



MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director
DATE: March 9, 2016
SUBJECT: Bus on Shoulder Feasibility Study – Procurement Process Evaluation

INTRODUCTION

The purpose of this memo is to describe the general RTC procurement process, the RFQ process followed for the Bus on Shoulder Study consultant selection, findings for study procurement, as well as options available to the Board on how to proceed towards procuring professional services. The appendix outlines the RTC Board’s decision-making process leading to the Bus on Shoulder Feasibility Study.

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## RTC PROCUREMENT PROCESS

RTC is regulated by multiple state and federal requirements to ensure competitive and fair purchasing practices. RTC utilizes the procurement thresholds and policy set by Clark County to guide purchasing thresholds, and also the County’s purchasing department for advice and assistance with purchasing pursuant to the provisions of the RTC / County Memorandum of Understanding (July 1992).

In summary, RTC’s procurement guidelines are as follows:

Funding Source	Policy / Regulation	Issues Covered
General funds	<b>Clark County</b> (County Code)	Procurement (dollar) thresholds; basic technical advice and support
WSDOT RTPO funds	<b>WSDOT</b> (RCW 39.26.125, 39.80)	Professional services and general purchasing
FHWA PL funds, FHWA Grants (STP, CMAQ, TAP, other)	<b>FHWA</b> (WSDOT LAG Manual, Current Edition)	Professional services, general purchasing, project improvements
FTA PL funds	<b>FTA</b> (Circular 4220.1F)	Professional services, general purchasing, project improvements

In administering RTC’s procurement process, staff determines the funding source and then applies the related procurement policy/regulation. Where multiple funding sources exist (ex. in a project), staff applies the most restrictive procurement policy/regulation.

Each grant RTC utilizes may create policy requirements and other stipulations that need to be included in a competitive procurement process or final contract document. In those instances, RTC includes the funding source requirements, which then become a stipulation and requirement upon the Contractor.

In summary, RTC’s procurement process is a highly regulated process. RTC implements practices and contract documents consistent with the policy and regulations provided for by the various granting agencies.

## **REQUEST FOR QUALIFICATIONS (RFQ) PROCESS**

### *Scope of Services*

The request for qualifications (RFQ) process for professional services is intended to find and select the most qualified consultant to perform the services for the consultant activities and study tasks being requested. RFQ selection is based on qualifications of the proposer, and most often the review of qualifications is done by multiple reviewers.

### *Response Requirements*

RFQ advertisements lay out specifically the response requirement of each Statement of Qualification (SOQ). Compliance with the advertised response requirements is typically an evaluation criterion. Typical response requirements include:

- Submitting teams must provide a narrative demonstrating the consultant's understanding of the work needed for consultant assistance.
- The RFQ respondent must include a description of qualifications and identification of the project team and organizational structure, including individual resumes, and at least three references for previous work.
- Responders must indicate review and understanding of two required certifications:
  - They first must certify the submitting agency or its principals is presently not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
  - The second is an affidavit concerning conflicts of interest and noncompetitive practices.

### *Evaluation Criteria*

The RFQ contains pre-established evaluation criteria that are used to determine if submitted Statements of Qualifications (SOQs) met the threshold to be deemed qualified. Preliminary scoring in selecting teams to interview is based on evaluation criteria published in the RFQ.

### *Terms*

RFQ's are generally advertised with known Contract terms. Those terms include items such as terms of payment and reimbursement for any consultant selected under the RFQ process. Terms include that the contractor will be paid on a monthly basis for authorized and satisfactorily completed work and services as rendered under a contract and states that all expenses shall be detailed on invoices submitted by the contractor to RTC. Fees for services must be detailed by date, type of service provided, hours per type of service, hours per day, hourly rate, and total per day. Reimbursable expenses must be itemized and must be detailed by copies of all invoices for all non-travel reimbursable expenses.

## **BUS ON SHOULDER STUDY RFQ: PROCUREMENT PROCESS SUMMARY**

### *Scope/RFQ Development*

A preliminary scope of work for the study was drafted by RTC staff during the first half of 2015 and reviewed by an agency stakeholder committee on July 16, 2015, made up of the following agencies and personnel:

- Michael Williams, WSDOT
- Roger Hansen, C-TRAN
- Tim Wilson, ODOT
- Kelly Betteridge, TriMet
- Jamie Snook, Metro
- Bob Hart, RTC

RTC staff worked with stakeholder committee members on revisions and refinements to the draft scope through the middle of September. During September and early October, RTC staff worked with committee members to prepare a Request for Qualifications document in preparation for initiating a selection process for professional services. This committee also comprised the evaluation and selection team to determine the most qualified consultant through the RFQ process.

### *RFQ Criteria*

The BOS Feasibility RFQ was released on October 19, 2015 and published in the Portland Daily Journal of Commerce and the Seattle Daily Journal of Commerce. Statements of Qualifications submittals were due by November 9, 2015 at 4 p.m.

In addition to the general RFQ provisions described above, the BOS RFQ included specific criteria for evaluating and scoring submittals. Preliminary scoring in selecting teams to interview was based on the following criteria published in the BOS RFQ:

#### Capabilities of Consultant Project Team (50 Points)

- Direct experience in the planning, development, design, and implementation of bus on shoulder systems.
- Knowledge of *Transit Cooperative Research Project Report 151* and awareness of recent bus on shoulder publications, initiatives, and projects.
- Insight into Federal Transit Administration funding programs and other funding opportunities for transit capital and transit operations projects.
- Familiarity with Federal Highway and Federal Transit Administration regulations and requirements for transit use of freeway shoulders and any related state statutes and regulations.
- Experience and knowledge in working with multiagency transportation committees including traffic and public transportation operations and planning staff.
- Familiarity with area transportation agencies and their associated transportation programs and issues.
- Technical skills and strategic knowledge.

- Expertise in public decision-making process.
- Familiarity with the region.

Proposed Project Approach (40 Points)

- Project management expertise and philosophy.
- Understanding of study need and purpose.
- Proposed study process and work program.
- Relationship of study objectives to proposed work program.
- Identification of key issues (technical and policy) to be addressed.
- Commitment of Project Manager and team to project, and experience of team working together.
- Proposed deliverables.

Quality of Proposal and References (10 Points)

- Readability and Presentation.
- Clarity.
- Communication of team strengths and overall approach.
- Previous client references.

*Consultant Selection*

RTC received three Statements of Qualifications (SOQs) by the November 9 deadline from DEA, HDR, and AECOM. The required Debarment and Conflict of interest certifications were as follows:

- DEA: included in submittal
- HDR: provided if selected
- AECOM: not included

Submittals were forwarded to and received by selection committee members on November 10. Included with the SOQs were evaluation and scoring forms for each submittal. Reviewers were asked to bring completed evaluation forms to the committee meeting on November 19.

The committee met on November 19 to review and score the statements of qualifications. While the committee determined that all three teams were qualified, 5 of 6 members ranked DEA first and 1 ranked DEA second. The three teams were invited to in-person interviews conducted on December 3.

Prior to the interviews, RTC staff contacted references for each consultant team. All three had positive responses with no negative feedback.

In preparation for the interviews, an evaluation form and questionnaire was developed to score each team during the interviews. Questions were distributed to each team at the beginning of their interview.

In-person consultant interviews were conducted on December 3 over a half day period. All six team members ranked DEA first as the most qualified and agreed that they should be selected for the BOS Study.

## **PROCUREMENT PROCESS FINDINGS**

**Question:** Did the RTC staff apply the applicable procurement process?

**Finding:** Yes. For the planning study project in question, the funding plan utilizes two funding sources: CMAQ and local agency match contribution (C-TRAN). In this instance, the WSDOT LAG Manual procurement policy was utilized to guide the procurement of professional consulting services.

**Question:** Was the RFQ process competitive, duly advertised, and conform to the applicable procurement regulations?

**Finding:** Yes. The RFQ process was duly advertised in the Portland Daily Journal of Commerce and the Seattle Daily Journal of Commerce on October 19, 2015. RTC received a total of 3 RFQ Responses in a timely manner. A multi-agency review team was assembled to competitively rank each of the Responses according to: pre-established criterion; and in-person interview panel presentations. The assessment of each of the members of the multi-agency review team were independently scored and tabulated, resulting in a unanimous recommendation of the most qualified Contractor.

**Question:** Is the recommended contractor debarred from proposing or doing work with the RTC?

**Finding:** No. The recommended contractor, David Evans and Associates, is not debarred from work with the RTC, and therefore is eligible for the proposed consulting contract. The contractor certified with the RFQ submittal, on the RTC provided form, that they are not currently debarred from work of this type.

**Question:** Is the recommended contractor currently debarred from work on federal aid funded projects?

**Finding:** No. The recommended contractor, David Evans and Associates, is not currently debarred from federal aid contracts. RTC staff did complete a query of applicable databases and found no records thereof.

**Question:** Was the proposed contractor deemed the most qualified in the RFQ process?

**Finding:** Yes. The multi-agency review team found the David Evans and Associates response to be the most qualified. This recommendation was unanimous.

This is based on an independent review of: the RFQ Response materials, telephone reference checks, and in-person panel interviews with the consultant teams. The Response materials and panel interviews were independently assessed by each member of the multi-agency review team; and, the telephone reference checks were completed by RTC staff.

**Question:** Is it possible to deny full review of an eligible firm's response to a current or future solicitation?

**Finding:** No. RTC's procurement process is governed by multiple state and federal regulations. An overarching goal of each of those regulations is to promote fair and open competition among eligible applicants.

If a firm's response to an RFQ solicitation is deemed as not meeting the minimum qualification requirements, then said firm can be disqualified from further consideration relative to that specific solicitation.

To craft qualification requirements that are aimed at prohibiting an otherwise eligible firm from submitting a response to a competitive solicitation, would be contrary procurement requirements that RTC must follow and would deny fair and open competition to otherwise eligible contractors.

**Question:** Under what circumstances could a firm be excluded from responding to or being eligible to compete for an RTC procurement solicitation?

**Finding:** A firm could be disqualified from responding to an RFQ solicitation in the following circumstances: the firm has been debarred, suspended for debarment, declared ineligible or voluntarily excluded from or otherwise prohibited from contracting with the agency.

## **OPTIONS FOR PROCEEDING**

Given the prevailing procurement regulations and the goal of ensuring the integrity of RTC's procurement process, the RTC Board has available the following select options for proceeding:

**Option 1: Ratify** the proposed RTC Resolution 03-16-04, authorizing the Executive Director to sign a professional services consulting agreement (as proposed).

**Option 2: Delay** ratification of Resolution 03-16-04, if there are additional unanswered questions pertaining to the subject procurement. In this case, provide guidance to the Executive Director relative to the outstanding questions and provide a date certain for when the proposed Resolution be returned for further consideration.

**Option 3: Reject** all Responses to the Bus on Shoulder RFQ solicitation and provide further guidance to the Executive Director relative to advancing this element of the YR 2016 Work Program.

Note regarding Option 3: Unless otherwise disqualified for cause, RTC is not able to craft criterion that would prohibit an eligible firm from applying for work or being fairly evaluated in a competitive RFQ solicitation process.

## **APPENDIX: BUS ON SHOULDER STUDY BACKGROUND**

The BOS Feasibility Study effort is an outcome of RTC Board policy over the last eight years beginning with the Clark County HCT Study adopted by RTC Board in 2008. The HCT recommendations called for transit improvements in the I-205 corridor including increased transit, park and ride, and bus on shoulder. The following list summarizes Board updates and actions regarding I-205 operations.

*December 2012: RTC Board, I-205 Corridor Study Recommendations, Resolution 11-12-18*

Recommendations included moving forward with an I-205 Access and Operations Study (AOS) for a detailed examination of low-cost operational strategies for roadways and transit to maximize the efficiency and performance of the I-205 corridor.

*January 2014: RTC Board, I-205 AOS Study Update*

Presentation on the 2035 core projects and programmed 2022 capital improvements including a demographic summary of the I-205 corridor.

*May 2014: RTC Board, I-205 AOS Update Study Update*

Presented a detailed description of the options for 2022 short term operation strategies that were being analyzed for the corridor.

*October 2014: RTC Board, I-205 AOS Study: Findings and Preliminary Recommendations*

Presentation of findings and preliminary recommendations for 2035 capital projects, short term operational projects, and transit BOS assessment including the BOS feasibility study.

*November 2014: RTC Board, I-205 AOS Study: Recommendations, Resolution 11-14-21*

The recommendations incorporate the long term I-205 core projects into the RTP, add a set of near term I-205 operational improvements in the corridor, and call for pursuing an I-205 Bus on Shoulder Feasibility Study.

*March 2015: Bi-State Coordination Committee, I-205 AOS: Recommendations*

Presentation and discussion of AOS recommendations adopted by the RTC Board in November 2014, including 2035 capital projects, 2022 operational improvements, and transit recommendations to carry out a BOS Feasibility Study.

*July 2015: Bi-State Coordination Committee, Bus on Shoulder Feasibility Study*

Introduced the Bus on Shoulder (BOS) Feasibility Study, described examples of bus on shoulder in other regions, outlined the draft scope of work developed in coordination with stakeholder agencies, and summarized the decision making process for the study and participating agencies.

*September 2015: RTC Board, Other Business from the Executive Director*

Executive Director informed the Board that RTC staff has been drafting a scope of work for the BOS Feasibility Study and has spent the last several months reviewing it with partner agencies. They are working to complete the scope and to release a request for qualifications in the near future seeking professional services support for the study and that it would come back to the RTC Board for final approval.

*November 2015: RTC Board, Year 2016 RTC Work Program*

It was noted that the major study initiated in 2015, the BOS Feasibility Study, will be carried out in the 2016 work program. It was also mentioned that a request for qualifications was released and that a consultant selection process should be completed by the end of the year.

*December 2015: RTC Board, Year 2016 RTC Work Program and Budget, Resolution 12-15-20*  
2016 Work Program adopted by the Board includes the Bus on Shoulder Feasibility Study.