asked for further information, if necessary, and may be expected to appear for oral interviews. Previous clients may also be called. The panel will make recommendations to the AMBAG Executive Director on the basis of the proposal, oral interview, and reference check. AMBAG reserves the right to select a consultant based solely on written proposals and not convene oral interviews.

Upon receipt of the proposals, a technical evaluation will be performed. Each of the major sections of the proposal will be reviewed and evaluated with criteria designed to help judge the quality of the proposal. Evaluation criteria will include such considerations as:

- Understanding of the background and requirements of the project.
- The overall and technical approaches to be followed and the tasks to be performed, including detailed steps and resources required and proposed project schedule.
- Knowledge and communication of state and federal policy environment and how this impacts the project, especially with regard to CEQA and any NEPA requirements
- Understanding of the technical issues of beach renourishment
- The relative allocation of resources, in terms of quality and quantity, to key tasks including the time and skills of personnel assigned to the tasks and consultant's approach to managing resources and project output.
- Cost analysis and justification.
- Education and experience of proposed personnel.

In addition, conformance with AMBAG policies; and the participation of qualified disadvantaged and minority-owned firms in this project is strongly encouraged.

Requests for Proposals will be reviewed by AMBAG and scored according to the following scoring criteria

Points	Criterion
25	Qualifications and experience
50	Technical Approach
10	Understanding of Local Conditions
15	Value of product compared to contract cost
100	Total

XIII. Payment Schedule

The consultant will be paid based on work actually performed during the preceding month. The consultant should forward a copy of all invoices for payment for work performed and associated expenses by the 15th day of the following month. AMBAG will withhold ten percent (10%) of the payments until the successful completion of the project and the delivery and acceptance of all final products.

XIV. Terms & Conditions

A. Limitations

This request for proposal (RFP) does not commit AMBAG to award a contract, to pay any pre-contractual expenses, or to procure or contract for services or supplies. AMBAG expressly reserves the right to reject any and all proposals or to waive any irregularity or informality in any proposal or in the RFP procedure and to be the sole judge of the responsibility of any Proposer and of the suitability of the materials and/or services to be rendered. AMBAG reserves the right to withdraw this RFP at any time without prior notice.

B. Award

AMBAG may ask RFP finalists to present oral briefings of their proposals. All finalists may be required to participate in negotiations and submit such price, technical, or other revisions of their proposals as may result from negotiations. AMBAG also reserves the right to award the contract without oral briefings or discussion, based upon the initial written proposals. Accordingly, each initial proposal should be submitted on the most favorable terms from a price and a technical viewpoint.

C. Verbal Agreement or Conversation

No prior, current, or post award verbal conversations or agreement(s) with any officer, agent, or employee of AMBAG shall affect or modify any terms or obligations of the RFP, or any contract resulting from this RFP.

D. Pre-contractual Expenses

Pre-contractual expenses include any expenses incurred by Proposers and selected contractor in:

- Preparing proposals in response to this RFP
- Submitting proposals to AMBAG
- Negotiations with AMBAG on any matter related to proposals.
- Other expenses incurred by a contractor or Proposer prior to the date of award of any agreement.

In any event, AMBAG shall not be liable for any pre-contractual expenses incurred by any Proposer or selected contractor. Proposers shall not include any such expenses as part of the price proposed in response to this RFP. AMBAG shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFP.

E. Signature

The proposal will also provide the following information: name, title, address, and telephone number of individual with authority to bind the consultant or consultant firm and also who may be contacted during the period of proposal evaluation. The proposal shall be signed by an official

authorized to bind the consultant or consulting firm and shall contain a statement to the effect that the proposal is a firm offer for at least a ninety (90) day period.

F. Conflict of Interest Statement

Consultants and consultant firms submitting proposals in response to this RFP must disclose to AMBAG any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided under Agreement for consultant services to be awarded pursuant to this RFP. If the consultant or firm has no conflict of interest, a statement to that effect shall be included in the proposal. The selected consultant shall refrain from and disclose subsequent potential conflicts during this contract.

G. Contract Arrangements

The successful consultant is expected to utilize the AMBAG Standard Contractual Agreement which will be provided as needed.

G1. Disadvantaged Business Enterprise (DBE) Policy: It is the policy of the U.S. Department of Transportation(USDOT) that minority-and women-owned business enterprises (hereby referred to as DBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds.

G2. DBE Obligation: The recipient or its subcontractor agrees to ensure that DBEs have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all recipients or subcontractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of USDOT assisted contracts.

G3. Title VI of the Civil Rights Act of 1964: The contractor agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (49 USC 2000d) and the regulations of the U.S. Department of Transportation issued there under in 49 CFR Part 21.

G4. Equal Employment Opportunity: In connection with the performance of the contract, the contractor shall not discriminate against any employee or applicant for employment because of race, color, age, creed, sex or national original. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Each proposal, to be considered responsive, must include the following:

- (1) A copy of the consultant's affirmative action policy (applicable for firms with 50 or more employees)
- (2) Discussion of the consultant's program for use of DBEs in the performance of this work, including the following:
 - The names and addresses of DBE firms that will participate
 - The description of the work each named firm will perform
 - The dollar amount of participation by each DBE firm

H. Americans with Disabilities Act (ADA) Provisions

To comply with the nondiscrimination requirements of the Americans with Disabilities Act (ADA), it is the policy of AMBAG to make every effort to ensure that its programs, activities and services are available to all persons, including persons with disabilities. For persons with a disability needing a reasonable modification to participate in the procurement process, or for

persons having questions regarding reasonable modifications of the procurement process, you may contact the AMBAG representative listed in this RFP.

IMPORTANT: To ensure that we can meet your need for ADA accommodations, it is best that we receive your request for reasonable modification at least 10 working days before the scheduled event (i.e., meeting, conference, workshop, etc.) or deadlines due date for procurement documents. In order to ensure the proposal is in compliance with Federal ADA guidelines, Proposers should review the Federal ADA guidelines at <http://www.ada.gov/>.

I. Alternative Protest Process

This procurement is being conducted under the provisions of the Alternative Protest Process. By submitting a proposal to this solicitation conducted under the Alternative Protest Process, the Proposer agrees that all protests of the proposed award shall be resolved by binding arbitration. During the protest period, any participating Proposer may protest the proposed award on the following grounds:

For major information technology acquisitions – that there was a violation of the solicitation procedure(s) and that the protesting Proposer’s proposal should have been selected; or For any other acquisition – that the protesting Proposer’s proposal should have been selected in accordance with the selection criteria in the solicitation document.

A written notice of intent to protest the proposed award of this solicitation must be received (facsimile acceptable) by the project manager before the close of business 5 p.m. PST/PDT on the third (3rd) day after notifying the Proposer of intent to award, as specified in the solicitation timeline. Failure to submit a timely, written notice of intent to protest waives the Proposer’s right to protest. The Proposer is to send the notice of intent to protest to the project manager at the following address:

Randy Deshazo
Project Manager
Association of Monterey Bay Area Governments
445 Reservation Road, Suite G Marina, CA 93933
Fax: 831-883-3755

Within seven (7) business days after the last day to submit a notice of intent to protest, the AMBAG project manager must receive from the protesting Proposer the complete protest filing including the signed, written, detailed statement of protest including exhibits, filing fee and deposit or small business certification, as applicable. Untimely submission of the complete protest filing waives the Proposer’s right to protest.

Protest bond amount for this Alternative Protest Process shall be ten percent (10%) of the contract amount as specified in the solicitation.

J. Requirements Protests

Protests regarding any issue other than selection of the successful Proposer are “requirements protests” and will be heard and resolved by the Executive Committee of AMBAG, whose decision will be final. Before a requirements protest is submitted, the Proposer must make full and timely use of the procedures described in Clarification of Specifications section. This procurement procedure is designed to give the Proposer and AMBAG adequate opportunity to submit questions and discuss the requirements, proposals and counter proposals before the Final Proposal is due. The protest procedure is made available in the event that a Proposer cannot reach a fair agreement with AMBAG after exhausting these procedures.

All protests to the RFP requirements must be received by the Executive Committee as promptly as possible, but not later than the respective time and date in the Key Action Dates Section for such protests.

Requirements protests must be mailed or delivered to:

AMBAG Executive Committee
445 Reservation Road, Suite G
Marina, CA 93933