



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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*Bill Dodd, Chair*  
Napa County and Cities

January 10, 2008

*Scott Haggerty, Vice Chair*  
Alameda County

**REQUEST FOR QUALIFICATIONS/REQUEST FOR PROPOSAL  
for**

*Tom Anniano*  
City and County of San Francisco

**Phase 2 –Regional Airport System Plan Analysis  
Letter of Invitation**

*Tom Azumbrado*  
U.S. Department of Housing  
and Urban Development

*Tom Bates*  
Cities of Alameda County

Dear Consultant:

*Bob Blanchard*  
Sonoma County and Cities

The Metropolitan Transportation Commission (MTC) invites your firm to submit a proposal to assist MTC in analyzing alternative strategies for serving long-term regional aviation demand in the nine-County San Francisco Bay Area.

*Dean J. Chu*  
Cities of Santa Clara County

*Dave Cortese*  
Association of Bay Area Governments

This letter and its enclosures constitute the Request for Qualifications/Request for Proposal (RFQ/RFP) for this project. Responses should be submitted according to the instructions set forth in this RFQ/RFP.

*Dorene M. Giacopini*  
U.S. Department of Transportation

*Federal D. Glover*  
Contra Costa County

**Proposal Due Date**

*Anne W. Halsted*  
San Francisco Bay Conservation  
and Development Commission

Interested firms must submit an original and six (6) hard copies of their proposal by Friday, 3:00 p.m., February 15, 2008. ***Proposals received after that date and time will not be considered.*** One (1) electronic copy must also be submitted. Submission of the electronic copy will not satisfy the proposal submission deadline.

*Steve Kinsey*  
Marin County and Cities

*Sue Lempert*  
Cities of San Mateo County

Proposals will be considered firm offers to enter into a contract and perform the work described in this RFQ/RFP for a period of ninety (90) days from their submission.

*Jon Rubin*  
San Francisco Mayor's Appointee

**MTC Point of Contact**

*Bijan Sartipi*  
State Business, Transportation  
and Housing Agency

Proposals and all inquiries relating to this RFQ/RFP shall be submitted to Doug Kimsey, Project Manager, at the address shown below. E-mail inquiries may be directed to [dkimsey@mtc.ca.gov](mailto:dkimsey@mtc.ca.gov). For telephone inquiries, call (510) 817-5790.

*James P. Spering*  
Solano County and Cities

*Adrienne J. Tissier*  
San Mateo County

Doug Kimsey, Project Manager  
Metropolitan Transportation Commission  
Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, California 94607-4700  
Fax: (510) 817-5718

*Amy Worth*  
Cities of Contra Costa County

*Ken Yeager*  
Santa Clara County

*Steve Heminger*  
Executive Director  
*Ann Flemer*  
Deputy Executive Director, Operations

**Background**

MTC is the regional transportation planning agency for the nine-county San Francisco Bay Area. MTC, the Association of Bay Area Governments (ABAG),

*Andrew B. Premier*  
Deputy Executive Director,  
Bay Area Toll Authority

*Therese W. McMillan*  
Deputy Executive Director, Policy

and Bay Conservation Development Commission (BCDC) are engaged in a process to develop consensus on a long-range approach to handling the Bay Area's air passenger, air cargo, and business general aviation needs. The current policies for addressing regional aviation issues are contained in the 2000 update of the Regional Airport System Plan (RASP) and supported development of new runway capacity at San Francisco International Airport (SFO) and Oakland International Airport (OAK). Based on more current information concerning the costs of constructing new runways and unresolved environmental issues related to constructing new runways in the Bay, the regional agencies now believe alternative strategies will be necessary to address growing aviation demand. This review is being conducted by the Regional Airport Planning Committee (RAPC), an advisory committee to MTC, ABAG, and BCDC according to a work scope adopted by RAPC.

The first Phase of this effort began in January 2007 and was completed in October 2007. In Phase 1, RAPC heard information presented by four expert panels covering Aviation Trends, New Air Traffic Control (ATC) and Management (ATM) Technology, Demand Management, and Airport Governance and Institutions. Following these panels a set of Conclusions and Recommendations was adopted by RAPC, and they serve to guide the work scope contained in this RFQ/RFP (see *Appendix A-1*).

Phase 2 will focus on analyzing the potential for some of the region's aviation demand to be served at alternative airports (both inside and outside the region), and/or possibly by a future California High Speed Rail System. In addition, Phase 2 will continue to examine new Air Traffic Control and Demand Management strategies (to develop specific proposals for advancing promising concepts at Bay Area airports), and will analyze the opportunities that may be provided by new institutional arrangements. Phase 2 will include a comprehensive and continuous public outreach effort that will be aimed at achieving regional consensus around new approaches.

MTC seeks Consultant assistance in analyzing future air passenger, air cargo, and business general aviation demand, Bay Area airport and airspace capacity, new ATC technologies, demand management concepts, certain broad environmental impacts, and the costs of improving alternative airports to serve a portion of future regional demand. MTC also seeks Consultant assistance in implementing an effective public outreach and involvement program.

### **Scope of Work, Schedule and Budget**

The Scope of Work for the project, provided in *Appendix A*, includes sample tasks that illustrate the type of assistance that may be requested of the Consultant. The specific tasks and deliverables-based payments for the work will be determined prior to entering into contract with the selected Consultant. The selected Consultant will be expected to perform all work and analysis necessary to complete the workscope.

MTC expects the study to commence on or about March 31, 2008 and to be completed by November 30, 2009.

### **Disadvantaged Business Enterprise Participation**

Disadvantaged Business Enterprises (DBEs) and other small businesses are strongly encouraged to participate in the performance of Agreements financed in whole or in part with federal funds (See 49 CFR 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs"). The Consultant should ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The bidder/proposer shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.

Bidders/Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

Respondents are required to document their activities in the solicitation and selection of subconsultants on *Appendix E, Bidders List of Subcontractors (DBE and Non-DBE), Part I and II*. For the complete DBE participation provisions applicable to this procurement see *Section V.H of the RFP/RFQ*.

### **Proposers' Conference and Requests for Exceptions**

A proposers' conference will be held on January 25 at 1:00 p.m. at the Joseph P. Bort MetroCenter Building, 101 8<sup>th</sup> Street, Oakland, in the Third Floor Conference Room. This RFQ/RFP and any addenda will be posted on MTC's web site; however, to receive personal notice of any addenda, prospective proposers must either attend the proposer's conference or submit to the MTC Project Manager a written request to receive addenda prior to the proposers's conference.

Requests for clarification or exception to RFQ/RFP provisions must be received no later than January 29, 2008 at 4:00 p.m. to guarantee consideration.

### **Proposal Evaluation**

Proposals will be evaluated in accordance with the evaluation factors listed in *Section IV* of the RFQ/RFP. Interviews, if held, will occur on February 22, 2008.

MTC reserves the right to accept or reject any or all proposals submitted, waive minor irregularities in proposals, request additional information or revisions to offers, and to negotiate with any or all proposers. Any contract award will be to the firm that presents the proposal that, in the opinion of MTC, is the most advantageous to MTC, based on the evaluation criteria in Section IV.

### **Consultant Selection Timetable**

January 25, 2008 at 1:00 p.m.

Proposers' Conference at  
101 Eighth Street, Oakland, CA 94607  
Third Floor "Fishbowl" Conference Room

January 29, 2008 by 4:00 p.m.	Deadline for requests for exceptions to or modification of standard contract or other RFP provisions
February 5, 2008 by 4:00 p.m.	Deadline for protests of RFQ/RFP provisions
February 15, 2008 by 3:00 p.m.	<b>Closing date/time for receipt of proposals</b>
February 22, 2008	Interviews/Discussions (if required)
March 12, 2008	MTC Administration Committee
March 17, 2008	Submittal by selected Consultant of detailed work scope and budget to MTC
March 31, 2008 (approximate)	Execution of contract

### **General Conditions**

All materials submitted by proposers are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*), unless exempt.

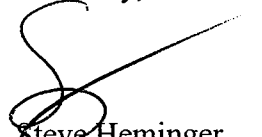
A synopsis of MTC contract provisions is in *Appendix C, Synopsis of Provisions in MTC's Standard Consultant Agreement*. The resulting contract will be funded in part with federal funds. Federally required contract provisions are included in *Appendix D*.

In particular, your attention is directed to the insurance provisions in *Appendix C*. Any requests for exception to the insurance requirements must be brought to MTC's attention on or before the date and time established above; otherwise, willingness to comply with the insurance requirements will be assumed.

### **Authority to Commit MTC**

Based on an evaluation conducted by the selection panel, the Executive Director will recommend a Consultant to the Operations Committee, which will commit MTC to the expenditure of funds in connection with the RFQ/RFP. Thank you for your participation.

Sincerely,



Steve Heminger  
Executive Director

SH:DK

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REQUEST FOR QUALIFICATIONS/REQUEST FOR PROPOSAL

to the

METROPOLITAN TRANSPORTATION COMMISSION

for

PHASE 2 – REGIONAL AIRPORT SYSTEM PLAN ANALYSIS

January 10, 2008

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700

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## I. PURPOSE & PROJECT DESCRIPTION

### A. Purpose

Aviation demand in the Bay Area is likely to continue to grow in the future, including air passenger, air cargo, and business general aviation activity. According to recent analyses by the U.S. Department of Transportation's Federal Aviation Administration (FAA), the Bay Area could face significant runway and airspace congestion as early as 2015. While the current set of aviation policies supports additional runway capacity at SFO and OAK, expanding runways at these airports is proving increasingly difficult given the high costs, limitations on available revenues, and unresolved environmental issues concerning runway development in the Bay. The three regional agencies, MTC, BCDC, and ABAG, have therefore set out to evaluate a new set of strategies that could address the expected growth in aviation demand. These strategies range from dispersing some air passenger and air cargo service to other airports in the Bay Area or in neighboring regions, to determining the opportunities that may be provided by developing new institutional arrangements to manage the system regionally, to High Speed Rail, to more aggressive demand management approaches.

MTC seeks Consultant assistance with analysis of demand trends, airport and airspace capacity issues, the impact of new ATC technology and demand management strategies on airport capacity, use of alternative airports to serve some demand, the costs of improving alternative airports, and analysis of certain broad environmental impacts. In addition to technical analyses, MTC seeks assistance in implementing a broad public outreach program that will seek to inform the public about the decisions that RAPC will be making and obtain feedback on some of the strategies RAPC will be considering.

The various technical analyses and public input will assist RAPC in developing a long-range Vision and Implementation Plan for the region's aviation system. The Implementation Plan will describe specific steps so that RAPC and other agencies can take to carry the recommendations forward. The Plan will also provide the basis for MTC to update the aviation element of its long-range Regional Transportation Plan, for BCDC to update its San Francisco Bay Plan, and for ABAG to adopt land use policies and strategies that support this long-range aviation plan.

### B. Project Description

The project includes assistance with developing new aviation demand forecasts for air passenger, air cargo, and business general aviation. Included in this project will be an assessment of the air passenger/air cargo demand that could potentially be served at alternative airports (including selected general aviation airports, possible joint use of Travis AFB, possible civilian access to Moffett Federal Airfield, or expanded direct service from airports outside the nine county region, such as Sacramento, Monterey, or Stockton airports). Phase 1 recommended further analyses of various new ATC/ATM technologies to better assess the timing and benefits of these strategies in addressing potential airport capacity issues. Phase 1 also recommended further analysis and development of new demand management approaches at the three Bay Area commercial airports (e.g., congestion pricing, upgauging aircraft size, and shifting more business aviation to reliever airports, etc.). Using the results from the latest ridership forecasts for a potential future California High Speed Rail system, MTC and the consultant will jointly evaluate the potential for such a

system to divert travelers from air to rail, and therefore reduce airline flights at Bay Area airports.

The Consultant will assist in developing conceptual costs for establishing new air passenger or air cargo service at alternative airports and upgrading certain general aviation airports to handle greater business general aviation activity. The Consultant will also evaluate broad environmental impacts from alternative air passenger and air cargo service strategies, including differences in noise, aircraft emissions, climate impacts, biological impacts, traffic, etc. associated with these strategies.

The Consultant will be responsible for providing public involvement and outreach services, including a facilitator, for various meetings. Currently, three rounds of public outreach are anticipated at different points in the study, including a telephone poll to determine Bay Area opinions on aviation services at the beginning of study and two sets of meetings occurring around the region later on. The facilitator may also manage meetings of an advisory Task Force created by RAPC to provide input to the study.

MTC will be responsible for establishing and convening three working groups to provide technical input to the consultants and to RAPC. The working groups will address Aviation Forecasts, New ATC/ATM Technologies, and Demand Management. MTC will recruit and pay for the attendance of experts on these working groups separately from the consultant contract. The Consultant will be required to attend these meetings.

RAPC has also recommended creation of a Task Force. The work of the staff and the consultant will be presented to the Task Force for review and comment. The Consultant will be required to attend these meetings.

Overall policy direction for the study will be provided by RAPC. The work of the study will be overseen by a Project Management Team (PMT) consisting of the staffs of MTC, ABAG, and BCDC. Recommendations from RAPC are forwarded to the three regional agencies for further consideration and action, and ultimately for incorporation in the respective regional plans of these agencies. The Consultant will be required to make presentations to RAPC and one or more of the regional boards, as needed, describing the work performed and results and to answer questions.

## II. SCOPE OF WORK, SCHEDULE AND BUDGET

A preliminary scope of work with illustrative tasks is included in this RFQ/RFP as *Appendix A, Scope of Work*. The specific tasks and cost of the work will be determined prior to entering into contract with the selected Consultant. Payment for the project will be deliverables-based.

MTC anticipates that work will commence on or about March 31, 2008 and completed by November 30, 2009.



### **III. FORM OF PROPOSAL**

Interested firms are asked to submit an original, six (6) hardcopies and one electronic copy of their proposals meeting the requirements specified herein **by 3:00 p.m., February 15, 2008**. Proposals received after that date and time will not be considered.

In furtherance of MTC's resource conservation policy, proposers are asked to print proposals back to back and are encouraged to use recycled paper for all proposals and reports.

Proposal content and completeness are most important. Although no page limitation will be imposed, clarity is essential and will be considered in assessing the proposers' capabilities. Each proposal should include:

#### **A. Transmittal Letter**

Transmittal letter signed by an official authorized to solicit business and enter into contracts for the firm. The transmittal letter should include the name and telephone number of a contact person if different from the signator. The cover letter should include a statement that the proposal is a firm offer to contract with MTC to perform the work according to the terms of the RFQ/ RFP for ninety (90) days from the due date for submission. Also, please identify any certified DBE firms involved in the effort.

#### **B. Title Page**

Title page showing the RFQ/RFP subject, the name of the proposer's firm, address, telephone number, name of contact person, and the date.

#### **C. Table of Contents**

A table of contents that includes a clear identification of the material by section and page number.

#### **D. Summary of Approach**

This section should consist of a discussion of the proposed approach to the performance of the work requested that illustrates the Consultant's understanding of the nature of the work being requested and the general approach to be taken. It should include, but not be limited to, the following:

- Discussion of the purpose of the project;
- A summary of the proposed approach specific to each task;
- Assumptions made in selecting the approach; and
- Identification of any difficult issues that may affect the implementation of the project and how these issues will be addressed.

#### **E. Detailed Work Plan**

This section should include:

1. Discuss how each task and subtask of the project will be conducted, identify deliverables, and propose a preliminary schedule. The description of the proposed approach to performing the project should fully discuss the tasks in sufficient detail to

demonstrate a clear understanding of the project. The schedule should show the expected sequence of tasks, subtasks, and important milestones. The selected Consultant, in consultation with MTC staff, will develop a final work plan and schedule for each deliverable.

2. Provide a detailed staffing plan for each task and subtask of the work. Identify all key personnel by name and the specific tasks for which each individual will be responsible. Identify other personnel by job description.
3. Describe role of any subcontractors, including any key personnel, and their specific responsibilities, and how their work will be supervised. Detail where Consultant and subcontractors have worked together before.
4. Describe potential problem areas, scheduling bottlenecks, critical path items and any other obstacles to successful and timely completion of this project. Describe how you plan to address and overcome these obstacles.

#### **F. Management Plan**

1. Describe approach to managing work and ensuring quality results. Include an organizational chart showing roles and responsibilities of key personnel and reporting structure, and identify who will have project management responsibilities.
2. Describe response mechanisms for dealing with problems and MTC concerns. Identify potential problem areas or challenges to successful completion of this project. Describe a plan to address these problems or challenges.

#### **G. Qualifications and References**

1. A detailed statement of the firm's qualifications and previous experience in conducting similar work, and short resumes of the personnel the Consultant intends to use to perform the project, summarizing the individual's training and experience relevant to this project. This section should demonstrate experience and expertise in all areas required to perform work described in *Appendix A, Scope of Work*. If subcontractors are used, include the resumes of key subcontractor personnel, as well.
2. A summary (no longer than one page each) of at least three (3) projects similar in subject matter and scope to this project, including the client agency, the contract term and amount, and a contact person (with telephone number and e-mail) who may be contacted as a reference.
3. List any contracts with MTC (or Bay Area Toll Authority (BATA) or Service Authority for Freeways and Expressways (SAFE)) by the Consultant or any of its subconsultants in the past three (3) years, including a brief description of the scope of work, the contract amount, date of execution and the MTC project.
4. At least one and no more than three work samples (one copy each), which will be returned to the proposer after the selection process.

#### **H. California Levine Act Statement**

Submit a signed Levine Act statement (*Appendix B*).

### **I. Lobbying and Debarment Certificate**

Submit completed Lobbying and Debarment certificates (*Appendix D*).

### **J. Subcontractor Information Form**

Submit a completed *Appendix E, Bidders List of Subcontractors (DBE and Non-DBE), Part I and II*.

K. In a SEPARATE SEALED ENVELOPE: A description of the firm's and its subcontractors' hourly rates. Rates shall include all direct and indirect costs. (Hourly rates will not be considered by the panel to develop the ranking of proposals. See Evaluation Factors, below. After selection of a contractor, they will be used to develop the deliverables-based project payments.)

## **IV. PROPOSAL EVALUATION**

### **A. Review for General Responsiveness**

The Project Management Team, in consultation with the MTC Office of General Counsel, will conduct an initial review of the proposals for general responsiveness. Any proposal that does not include enough information to permit the evaluators to rate the proposal in any one of the evaluation factors listed below will be considered non-responsive. A proposal that fails to include one or more items requested in Section III, Form of Proposal, may be considered complete and generally responsive, if evaluation in every criterion is possible.

### **B. Evaluation**

Responsive proposals will then be evaluated by a panel of staff representatives from MTC, the Project Management Team and potentially other partner agencies, based on the following evaluation factors, listed in descending order of importance:

- Approach to conducting and completing the project, including but not limited to: understanding of the purpose and requirements of the project; effectiveness of proposed approaches for conducting tasks in the Scope of Work, ability to effectively manage subcontractors on the project, and ability to meet schedules;
- Individual project staff and firm expertise and experience in similar types of projects involving aviation forecasts, airport and airspace capacity analyses, analyses of new ATC technologies and demand management approaches, costs of airport improvements, environmental analyses of aviation impacts, and public outreach facilitation;
- Team and individual familiarity with the Bay Area, its existing airport system and system planning issues, and its institutional relationships;
- Demonstrated ability to work closely and cooperatively with policy makers and staff of government agencies to complete projects, as evidenced by prior experience and references (for short-listed firms only);
- Oral communication skills and public presentation experience of key team members, as evidenced by prior experience, reference (for short-listed firms only), and interviews (if held);

- Ability to prepare clear and concise technical reports, as evidenced by work samples and references (for short-listed firms only) and to quickly turn around drafts based on agency comments (based on references).

The evaluation panel will rank the proposals. Following this ranking, the panel will either recommend a ranking to the Executive Director (see next paragraph) or develop a short list of proposers with a reasonable likelihood of being awarded the Contract for interviews. References may be checked for one or more of such short-listed proposers prior to final evaluation. Following interviews (if held) of the short-listed firms, the evaluation panel will conduct the final evaluation, based on the written proposals, oral interviews and reference checks.

The ranking of the firms will be forwarded to the MTC Executive Director. If the Executive Director agrees with the panel's recommended ranking, the recommendation will be forwarded to the MTC Administration Committee, with a request that staff be authorized to negotiate with the firms in order of ranking. Negotiations will be conducted with the top-ranked firm relative to work scope, fees, and payment schedule. If an agreement cannot be satisfactorily negotiated with the top-ranked firm, negotiations will be terminated, and staff will enter into negotiations with the second-ranked firm, and so on until an agreement can be reached.

Hourly rates will not be a factor in the initial evaluation. However, MTC reserves the right, after the firms have been ranked, to decline to enter into a contract with a firm whose rates are too high or unreasonable with respect to the named personnel, in MTC's sole discretion.

MTC reserves the right to rank firms based solely on written proposals and not convene oral interviews. Further, MTC reserves the right to accept or reject any and all submitted proposals, to waive minor irregularities, and to request additional information from the proposers at any stage of the evaluation.

## V. GENERAL CONDITIONS

### A. Limitations

This RFQ/RFP does not commit MTC to award a contract or to pay any costs incurred in the preparation of a proposal in response to this RFQ/RFP.

### B. Award

Any award made will be to the Consultant whose proposal is most advantageous to MTC, based on the evaluation criteria outlined above.

### C. Binding Offer

A signed proposal submitted to MTC in response to this RFQ/RFP shall constitute a binding offer from Consultant to contract with MTC according to the terms of the proposal for a period of ninety (90) days after its date of submission, which shall be the date proposals are due to MTC.

### D. Contract Arrangements

The selected Consultant will be expected to execute a contract based on the terms and conditions in *Appendix C, Synopsis of MTC's Standard Consultant Agreement*. Proposers who wish to

review the full contract prior to proposal submission should request a copy from the MTC Project Manager. Particular attention should be paid to MTC's insurance and indemnification requirements. **Requests for clarification or modification to any provision of the RFQ/RFP or its appendices must be submitted no later than the deadline specified in the RFQ/RFP in order to guarantee consideration. If such requests for modification or exception are not brought to MTC's attention within the time specified, concurrence by the proposer will be assumed.** The resulting contract will be funded in part with federal funds. Federally-required contract provisions are included in *Appendix D*.

The contract resulting from this RFQ/RFP will be compensated as a fixed price contract on the basis of satisfactory completion of deliverables.

#### **E. Selection Disputes**

A proposer may object to a provision of the RFQ/RFP on the grounds that it is arbitrary, biased, or unduly restrictive, or to the selection of a particular Consultant on the grounds that MTC procedures, the provisions of the RFQ/RFP or applicable provisions of federal, state or local law have been violated or inaccurately or inappropriately applied by submitting to the Project Manager a written explanation of the basis for the protest:

- 1) No later than five (5) working days prior to the date proposals are due, for objections to RFQ/RFP provisions; or
- 2) No later than three (3) working days after the date on which the Administration Committee endorses the ranking of the firms and authorizes negotiation of a contract with the top ranked firms or the date the firm is notified of such action, whichever is later  
The evaluation record shall remain confidential until the MTC Administration Committee takes action.

Protests must clearly and specifically describe the basis for the protest in sufficient detail for the MTC review officer to recommend a resolution to the MTC Executive Director.

The MTC Executive Director will respond to the protest in writing, based on the recommendation of a staff review officer. Authorization to negotiate a contract with a particular firm by MTC's Administration Committee shall be deemed conditional until the expiration of the protest period or, if a protest is filed, the issuance of a written response to the protest by the Executive Director.

Should the protesting proposer wish to appeal the decision of the Executive Director, it may file a written appeal with the MTC Administration Committee, no less than three (3) working days after receipt of the written response from the Executive Director. The Administration Committee's decision will be the final agency decision.

#### **F. Public Records**

This RFQ/RFP and any material submitted by a proposer in response to this RFQ/RFP are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*), unless exempt by law. Proposals will remain confidential until the Administration Committee has authorized award.

## G. Disadvantaged Business Enterprise (DBE) Policy

### 1. Terms As Used In This Document

- The term “Disadvantaged Business Enterprise” or “DBE” means a for-profit small business concern as defined in Title 49, Part 26.5, Code of Federal Regulations (CFR).
- The term “bidder” also means “proposer” or “offerer.”
- The term “Agreement” also means “Contract.”
- Agency also means the local entity entering into this contract with the Contractor or Consultant.
- The term “Small Business” or “SB” is as defined in 49 CFR 26.65.

### 2. Authority and Responsibility

- 2.1 DBEs and other small businesses are strongly encouraged to participate in the performance of Agreements financed in whole or in part with federal funds (See 49 CFR 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”). The Contractor should ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The bidder/proposer shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- 2.2 Bidders/Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

### 3. Submission of DBE Information

A. “Local Agency Proposer/Bidder-DBE (Consultant Contracts)-Information” form, Appendix F will be included in the Agreement documents to be executed by the successful bidder. The purpose of the form is to collect data required under 49 CFR 26. Even if no DBE participation will be reported, the successful bidder must execute and return the form.

### 4. DBE Participation General Information

It is the bidder’s responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department’s DBE program developed pursuant to the regulations. Particular attention is directed to the following:

- 4.1 A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).
- 4.2 A certified DBE may participate as a prime contractor, subcontractor, joint venture partner, as a vendor of material or supplies, or as a trucking company.

- 4.3 A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.
- 4.4 A DBE must perform a commercially useful function pursuant to 49 CFR 26.55; that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- 4.5 The bidder (prime contractor) shall list only one subcontractor for each portion of work as defined in their bid/proposal and all DBE subcontractors should be listed in the bid/cost proposal list of subcontractors.
- 4.6 A prime contractor who is a certified DBE is eligible to claim all of the work in the Agreement toward the DBE participation except that portion of the work to be performed by non-DBE subcontractors.
5. Resources
- 5.1 The CUCP database includes the certified DBEs from all certifying agencies participating in the CUCP. If you believe a firm is certified that cannot be located on the database, please contact the Caltrans Office of Certification toll free number 1-866-810-6346 for assistance. Bidder/Proposer may call (916) 440-0539 for web or download assistance.
- 5.2 Access the CUCP database from the Department of Transportation, Civil Rights, Business Enterprise Program website at: <http://www.dot.ca.gov/hq/bep/>.
- Click on the link in the left menu titled Find a Certified Firm
  - Click on Query Form link, located in the first sentence
  - Click on Certified DBE's (UCP) located on the first line in the center of the page
  - Click on Click To Access DBE Query Form
  - Searches can be performed by one or more criteria
  - Follow instructions on the screen
  - "Start Search," "Requery," "Civil Rights Home," and "Caltrans Home" links are located at the bottom of the query form

## **H. Prompt Payment of Subcontractors**

Under 49 CFR Part 26, Consultants are required promptly to pay subcontractors (DBE and non-DBE) all amounts to which the subcontractors are entitled for work that has been satisfactorily performed and for which the Consultants have received payment, in accordance with the terms of the applicable subcontracts. (See 49 CFR § 26.69.) Accordingly, Contractor shall pay its subcontractors within ten (10) calendar days from receipt of each payment made to the Contractor by the MTC. Any subcontract in excess of \$25,000, entered into as a result of this

procurement, shall contain all the provisions stipulated in this Agreement to be applicable to subcontractors.

**I. Key Personnel**

Key staff persons assigned to the project are expected to remain on the project. Any change in key staff persons of the Consultant is subject to the prior written approval of MTC. Removal of any key staff persons identified in the proposal without written consent of the MTC Project Manager may be considered a material breach of contract.



## **APPENDIX A, SCOPE OF WORK**

### **I. Background**

The work described below encompasses Phase 2 of a multi-year effort to analyze and develop new approaches for addressing the San Francisco Bay Area's long-range air passenger, air cargo, and business general aviation demand. This work commenced in January 2007 with Phase 1, which provided the Regional Airport Planning Committee (RAPC) with expert testimony on four topics: Aviation Trends, New Air Traffic Control (ATC) Technology, Demand Management, and Airport Governance and Institutions. Following these panels, staff presented a set of Conclusions and Recommendations that informed the Phase 2 work scope below (see Attachment A-1). In addition to continuing to explore the potential for new ATC technology, aggressive demand management strategies, and new institutional arrangements to address some of the region's expected capacity shortfall, Phase 2 will examine the potential for using alternative airports to serve a portion of the demand as well as a proposed California High Speed Rail system. Through extensive public outreach, Phase 2 will endeavor to develop political and public consensus for the recommendations for serving future Bay Area aviation demand.

MTC seeks Consultant assistance to analyze future aviation demand, the impact of new ATC technologies on airport system capacity, the impact of various demand management strategies on airport capacity, and the cost of improving alternative airports to serve a portion of the regional demand. MTC also seeks assistance in evaluating certain broad environmental impacts for serving future demand. Phase 2 will require extensive public outreach, and the Consultant will be responsible for managing this process.

Work by staff and Consultant will be overseen by RAPC. At the conclusion of Phase 2, RAPC staff will summarize the work and recommendations and develop a draft Vision and Implementation Plan for review and adoption by RAPC. RAPC's recommendations will then be forwarded to the respective regional agencies for their consideration and incorporation into their respective regional plans.

#### **Task 1. Public Input**

The overall goal of the project is to develop regional consensus for an aviation system plan that meets the travel needs of Bay Area residents and supports a strong economy. Phase 2 will include a comprehensive process for public participation and obtaining feedback as the work progresses, including workshops, a telephone poll, meetings, web postings and notification by mail and e-mail of upcoming events. It is the intent of this task to develop new and creative ways of engaging the public and local communities in a dialog about future aviation alternatives.

As currently planned, there will be three major rounds of public outreach, one at the beginning of Phase 2 in the form of a telephone survey, a series of workshops at the mid-point to provide an opportunity to evaluate the direction of the work, and a series of workshops at the end to review RAPC's preliminary recommendations in the Vision and Implementation Plan. The workshops will be held in different parts of the nine-county Bay Area as well as outside the region, with emphasis on locations where new air passenger and air cargo services will be evaluated. In addition to presenting results from the ongoing technical analyses, the outreach effort will also

