

REQUEST FOR PROPOSALS

CONSULTANT SERVICES

FOR

YUMA COUNTY RAIL CORRIDOR STUDY

Released by:

**Yuma Metropolitan Planning Organization
502 S. Orange Avenue, Yuma, Arizona 85364
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Charlene FitzGerald, Executive Director

September 2011

Yuma Metropolitan Planning Organization

Public Notice

Request for Proposals

Yuma County Rail Corridor Study

The Yuma Metropolitan Planning Organization (herein after referred to as the YMPO) hereby solicits proposals from qualified freight and logistics transportation consultants for a Rail Corridor Study that will examine freight and multimodal opportunities for the Yuma Region. This project will be managed by YMPO with input from the Technical Advisory Committee, which consists of local project stakeholders.

The overall project will be completed in a maximum of 12-months from the date of notice to proceed at a cost not to exceed \$250,000. It should be noted that coordination with ongoing studies will be required to develop feasible alternatives for a rail corridor.

Proposals will be accepted until 3:00 pm (Mountain Standard Time) on October 24, 2011 at the office of YMPO, 502 South Orange Avenue, Yuma, Arizona 85364. Proposals received after this timeframe will be rejected and returned to the sender unopened.

Detailed proposal requirements may be obtained by contacting the YMPO office or may be downloaded from our website at www.ympo.org. For further information, please submit questions in writing by fax to Paul Patane at (928) 329-1674 or by email to ppatane@ympo.org.

The YMPO is an Affirmative/Equal Opportunity Employer.

The right is reserved by the YMPO to reject any and all proposals.

By: Charlene FitzGerald, Executive Director
Yuma Metropolitan Planning Organization
502 S. Orange Avenue, Yuma, Arizona 85364

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1. Background

The Yuma areas Cooperative, Comprehensive, and Continuing (3C) Transportation Planning Program is conducted by the Yuma Metropolitan Planning Organization (YMPO) through the authorization and support of the cities of Yuma, San Luis, Somerton, Yuma County, the Town of Wellton, the Cocopah Indian Tribe, the Arizona Department of Transportation (ADOT), in cooperation with Winterhaven, California, the Quechan Indian Tribe, Arizona Department of Environmental Quality (ADEQ), California Department of Transportation (Caltrans), Imperial County Transportation Commission, and federal agencies including, but not limited to the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and U.S. Environmental Protection Agency (EPA).

The purpose of the YMPO's Transportation Planning Program is to assure that multimodal transportation, air quality planning, and implementation of projects are effectively identified and coordinated by local, state, federal agencies, and the general public.

YMPO is requesting proposals from qualified freight and logistics transportation consultants for a Rail Corridor Study that will examine freight and multimodal logistic opportunities for the Yuma Region. The project will be completed in a maximum of twelve months from the date of notice to proceed at a cost not to exceed \$250,000.

This project's overall goal is to recommend a feasible rail corridor, identify opportunities for freight-related economic development, increased mobility and access for freight movements throughout the study area. Within this overall goal are the following objectives:

1. Identify a multimodal corridor to create an efficient and safe freight transportation network that will provide regional connections between Sonora Mexico and Yuma County creating a seamless freight network that will promote and support economic development throughout the region.
2. Review and analyze data, findings and conclusions from the 2010 MAG Freight Transportation Framework Study and the Arizona Multimodal Logistics Complex Analysis to provide a commodity flow summary that will identify existing and future freight movements by commodity, origin and destination, mode, volume and value, including, but not limited to, freight flows from the Ports of Los Angeles and Long Beach, California; Port of Guaymas, Sonora; and the proposed deep sea port of Punta Colonet, Baja California. The summary will also identify economic trends and forecasts that would affect the study area.
3. Identify border rail crossing opportunities that will accommodate anticipated freight flows from the proposed Punta Colonet Port and or other US/Mexico freight interests to the Yuma Region.
4. Describe the range of funding sources and opportunities that may be available, both today and in the future, to help implement the recommended corridor. Then summarize the

project-level funding analysis and financing plan for the corridor using those sources deemed most viable by the project's stakeholders.

5. Consult and work with the project stakeholders. A Technical Advisory Committee (TAC) will be created to oversee the project development. The TAC will consist of, but not be limited to, representatives from local agencies and project stakeholders. Agency and stakeholder consultation will be a critical continuous element of the study. A comprehensive consultation/public involvement plan will be required.

2. Preliminary scope of services

YMPO has developed the following preliminary scope of services for developing the rail corridor study. Interested consultants are requested to submit a work program using this preliminary scope of services as a basis for their proposal. Consultants are encouraged to modify the work program tasks as appropriate to facilitate delivery of the study. If the work program tasks are modified from the following preliminary scope, the consultant is asked to provide a task correlation table for reference purposes by YMPO.

During the course of this study, YMPO will coordinate with the Consultant on project meetings with stakeholders and affected interest groups. A meeting log will be a project deliverable by the Consultant. It is anticipated that the Consultant will provide summaries for all meetings in their attendance, and receive from YMPO staff summaries for other project meetings.

A. Task 1 - Work Plan

Study Work Plan

Upon award of the contract and in cooperation with the Technical Advisory Committee (TAC) a detailed study work plan will be developed and provided by the consultant as the initial task of the study effort. The work plan will include:

- Detailed scope of services to conduct an alternative analysis for a rail line corridor study
- Identify feasible geographic locations for multimodal logistic facilities
- Identify short line rail opportunities
- Schedule with milestone dates for both the technical study efforts and the TAC and stakeholder involvement activities – the overall schedule for this study is 12 months
- Strategies to ensure public involvement, coordination among study partners and other key stakeholders, as well as participation of these parties with the work plan and with the implementation of the study's recommendations

Kickoff Meeting

Immediately upon receiving notice to proceed, the consultant shall coordinate with the YMPO Project Manager to schedule and conduct a project kickoff meeting that will involve the TAC. The purpose of the kickoff meeting is to present the draft study work plan and receive input and direction from the TAC members on the plan and its various tasks and elements. A summary of data collection and a responsibility matrix should be presented at the meeting. Following the study kickoff meeting, the consultant will finalize and submit the final version of the study work plan, based on the comments and direction received. Upon approval of the study work plan by the YMPO Project Manager, the consultant will immediately commence the overall study effort.

Deliverable: Working Paper #1 – Study Work Plan

Task 2 - Establish Public Involvement Plan

Stakeholder involvement in the study is essential for its development and success. Consensus is needed from the stakeholders on the rail line corridor location that is determined and also on the process used to make this determination. The stakeholder involvement process must be started upon the notice to proceed and continue throughout the full duration of the study. The purpose of stakeholder involvement activities is to keep the stakeholders informed on the current status of the study, its ongoing activities, pertinent findings, responding to inquiries and questions, securing concurrence in the process used to conduct the study, to gain consensus for the rail line corridor location, and to be overall transparent.

The consultant is to develop a comprehensive stakeholder involvement plan that will accomplish the stated purpose. The consultant is to provide details on a recommended stakeholder involvement plan in the work plan proposal. The use of traditional/nontraditional outreach and current technologies is needed to facilitate the dialogue and consensus building process. The consultant team is also expected to be able to effectively employ conflict resolution techniques to arrive at consensus. The use of experienced and qualified facilitators is a key element of this task.

The consultant shall develop an implementation plan for public involvement that will foster the participation of key stakeholders and citizens. Public involvement activities may include, but are not limited to, the following:

- Consultation with elected officials.
- Consultation with tribal officials.
- Meetings with the public.
- Meetings with agency staff representing jurisdictions within the study area.
- Meetings with developers, freight carriers, or other focus groups.
- Meetings with Mexico SCT, SLRC, and SUDIR officials

For each of the study's work tasks, identify appropriate outreach activities and a detailed strategy for their implementation. Identify the roles and responsibilities of the consultant, lead agency, and study partners, and indicate how the information acquired during each activity will be applied to the study. Four public meetings shall be conducted to present information to the stakeholders/public. The consultant will be responsible for documenting the findings that result from public involvement events in one or more public involvement summaries.

The consultant will also be responsible for the following:

- Prepare all presentation boards and handouts for public involvement meetings.
- Prepare a newsletter for distribution by mail before the public meetings, as well as for distribution at the meetings; review and approval by the Project Manager is required before mailing.
- Prepare and issue a press releases; the Project Manager will coordinate the press releases.

- Document the public involvement process in a summary report. This will include the press releases distributed prior to the meetings, mailing lists, comments received at the meeting, and associated responses to each comment.
- Provide public involvement meetings summary reports to the TAC.

Deliverable: Working Paper #2 – Public Involvement Plan and Public Involvement Summaries

B. Task 3 - Current and Future Conditions:

Current conditions that have any affect or impact on potential rail corridors and alignments within the study area are to be researched, evaluated and presented. Forecasts need to be made for future rail and freight traffic and other related activities. Future conditions that have any affect or impact on potential rail corridors will need to be evaluated and presented.

Data Collection and Compilation

All relevant background information, documents, data, and previous studies shall be gathered compiled, reviewed, analyzed, and pertinent findings presented in the current conditions section. Documents and information should include any rail alignments previously identified, area transportation plans, environmental reports, current study area data, aerial photography, and GIS mapping and database information. Stakeholders shall be contacted to request them to provide any relevant information, data, and documents to assist in this effort. The most current/recent data shall be used for this study.

Current Conditions

The current conditions section is to present the information, features, factors, limitations and issues within the study area that would have any affect or impact on the location of potential rail corridors. This review will include, but not be limited to:

- Land ownership
- Local agency land use plans
- Agricultural
- Geographical features
- Environmental assets/concerns
- Developments
- Multimodal Transportation Improvements
- Utilities
- Structures
- Applicable rail standards
- Border POE requirements
- Freight volumes and commodity mix
- Review federal, state, regional and local policies as they relate to freight transportation
- Analysis of commodity flow from other existing ports

- Analysis of alternate rail routes from Mexico or existing ports and potential Punta Colonet opportunities
- Analysis of existing rail (roadway network and connections) for north and south of the border

Rail and Freight Forecasts

The consultant is to coordinate closely with the Union Pacific Railroad, Ferromex, and project stakeholders to examine or identify current rail use/activity, and the anticipated future rail use activities affecting the study area. The consultant needs to research, obtain and report on available freight and commodity mix forecasts for the planning period.

Using data findings from the 2010 MAG Freight Transportation Framework Study, provide a commodity flow summary that will document existing freight movements by commodity, mode, volume, and value. The summary will also include, but not limited to, freight flows from the Port of Guaymas, Mexico, and develop and evaluate the anticipated freight forecast for the proposed port of Punta Colonet. This task will also summarize economic trends and forecasts that would impact the study area and recommend in detail opportunities that could enhance freight related economic development opportunities in the study area. This information will be critical for the sizing of the rail facilities needed which will in turn influence the right of way needs and possibly the location of the rail line corridor and multimodal logistic opportunities.

Future Conditions

Using the rail and freight forecasts, and considering the conditions present, the consultant is to assess and report on the expected future conditions that will exist in the study area that will influence, impact and affect the potential rail line corridors. In addition to the same criteria reported on for current conditions, it is anticipated that the following will also be addressed in the future conditions section:

- Future commercial/industrial development
- Change in future land use with the proposed rail line in place
- Opportunities for economic development
- Opportunities for short rail line for import/export
- Potential changes in homeland security
- Potential builders, owners, and operators of the rail line
- Facilities and infrastructure needed to meet demand

With the knowledge of both current and future conditions affecting and impacting the proposed rail line, identify infrastructure requirements for both the initial construction and for the 30 year planning horizon. Determine the general right of way needs for the long range plan. Facilities and infrastructure needs will include, at a minimum, the following:

- Rail line(s)
- Rail connection areas
- Required sidings (for inspection and other purposes)
- Port of Entry facilities

- Supporting utilities and other infrastructure

Deliverable: Working Paper #3 – Current and Future Conditions

C. Task 4 - Alternatives Analysis

Alternative Route Location Identification

Review any rail alignments that may have been identified in previous studies and develop any new rail alignments that may be required

Reconnaissance level field inspection – A field inspection is to be conducted for all alignments proposed for analysis. Photographic and/or video documentation of the alignments shall be made during the field inspection and given to the YMPO. The YMPO Project Manager is to be invited to accompany the consultant team for the field inspection.

Alternative Route Definition

For each rail alignment proposed for further study, provide a specific summary definition of the route featuring a location map, length, and commentary on features encountered such as number of road crossings by type, terrain, major waterways/washes crossed, including an environmental overview. The TAC shall approve each alternative rail alignment proposed before the consultant is to proceed with the evaluation.

Evaluation Criteria

Identify the evaluation criteria to be used for the alternatives analysis. Provide a specific definition and measurement technique for each criterion proposed. In addition, the weighting of each criterion should also be proposed and justified.

The TAC shall approve the set of evaluation criteria, and weighting, to be used for the alternatives analysis before the consultant is to proceed with the evaluation.

Alternatives Analysis.

Analyze each alternative rail alignment using the approved evaluation criteria and weight. The analysis should also include the following:

- Environmental Overview – The identified corridors should be assessed to determine environmental concerns such as existing development, protected species, cultural resources, roadways, etc. This effort is to be coordinated with local, tribal, state, and federal agencies as necessary, and Mexico SCT, SLRC, and SUDIR officials
- Corridor evaluation – The corridors should be examined for any physical characteristics that may present challenges for vertical and horizontal alignments, excessive structure needs, at-grade and grade separated roadway crossings, etc.

- Rail operations overview – Existing and projected rail operations should be considered in the assessment to determine requirements for capacity along the rail line and for support facilities needed for maintenance access, staging, storage, switching, and interchange.
- Port of Entry needs – Each alternative should have an assessment and overview of the required facilities and associated infrastructure for the security, safety, inspections, gate structure, and related processing needs for the international border crossing.
- Multimodal Logistics Center - Identify a geographic location and or locations of such a facility using recommendations from the Arizona Multimodal Logistics Complex Analysis and identify any new logistic opportunities that the corridor alternative analysis may recommend.

Preferred Corridor

One of the results of the alternatives analysis will be a ranking of the alternative rail line corridors based on the evaluation criteria.. Based on the detailed analysis conducted, the consultant shall recommend the preferred rail alignment or the no build scenario with the rationale for the recommendation. The alternative analysis recommendations are to be reviewed in detail with the TAC for their approval and presented to the stakeholders

Deliverable: Working Paper #4 – Alternatives Analysis

Task 5 - Economic Impact Analysis

Perform a conceptual level impact analysis to determine economic benefits. Economic impacts can be defined as the effects on the level of economic activity in a given area. Typically, economic impact analysis involves the estimation of three types of spending/production activity:

- Direct effects - the changes in local business activity occurring as a direct consequence of companies located in the logistics parks, including all construction activities.
- Indirect effects - the result of purchases by local firms that are the direct suppliers to the directly affected companies.
- Induced effects - changes in the local business activity resulting from personal household spending for goods and services, including employees of directly and indirectly affected businesses.

Deliverable Report covering summary of findings

D. Task 6 - Final Report and Executive Summary

Based on the technically sound methodologies used in the tasks and with the consideration of the TAC, stakeholders, and public input, develop rail corridor recommendations and multimodal logistics opportunities for the study area.

The consultant will address the review comments made and directions given by the TAC members and will finalize the report and recommendations. A final version of the document will

be submitted to the YMPO project manager for final review/approval and presented to the YMPO Executive Board.

Document the study and its final recommendations in a final report and in an executive summary.

An executive summary in the form of a refined rail corridor concept brochure is to be prepared and provided that can be used to explain the concept, promote its need and purpose, and possibly for marketing and economic development purposes. The consultant will provide the YMPO project manager with 20 bound copies of the full report with Executive Summary, plus 20 additional copies of the Executive Summary, 200 printed copies of the brochure (brochures will not be required for the no-build), 20 copies in DVD optical disc storage media format containing the final report, executive summary, and the brochures suitable for additional printing by YMPO.

Public involvement summaries, GIS maps and related data used throughout the study process will be supplied to YMPO.

Deliverable Final Report & Executive Summary

3. PROPOSAL REQUIREMENTS

A. Project Cost and Schedule

The time frame for this project is 12-months from the date of the notice to proceed at a cost not to exceed \$250,000.

B. Proposal Delivery

Ten (10) copies of the proposal must be submitted by 3:00 p.m. (Mountain Standard Time) on October 24, 2011.

Yuma Metropolitan Planning Organization
Attention: Paul Patane
502 South Orange Avenue
Yuma, Arizona 85364

Timely receipt of proposals will be determined by the date and time the proposal is received at the above address. Hand delivery is therefore encouraged. No late submissions, facsimile, or electronic submissions shall be accepted.

All material submitted in response to this solicitation becomes the property of YMPO and will not be returned. After contract award, the proposals shall be open for public inspection except to the extent that the withholding of information is permitted or required by law. If the offeror designates a portion of its proposal as confidential, it shall be isolated and identified in writing the confidential portions in accordance with Arizona Administrative Code R2-7-103; which shall be included in the proposal. Upon receipt of your written notification, YMPO will review any portions of the proposal that the proposer considers to be confidential and then make a determination on what should be released. YMPO will also notify you in writing of our determination and provide you with an opportunity to respond to our decision prior to our releasing the proposal.

Any questions regarding this Request for Proposals should be submitted in writing to Paul Patane by fax at (928) 329-1674; or by email at ppatane@ympo.org. Responses to questions submitted will be posted on the YMPO Web site at www.ympo.org. Additional information regarding YMPO activities, including Committee meeting schedules, may be found on the YMPO Web site, ympo.org.

4. PROPOSAL CONTENT

A. REQUIRED INFORMATION (Not to exceed thirty (30) pages)

All offers shall include a Table of Contents and be limited to a maximum length of 30-pages (8½" x 11" is preferred; response may include tabloid 11"x 17" pages as appropriate). There is a 3 page limit in the number of tabloid (11" x 17") pages used in the proposal. Font on all pages must not be smaller than 12 point. The cover letter must be signed by a party authorized to bind the entity submitting the proposal. One copy (labeled "Original Copy") with original signatures (including all submitted forms by prime- and sub-consultants) should be included in the ten (10) submittals.

i. Work Plan

In this section, the proposal should discuss in detail how the required work tasks will be carried out. The proposer shall describe each project task and proposed approach to the task as clearly and thoroughly as possible. It should include such information as how proposed staff resources will be utilized during each task. The plan shall include a project organization chart that includes the names and roles of the team members. For each team member, offeror shall include the individual's commitment to the plan as a percentage of his/her total workload with the consulting firm, relevant qualifications and experience, and the number of hours each team member will spend on each work task, and identify the level of effort anticipated by each team member.

The work plan shall include a preliminary schedule for the project in bar-chart format. Indicate all work plan tasks, their durations, and shall clearly identify project deliverable dates. The consultant should indicate key milestones necessary to meet the plan schedule and how the firm expects to meet them.

The proposal should also discuss how the consultant will coordinate with the technical advisory committee and project stakeholders, to include Sonora, Mexico, Secretaria de Comunicaciones y Transportes (SCT) and Secretaria de Infraestructura y Desarrollo Urbano (SIDUR)

ii. Firm Profile

Proposing consultants shall include a brief profile of their firm(s). The profile should provide an overview of the firm's areas of expertise, its history and primary market areas. For consulting teams, each participating firm should provide a firm profile. This section will familiarize the selection committee with the proposing consultant firms.

iii. Project Manager Experience and Commitment

The consulting team requires a strong project manager with extensive transportation planning and/or engineering expertise. The project manager must show experience managing multimodal transportation planning studies.

The project manager must also be highly skilled at managing complex processes and projects, particularly those that are dynamic and at times, subject to political forces. Extensive public and stakeholder involvement experience is important, particularly where the process is the vehicle for developing community support, as is a strong knowledge of the local planning environment.

The project manager must be highly skilled at managing projects to ensure that they are delivered within scope, according to schedule, and within budget. The proposal should also discuss how the project manager would ensure a high quality of work, preferably through a formal quality assurance plan and process.

The proposal must also discuss the commitments of the project manager. Specifically, show the existing and 12-month future time commitments of the project manager and briefly describe his/her role in the projects or other commitments. Discuss how these commitments will affect the project manager's ability to manage activities. Also, indicate the primary work location of the project manager.

iv. Expertise and Experience of Key Personnel

Project team members should possess strong expertise in transportation planning and a variety of modal and transportation engineering areas. Specialists should be included in the proposal with expert knowledge in the following areas:

- Public and stakeholder outreach and involvement;
- Transportation planning and policy analysis;
- Transportation Demand Modeling and expertise in TransCAD
- Freight and Rail Corridor development
- Any other area the consultant believes may be necessary to ensure the project success.

Proposals should clearly indicate the expertise, background, and availability of proposed project staff. Licenses and other professional credentials of proposed staff should be noted. Include a table indicating billing rates, hours percent time, and direct costs (see Appendix C). Each firm submitting a proposal is required to certify that it will comply with, in all respects, the rules of professional conduct set forth in A.C.R.R. R4-30-301 (see Appendix A), which is the official compilation of the Rules of Professional Conduct from the Administrative Rules and Regulations for the State of Arizona.

v. Recent Related Experience

This section of the proposal should contain brief descriptions of the consultant's recent (within the past five years) experience directly related to the approach taken in the proposal. The purpose of this section is to illustrate the background of the proposing firm(s) that bears directly on the scope of activities. For each project, the consultant should provide a brief description of what services were provided and the outcome of the project. In addition, this section should include the name of the project manager, start and end dates, and total dollar value of each project.

vi. Resumes of Key Personnel

Provide resumes for key personnel (who will be performing requested services) showing technical education and training. Include any special experience, certifications, licenses and memberships in professional associations.

5. PROPOSAL EVALUATION AND SELECTION PROCESS

Evaluation criteria include the following:

- a. Demonstrated understanding of the project through a well-defined work plan consistent with program objectives.
- b. Clarity of proposal, realistic approach, technical soundness, and enhancements to elements outlined in this Request for Proposals.
- c. Experience of the project manager and other project personnel in similar studies. Only those personnel assigned to work directly on the project should be cited.
- d. Proven track record in this area of study. Proposers should identify the principal people who worked on past projects and the amount of time they devoted to the work effort.
- e. Availability of key personnel throughout the project effort.
- f. Costs
- g. Ability and commitment to complete the project within the specified time period, meet all deadlines for submitting associated work products, and ensure high quality of work through a formal quality assurance plan/process.
- h. Recognition of work priorities and flexibility to deal with change and contingencies.

A. Evaluation & Selection

The firms will be evaluated by the selection panel based on the RFP contents and evaluation criteria. If the RFPs are evaluated and there is not a decisive difference between the consultants as scored by the selection panel, the most favorable consultants may be called in for an oral interview by the selection panel to determine the most qualified firm.

B. Final Selection

Upon completion of evaluation and possible oral interviews, the selection panel will forward a recommendation to YMPO for consideration of award. The firm approved by YMPO will then enter into contract negotiations with YMPO.

Should negotiations fail to result in a mutually agreed-upon contract, then the next highest ranking firm will be offered the opportunity to negotiate a contract with YMPO. This method may continue until a successful contract is negotiated.

6. ADMINISTRATIVE REQUIREMENTS

- A. This Request for Proposals is for a cost-reimbursement plus fixed fee contract.
- B. During the course of the project, a monthly progress report is required to be submitted within ten (10) working days after the end of each month until the final report is submitted. Each report shall include a comprehensive narrative of the activities performed during the month, an estimated percent complete for each project task, monthly and cumulative costs by task, activities of any subcontractors, payments to any subcontractors, a discussion of any notable issues or problems being addressed, and a discussion of anticipated activities for the next month.
- C. YMPO shall retain ten percent (10%) of the contract amount, withheld from each monthly invoice, as final payment until completion of the project to the satisfaction and acceptance of the work. Final payment shall be made after acceptance of the final product and invoice.
- D. An audit examination of the consultant's records may be required.
- E. The firm that is selected will be required to comply with Titles VI of the Civil Rights Act of 1964, see Appendix A.
- F. The contractor will comply with YMPO's Disadvantaged Business Enterprise (DBE) program as supplemented in the U.S. Department of Transportation Regulation (USDOT), 49 CFR Part 26. The contractor will also be required to comply with all applicable laws and regulations of the U.S. Department of Transportation, see Appendix B.
- G. YMPO will require public liability insurance \$1,000,000 single limit (including auto), property damage \$300,000/each occurrence (including auto) and \$1,000,000 professional liability errors and omissions.
- H. The firm selected is required to document any potential conflicts of interest during the contract period. A conflict of interest shall be cause for terminating a contract. A potential conflict of interest includes, but is not limited to:
 - i. Accepting an assignment where duty to the client would conflict with the consultant's personal interest, or interest of another client.
 - ii. Performing work for a client or having an interest that conflicts with this contract.
 - ii. Employing personnel who worked for YMPO or one of its member agencies within the past five years.

YMPO will be the final determining body as to whether a conflict of interest exists.

- I. Travel: All direct expenses must be supported by receipts and other suitable and appropriate documentation. Travel expenses will be reimbursed in accordance with the State Travel Policy. The State travel policy may be accessed via the internet at the State of Arizona, General Accounting Office's website at (<http://www.gao.az.gov/travel>).

- J. Sudan and Iran - Pursuant to A.R.S. § 35-391.06 and § 35-393.06, Contractor certifies that it does not have a scrutinized business operation, as defined in A.R.S. Sec. 35-391(15) and A.R.S. Sec 35-393(12), in either Sudan and/or Iran.

- K. Project Team / Staffing Changes: Any change in the key personnel team in your procurement contract is subject to approval by YMPO and requires a contract amendment. If the personnel change is not a contract-related staffing change and is only a switch on the project team of staff already approved in the contract, prior approval of the YMPO project manager is required.

Appendix A
Title VI Agreement / Contract Requirements

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of subcontractors, including procurements of materials and leases of equipment.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Arizona Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Arizona Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Arizona Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1)

through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the Arizona Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Arizona Department of Transportation to enter into such litigation to protect the interests of the Arizona Department of Transportation, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B
Disadvantaged Business Enterprises (DBE)

1. The YMPO, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this solicitation, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

2. As required by 49 CFR 26.13, the YMPO shall not discriminate on the basis of race, color, national origin, religion, gender, age or disability in the award and performance of any USDOT assisted contract or in the administration of its DBE program or the requirements of 49 CFR 26. The YMPO shall take all necessary and reasonable steps under 49 CFR 26 to ensure nondiscrimination in the award and administration of USDOT assisted contracts. The YMPO's DBE program, as required by 49 CFR 26 and as approved by USDOT, is incorporated by reference in the Planning Funds Agreement between the MPO and ADOT.

3. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the Agreement. Upon notification to the YMPO of its failure to carry out its approved program, the USDOT may impose sanctions as provided YMPO WP Agreement JPA 11-088 Page 20 of 51 for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

**Appendix C
Staffing Table**

Hours Contribution Table			Contract Number								
			Purchase Order Number								
			Task Assignment Number								
Team Member			Task and Associated Hours							Total	
Name	Role	Rate	1	2	3	4	5	6	7	Hours	Billing
Prime Consultant (name of firm)											
<i>Example:</i> K Smith	Principal	\$ 25.00	100	75	25	75	100	0.5	0	375.5	\$9,387.50
										0	\$ -
										0	\$ -
										0	\$ -
										0	\$ -
Sub-Consultant (name of firm)											
										0	\$ -
										0	\$ -
										0	\$ -
										0	\$ -
TOTALS			100	75	25	75	100	0.5	0	375.5	\$9,387.50