

CONSULTANT REQUEST FOR PROPOSALS

FOR

**Development of Specifications and or Plans for Zero Emissions
Public Transit Onsite Vehicle Hydrogen Fueling Station**

June 11, 2024

Proposal due by July 16, 2024
Time: 12::00 pm



**Butte County Association of Governments
326 Huss Drive, Suite 150
Chico, CA 95928**

(530) 809-4616

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ATTACHMENTS:

Proposal Required Attachments:

ATTACHMENT CHECK LIST

Exhibit A Proposed Scope of Work
Exhibit B Proposed Cost (Separate Cover)
Form 1 – Equal Employment Opportunity Certification
Form 2 – List of Proposed Subcontractors/consultants
Form 3 – Public Contract Code Section 10162 Questionnaire
Form 4 – BCAG – Non-Collusion Affidavit
Form 5 - Public Contract Code Section 10285.1 Statement
Form 6 – Debarment and Suspension Certification
Form 7 – Non-Lobbying Certification for Federal Aid Contracts
Form 8 – Disclosure of Lobbying Activities
Form 9 - Proposer Certification Clauses and Proposal Signature Page
Form 10 – (Exhibit 10-O) Consultant Proposal DBE Commitment (Consultant Contracts)
Form 11 – Current Client References
Insurance Certificate
W-9

Reference Information: (Not required with Proposal Submittal)

Criteria for Evaluation of Proposal

Draft Contract/Agreement (includes the following documents):

- Exhibit 10-I Notice to Consultants/Proposers Disadvantaged Business Enterprise Information
- Exhibit 10-J Standard Agreement For Subcontractor/consultant /DBE Participation
- Attachment I – Standard Insurance Requirements for Professional Services Contracts
- Exhibit 10-O2 (To be developed from submittal document 10-O)

Insurance Certificate Example

W-9 Example

Exhibit 10-H1 – 10-H3 Cost PROPOSAL (Example)

General Project Location

H2 Fueling Location

BCAG Zero-Emission Bus Rollout Plan

I. Purpose

The Butte County Association of Governments (BCAG)/Butte Regional Transit (BRT) is seeking proposals from qualified consultants to prepare a Specific Infrastructure Planning Document (PLAN) defining the parameters, criteria and specifications required to solicit equipment and fueling supply vendors for proposals/quotes to furnish an onsite hydrogen fueling system/solution for zero emissions vehicles.

II. Background

B-Line provides regional and local public transit services in Butte County and covers roughly 700 square miles of service area. The current bus fleet consists of 29 fixed-route buses: 29 diesel buses (11 35-foot diesel and 18 40-foot diesel buses). B-Line also operates 2 types of paratransit services—ADA Paratransit and Dial-A-Ride. The paratransit fleet consists of 22 gasoline-powered cutaway vehicles (25-feet). BCAG engaged the Center for Transportation and the Environment (CTE) to perform a zero-emission bus (ZEB) transition study to create a plan for a 100% zero-emission fleet by 2040 to comply with the Innovative Clean Transit (ICT) regulation enacted by the California Air Resources Board (CARB).

BCAG's Rollout Plan achieves a zero-emission bus fleet in line with the 2040 target of the ICT Regulation. To achieve this goal, B-Line will replace all their ICE buses with ZEBs when the vehicles reach the end of their 12-year useful life. By 2040, 22 of the agency's buses are expected to be BEBs and 10 will be FCEBs. The last of the agency's ICE buses will reach an end of cycle life in 2039. B-Line will replace each of their ICE cutaways with battery electric cutaways once they reach the end of their 7-year useful life. Assuming an Altoona-approved vendor is available, B-Line's 22 cutaways will all be transitioned to battery electric cutaways by 2036.

All B-Line's services operate out of a single operations, maintenance, and administrative facility at 326 Huss Drive, Chico, CA 95928. BCAG plans to install both charging and hydrogen fueling infrastructure at this location to support their mixed fleet. BCAG also explored redundancy, resilience and emergency response options related to fueling in the event B-Line is expected to provide service during an emergency or power outage.

B-Line's bus service provides transportation opportunities to numerous Disadvantaged Communities (DACs) and moving toward zero-emission buses will help improve the health of DACs and non-DACs alike. The agency will build upon an existing training structure for bus maintenance and operators to provide the necessary battery-electric bus (BEB) and fuel cell electric bus (FCEB) specific training that will be required for the agency to own and operate BEBs and FCEBs. The agency estimates that pursuing a ZEB fleet in place of an internal combustion engine (ICE) fleet will cost an additional \$40M in bus costs and infrastructure alone between 2023 and 2040, which will require significantly more funding opportunities. BCAG plans to pursue funding opportunities at the federal, state, and local levels to help fill this funding gap.

The Innovative Clean Technology (ICT) Regulation – *"BCAG Zero Emission Bus Rollout Plan"* was approved by the BCAG Board of Directors and the California Air Resources Board (CARB) between July and October of 2023 and is included in the Reference Information Appendices of this RFP. *(Note: Appendix B – Figure 2.1 shows a conceptual location for hydrogen fueling infrastructure)*

III. Related Information

BCAG will be administering this agreement and will provide all final plan approvals and document work products. Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) will fund the development of the infrastructure plan. Following completion of the PLAN, additional funding may be utilized to further develop design, engineering and permitting documents for the construction of the conceptualized hydrogen fueling infrastructure.

IV. Consultant Scope of Services

The services consist in general, of performing all those activities associated with completing an infrastructure planning document that can be utilized as the basis of environmentally clearing, permitting and design for construction and/or furnishing of a turn-key hydrogen storage and fueling solution onsite at 326 Huss Drive in Chico, CA. The PLAN is intended to investigate and identify all the criteria necessary to support a contractor/vendor solicitation to provide a solution that will meet the stated criteria and specifications for BCAG's transition to zero emission fuel cell deployment. The final infrastructure planning document will support the solicitation of an RFP/Invitation for Bid (IFB) for contractors and vendors to acquire, furnish, install and supply a Hydrogen (H₂) fueling solution.

Topics the PLAN is expected must include at a minimum the following and may include additional content at the discretion of the Proposer.

1. Specific Site Assessment: The infrastructure will be located in the southwest portion of property owned by BCAG and integrated with existing public transit operations and maintenance functions. The site assessment should address the applicability and usefulness of the site and will include a description of any phasing that may be needed to accommodate for the expansion of fleet size.
2. Technology Assessment: BCAG recognizes the initial phase of Hydrogen technologies expected are Fuel Cell Electric Buses (FCEBs). BCAG recognizes the applicability of mobile fueling solutions and this solution may be the most readily available solution for the short to mid-term horizon of up to 10 years. However, the PLAN must address the complexities and considerations necessary to accommodate a range of solutions, if applicable, which may affect transportation, fueling, storage design and expansion.
3. Additional Infrastructure: Assess the need to provide any additional infrastructure not currently installed or contemplated that may need to be designed, acquired, or installed to accommodate hydrogen fueling, storage and dispensing.
4. Environmental Clearance and Permits: A full understanding of the NEPA environmental clearance and permits needed for construction, commissioning operation and maintenance of the infrastructure necessary for deployment. It is expected permit coordination may be extensive and occur with multiple local, state and possibly federal entities.
5. Agreements: What type of and with whom are agreements required to support the supply of hydrogen to onsite storage and fueling.
6. Economic Analysis and Funding: Describing the budgetary considerations required to support the supply, storage and dispensing of hydrogen at the site. The economic analysis is intended to include a budgetary estimate of the capital, operational, maintenance and management costs to operate the fueling station on an annual basis with estimated annual cost escalations and possible funding sources applicable for deployment and expansion.
7. Hydrogen Fuel Provider: Yosemite Clean Energy is an Oroville, CA based hydrogen fuel provider expected to be at full operation in 2026. An assessment of the onsite technology proposed, and compatibility must be discussed to understand if any special considerations are needed to accommodate BCAG's direction on accomplishing the transition and if there are any other potential supplier options that may be more suitable for the defined needs.

8. Workforce Training/Development: What type of workforce training and development may be required to operate and maintain the fueling system.
9. Estimated Deployment Timeline: An expected timeline identifying the development of design, permitting, bid documents and construction is necessary to better understand and help support the acquisition of FCEBs or H2 Combustion vehicles.
10. Number of FCEBs expected: BCAG completed and received CARB approval of an ICT Rollout Plan in 2022. There is detail on the provision of FCEBs to accomplish a transition. BCAG is constantly assessing a schedule for acquisition and deployment of BEBs and FCEBs based on grant funding and to support capital acquisitions. As of May 2024, BCAG has tentatively identified the following:

FCEB:

By late 2027/early 2028 – 3 buses

By 2029 + 2 = 5 buses total

By 2031 + 3 = 8 buses total

By 2033 + 2 = 10 buses total

Note: This schedule could accelerate based on funding and vehicle availability and production timelines.

V. BCAG Responsibilities

BCAG will:

- Coordinate and provide all existing documentation performed to date relating to the development of hydrogen powered zero emission vehicles.
- Provide and/or develop additional data needed to support development of requested services.
- Manage the delivery of the work product.
- Participate in and coordinate the various meetings with affected agencies as needed in addition to consultant work.
- Maintain a website page at www.bcag.org, if required
- Pay all consultant invoices.

VI. Proposal Content Requirements:

Consultants interested in providing the scope of services must submit a proposal by the deadline date and time defined in this RFP. At a minimum, the following information should be included in the proposal, as actual selection will be based on careful consideration of all pertinent data provided.

a. Introductory Letter: A letter, no more than one page in length, describing the consultant's interest in providing the scope of services for the PLAN. The letter must contain:

- The name of the consultant submitting the proposal and the individual to contact if further information is desired.
- A statement of the consultant's basic understanding of the PLAN and be based on existing information available in the Request for Proposal, site visits, available documents, and from applicable regulations or requirements.

- Contain any summary information on the PLAN team or the consultant that may be useful or informative to BCAG in evaluating the consultant's interest.
 - indicate acceptability of the terms and conditions of the standard consultant services agreement contained in the Proposal Attachments.
 - Statements of exception to our proposed deviations and modifications to the agreement should be noted, with reasons given, in the introductory letter for review by BCAG. Changes to the agreement may not be considered by BCAG once selection has been made.
- b. Personnel, Qualifications, Experience:** Include an organizational chart for proposed team(s) and identify the key individuals, including sub-consultants, who will be responsible for the completion of the work. Each resume should be no longer than two (2) pages in length and limited to the key 3-5 personnel. Regarding team individuals:
- Describe each team members specific responsibilities for PLAN development.
 - Show a hierarchy of the team members in relation to how the team is organized to interact.
 - Specifically state the Proposal and experience of the proposed individuals/team and when the proposed team has worked together previously on similar PLANs/projects. (Experience with similar PLAN development is required)
 - Include the time commitment of each of these individuals to work on the PLAN.
 - Note Changes to key personnel after the award of the contract must be approved by BCAG before the change is made.
- c. References:** The selection process will be highly contingent upon references and stated references will be contacted. Three (3) PLAN/project references are required and may include Directors, Project Managers, Project Engineers, or other responsible individuals, who have recent, direct working experience with the proposed key individuals on similar projects and can capably talk about the reference project. Stated references must include the following information:
- Client's (Reference) Name
 - Contact Name
 - Proposed staff role on project
 - Telephone Number, Street Address, City, State, Zip Code
 - Brief Description of Service provided.
 - Service Dates
 - Service Value/Cost
 - Key staff that participated in project
- d. Sub-consultants:** If sub-consultants are to be used, the prospective Consultant must include in the Proposal:
- Describe each sub-consultant member's specific responsibilities for PLAN development.
 - Specifically state the Proposal and experience of the proposed sub-consultant and if the proposed sub-consultant has been utilized before. (Experience with similar PLAN development is highly recommended)
 - All subcontracts must be approved by BCAG, and no work shall be subcontracted without the prior written approval of BCAG. It is encouraged for local qualified consulting firms to be contacted and included for portions of work that can be performed locally within Butte County.

- e. **Scope of Work:** Utilizing Section *IV Consultant Scope of Services* above, develop a proposed “Scope of Work” to address, expand upon or further detail an approach the consultant believes will meet the intent of Section IV. The “Scope of Work” may be negotiated upon consultant selection and will ultimately become part of the contract as **Exhibit “A” Scope of Work**. The work plan is expected to contain a specific and straightforward discussion of the consultant’s understanding of the development of the requested services. The description of how the objectives will be achieved shall be presented in a logical, innovative manner such that it is clearly understood how the stated work product can efficiently be delivered. The work plan is expected to provide a brief discussion and description of what types of conceptual solutions may be pursued to achieve the objectives contained in the RFP.
- f. **Project Schedule:** The consultant shall prepare a comprehensive schedule showing the delivery schedule of the products/tasks to be accomplished. The schedule should show each activity/task when that activity begins and how long it will continue. Provide the number of weeks required for completion of activities and identify activities that are interdependent.
- g. **Conflict of Interest Statement:** The prospective consultant shall disclose any financial interest or relationships that may constitute a conflict of interest in proposing on this request.
- h. **Disadvantaged Business Enterprise (DBE):** It is the policy of BCAG that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have equal opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under any agreement. The DBE requirements of 49 CFR Part 26 will apply to any consultant agreement. **BCAG’s overall goal for this project is 1.35%. Businesses certified with the California Department of Transportation can be identified at the following website:**

http://www.dot.ca.gov/hq/bep/find_certified.htm

- i. **Insurance Coverage:** The prospective consultant shall provide a summary of the firm's insurance coverage for:
- Comprehensive General Liability Insurance
 - Professional Errors and Omissions Insurance
 - Automotive Liability Insurance, and
 - Worker's Compensation Insurance

For additional information regarding insurance requirements, see “Attachment I (Standard Insurance Requirements – (Professional Services))”.

- j. **Cost, Employee Hours and Rates (Exhibit B):** The proposed total cost for Scope of Work shall be submitted under separate cover and will not be opened until final selection of the preferred Consultant.

State the prevailing wage rates of the expected employees according to their proposed work classifications. The contract will be a negotiated Actual Cost - Plus Fixed Fee Type contract. The cost information must be provided for all proposed subconsultants.

All work will be done on a prevailing wage basis under the following regulation and guidance as applicable:

- Labor Commissioners Office
- Department of Industrial Relations (State) and
- Department of Labor (Federal) regulation

Note: Refer to Exhibit 10-H1 for an example of what information is required in the cost proposal. The cost proposal is not required to be in the exact format as 10H-1

- k. Non-Discrimination Policy:** BCAG policy prohibits discrimination or preferential treatment because of race, color, religion, sex, national origin, ancestry, age (over 40), physical or mental disability, cancer-related medical condition, a known genetic pre-disposition to a disease or disorder, veteran status, marital status, or sexual orientation.

It is the policy of BCAG to encourage and facilitate full and equitable opportunities for small local businesses to participate in its contracts for the provision of goods and services. It is further BCAG policy that no discrimination shall be permitted in small local business participation in BCAG contracts or in the subcontracting of BCAG contracts.

The successful consultant shall comply with the BCAG's non-discrimination policy. Title VI Solicitation Notice: BCAG, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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.

BCAG reserves the right to reject any or all proposals, to waive any irregularities or informalities not affected by law, to evaluate the proposals submitted, and to award the contract according to the proposal which best serves the interests of BCAG.

VII. Proposal Submittal Conditions

Proposals must be submitted by email as defined below;

The Proposal shall not exceed twenty - five (25) pages, excluding cover sheet, table of contents, index sheets and resumes. Resumes shall not exceed two (2) pages each. All attachments shall be in PDF format, with the Cost Proposal sent in a separate attachment from the Proposal. Submittal organized as follows:

- ATTACHMENT CHECK LIST and all the following:
- Form 1 – Equal Employment Opportunity Certification
- Form 2 – List of Proposed Subcontractors/vendors/Subconsultants
- Form 3 – Public Contract Code Section 10162 Questionnaire
- Form 4 – BCAG – Non-Collusion Affidavit
- Form 5 - Public Contract Code Section 10285.1 Statement
- Form 6 – Debarment and Suspension Certification
- Form 7 – Non-Lobbying Certification for Federal Aid Contracts
- Form 8 – Disclosure of Lobbying Activities
- Form 9 - Proposer Certification Clauses and Proposal Signature Page
- Form 10 – (Exhibit 10-O) Contractor Proposal DBE Commitment – (Good Faith Efforts only if necessary)

- Form 11 – Current Client References
- Exhibit B – Cost Proposal – sent in a separate attachment
- Insurance Certificate
- W-9
- Proposal addressing Items a – k of “VI. Proposal Content Requirements”

An email containing the above documents should be submitted to:

Andy Newsum anewsum@bcag.org **and** Sara Cain scain@bcag.org.

CAUTION with email submittals: BCAG cannot expressly guarantee the receipt of emails if filtered by email security protocols. If a submittal is received by the stated date and time, a confirmation email will be returned stating the submittal has been received. It is recommended to make a phone call to and/or leave a message at 530-819-4616 ext. 1137 for confirmation of submittal receipt.

Submittals must be received by **12:00 PM on July 16, 2024. This is a firm deadline, and no Proposals will be accepted after this time.** All Proposals become the property of BCAG. The Cost of preparing, submitting, and presenting Proposals and participating in an interview are at the sole expense of the Contractor/Vendor. BCAG has the right to reject any or all Proposals received with this request. Solicitation of Proposals in no way obligates BCAG to contract with any firm or individual. The decision to approve and award a contract is at the discretion of the BCAG Board of Directors and resides within the authority granted to the Executive Director to accomplish the execution of any contract.

1. Modification or Withdrawal of Proposal

Any Proposal received prior to the date and time specified above for receipt or Proposal may be withdrawn or modified by written email request of the Consultant. To be considered, the modification must be received in writing, and the same number of copies as the original Proposal, prior to the date and time specified above for receipt of Qualifications.

RFP Addendum: Any changes to the RFP requirements will be made by written addenda by the Project Manager and shall be considered part of the RFP. Upon issuance, such addenda shall be incorporated into the agreement documents, and shall prevail over inconsistent provisions of earlier issued documentation and be forwarded to prospective Consultants. It will be the Consultants responsibility to assure that all addenda are incorporated into the Proposal as required according to all the terms and conditions for submittal of the Proposal.

Verbal Agreement or Conversation: No prior, current, or post award verbal conversations or agreement(s) with any officer, agent, or employee of BCAG shall affect or modify any terms or obligations of this RFP, or any contract resulting from this procurement.

Special Funding Considerations: Any contract resulting from this RFP will be financed with funds available to BCAG through the Federal Transit Administration (FTA) Congestion Mitigation and Air Quality (CMAQ) **In the event the requested service is eliminated or reduced due to lack of funds, BCAG reserves the right to terminate or revise any contract or not enter into an agreement at all.**

Exceptions and Alternatives: Consultants may not, after exhausting protest avenues, take exception or make alterations to any requirement of the RFP. If alternatives or options are proposed, Consultant must clearly identify such. BCAG expressly reserves the right in its sole discretion to consider such alternatives and to award a contract based thereon if determined to be in the best interest of BCAG. Since BCAG desires to enter into one contract to provide all of the intended services, only those Proposal to provide all service will be considered responsive.

2. Signature

Only an individual who is authorized to bind the proposing firm contractually shall sign the “Proposal Certification Clauses and Proposal Signature Page”. The signature must indicate the title or position that the individual holds in the firm who is authorized to certify that the Proposal is a firm offer for at least a ninety (90) day period. Submitted Proposal shall be rejected if the Proposal/Consultant Certification Sheet is not signed.

VIII. Rejection of Proposal Submittals

Failure to meet the requirements of items IV, VI, VII, VIII and IX of this RFP shall be cause for rejection of the proposal. BCAG may reject any proposal if it is conditional, incomplete, contains irregularities or reflects inordinately high-cost rates. BCAG may waive immaterial deviations in a proposal. Waiver of an immaterial deviation shall in no way modify the RFP documents or excuse the proposing firm/team from full compliance with the contract requirements if the proposer is awarded the contract.

Proposals not including the proper "required attachments" shall be deemed non-responsive. A non-responsive Proposal is one that does not meet the basic Proposal requirements. Failure to meet the submittal requirements of the Proposal shall deem it non-responsive and therefore be cause for rejection.

More than one Proposal from an individual, firm, partnership, corporation or association under the same or different names will not be considered. Reasonable grounds for believing that any Consultant has submitted more than one proposal for the work contemplated herein will cause the rejection of all Proposal submitted by that Consultant. If there is reason to believe that collusion exists among the Consultants, none of the participants in such collusion will be considered in this or future procurements.

The decision to approve and award a contract is at the discretion of the BCAG Board of Directors and resides within the authority granted to the Executive Director to accomplish the execution of any contract.

IX. Proposal Evaluation

Evaluation of the Proposal will be accomplished by a selection committee composed of BCAG's Executive Director and Deputy Director/Project Manager with input and from the Town of Paradise. The selection committee will utilize the included **“Criteria for Evaluation of Qualifications”** for submitted Proposal evaluations.

Following proposal evaluations, a “short list” of qualified consultants may be developed by the committee with up to three consultants being invited to interview with the consultant selection committee to explain their relevant experience, approach and methodology. The “short list” will be based on proposal evaluations (see above) and other actions and submissions pursuant to this RFP, information provided by former clients for whom similar work has been performed, and consideration of any exceptions taken to the proposed contract terms and conditions. Following the interview process, the consultant selection committee will rank the interviewed firms. ***The consultant selection committee may choose to forgo the interview process and begin negotiations with a top ranked consultant.*** Cost proposals will only be opened for the top-

ranked consultant selected. In the event an agreement cannot be successfully negotiated with the top ranked consultant, the second ranked consultant will be invited to enter into negotiations. This process will be continued, if required, until a satisfactory agreement can be negotiated. Unopened cost Proposal will be returned.

X. Contract Award

Upon recommendation from the consultant selection committee, the Executive Director of BCAG will award the contract to the chosen consultant. The contract is not in force until it is awarded by the Executive Director.

1. Award and Protest

A) Award: Notice of the proposed award shall be posted at the Butte County Association of Governments, 326 Huss Drive, Suite 150, Chico, CA 95928. (Lobby door), and on the following Internet site: www.bcag.org. BCAG may take up to 60 days to award a contract following Proposal submittal. Upon award of the Contract, the Consultant must complete and submit to BCAG the Payee Data Record (STD 204), to determine if the Consultant is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662. This form can be found on the Internet at www.osp.dgs.ca.gov under the heading FORMS MANAGEMENT CENTER. No payment shall be made unless a completed STD 204 has been returned to the State.

Non-Exclusivity of Contract: It shall in no way be construed that any contract to be awarded hereby is or shall be the sole or exclusive contract for the requested service into which BCAG may enter. The Consultant has no exclusive rights granted per this contract.

B) Protest/Complaint: Consultants have the right to protest BCAG Proposal solicitation of Butte County Association of Governments Agreements subject to the following grounds, processes and procedures.

1. **Pre-Award** Protests/Complaints concerning BCAG's solicitation process must be submitted by fax 530-879-2444, email to anewsum@bcag.org or in writing by certified or registered mail to:

Butte County Association of Governments (BCAG)
Zero Emissions hydrogen Fueling Station
Attn: Andy Newsum
326 Huss Drive, Suite 150
Chico, CA 95928

Protests/Complaints may be submitted to BCAG on the grounds of any the following:

- The solicitation unnecessarily restricts competition
- The solicitation evaluation or scoring process is unfair; or
- The solicitation requirements are inadequate or insufficient to prepare a response

Protests may be submitted to BCAG at any time prior to five (5) days before the Proposal response deadline. The complaint must meet the following requirements:

- The complaint must be in writing
- The complaint must be sent to the RFP Contact
- The complaint must clearly articulate the basis for the complaint; and
- The complaint must include a proposed remedy

2. **Protest/Complaint Response:** BCAG will respond to protests/complaints according to C) Procurement Schedule as stated below.
3. **Post Award** Protests/Complaints concerning the award of a contract to a consultant must be filed within 10 days after the award has been made if a consultant believes they should have been selected for the award instead of the awarded consultant and must meet the following requirements:
 - The complaint must be in writing
 - The complaint must be sent to the RFP Contact
 - The complaint must clearly articulate the basis for the complaint; and
 - The complaint must include a proposed remedy
4. **Appeal of BCAGs Award to Caltrans.** Under limited circumstances, after an interested party has exhausted its administrative remedies at the BCAG level, the interested party may appeal BCAGs decision to the California Department of Transportation (Caltrans) within 5 calendar days after having received a response from BCAG.

Caltrans limits review of appeals to:

- (1) BCAGs procedural failures (BCAG does not have protest procedures, or has not complied with its protest procedures, or has not reviewed the protest when presented an opportunity to do so.)
- (2) Violations of Federal law or regulations
- (3) Violations of State or local law or regulations

Appeals to Caltrans must:

- (1) State the name and address of the interested party.
- (2) Identify BCAG contact responsible for the RFP/RFP process.
- (3) State the grounds for appeal, with supporting documentation.
- (4) Include a copy of the protest filed with BCAG and a copy of BCAGs decision.
- (5) State the relief sought from Caltrans.

Direct appeals (via mail or fax only) to:

California Department of Transportation
Division of Rail & Mass Transportation, MS 39
PO Box 942874
Sacramento, CA 94274-0001

Copy (via mail or fax only) of the appeal must be sent to BCAG by method or at stated address above.

5. **Debrief Requests:** Debrief requests must be made in writing within ten (10) business days of the contract award notification. Proposals that include proprietary and confidential information will not be shared outside the Agency.

XI Procurement Schedule:

| | |
|---------------------------------------|---------------------------------|
| Circulation of Proposal Solicitation: | June 11, 2024 |
| Submittal of Proposal | July 16, 2024 – 12PM |
| Pre-Award Protests/Complaints | July 3, 2024 – 3PM |
| Response to Protests | July 10, 2024 |
| * Expected Award Date | July 31, 2024 – August 30, 2024 |
| Post Award Protest/Complaints | Within 10 days after Award |

XII. RFP Contact Person

All questions concerning this Request for Proposal (RFP) may be directed to Andy Newsum, Executive Director by email at anewsum@bcag.org and Sara Cain, Transit Manager at scain@bcag.org. Questions will be accepted up until 3pm on July 9th, 2024. After this time, no questions will be responded to.

PROPOSAL REQUIRED ATTACHMENTS/CHECKLIST

A complete proposal includes the items identified below. Complete this checklist to confirm the items in your Proposal. Place a check mark or "X" next to each item that you are submitting to BCAG. All Forms identified below are applicable to this Request for Proposal (RFP) and must be returned, as instructed, for your Proposal to be responsive. Return this checklist with your Proposal.

Proposal and Forms

NOTE: Together with Exhibit "A" – Proposed Scope of Work, this Checklist must be submitted as a cover with the following exhibits in Proposal and the Exhibit A:

- Form 1 - Equal Employment Opportunity Certification (Fill in and Sign at Bottom)
- Form 2 - List of Proposed Subcontractors/Subconsultants (Fill out or DNA)
- Form 3 - Public Contract Code Section 10162 Questionnaire (Yes or No)
- Form 4 - BCAG – Non-Collusion Affidavit (Signature at Bottom)
- Form 5 – Public Contract Code Section 10285.1 Statement (Signature at Bottom)
- Form 6 - Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction (Date, Signature Company and Title)
- Form 7 - Lobbying Certification (Fill in, Sign and Date)
- Form 8 - Disclosure of Lobbying Activities (Fill in, Sign and Date)
- Form 9 – Proposer Certification Clauses and Proposal Signature Page (Must be filled out, dated and signed)
- Form 10 – Consultant Proposal DBE Commitment (Must be filled out as indicated) "DBE Information – Good Faith Efforts" (GFE) required with proposal submittal if DBE Goal not met. If goal is met, GFE form not required with submittal
- Form 11 – Current Client References (Must be filled out as indicated)
- Exhibit B - Cost Proposal (Submitted under separate cover)
- Insurance Certificate
- W-9

- **The Cost Proposal formats shown in Reference information Exhibits 10H1-10H3 and 10-K is used for information purposes only. The consultant may provide this information in a different format.**

Form 1

EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

The Proposer/Operator _____,
proposed sub-consultant _____, hereby certifies that he
has _____, has not _____ participated in a previous contract or subcontract subject to the equal opportunity clause,
as required by Executive Orders 10925, 11114, or 11246, and that, he has filed with the Joint Reporting
committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or
administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due
under the applicable filing requirements and has an Affirmative Action Program/Plan in place that will be utilized
for this agreement.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of
Labor (41 CFR 60-1.7(b)(1) and must be submitted by Proposer and proposed sub-consultants only in connection
with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts
which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5 (Generally, only contracts or
subcontracts of \$10,000 or under are exempt.)

Currently, Standard form 100 (EEO-1) is the only report required by the Executive Orders or their implementing
regulations.

Proposer and proposed sub-consultants who have participated in a previous contract or subcontract subject to
the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.07(b)(1) prevents the
award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or
such other period or such other period specified by the Federal Highway Administration or by the Director, Office
of Federal Contract Compliance, U.S. Department of Labor.

The above certification is part of the Proposal. Sign below to acknowledge understanding.

Proposer Signature: _____

Form 2

LIST OF PROPOSED SUBCONTRACTORS

The Proposer/Operator shall list the name and address of each proposed subcontractor, to whom the Proposer/Operator expects to subcontract portions of the work. **(If no Subcontracts are proposed please indicate by entering "DNA" (Does Not Apply))**

Company: _____
Address: _____ City, State, Zip: _____
Telephone: (____) _____ Fax: (____) _____ email: _____
Certified DBE? _ Yes _____ No If yes, provide certification # _____

Company: _____
Address: _____ City, State, Zip: _____
Telephone: (____) _____ Fax: (____) _____ email: _____
Certified DBE? _ Yes _____ No If yes, provide certification # _____

Company: _____
Address: _____ City, State, Zip: _____
Telephone: (____) _____ Fax: (____) _____ email: _____
Certified DBE? _ Yes _____ No If yes, provide certification # _____

Company: _____
Address: _____ City, State, Zip: _____
Telephone: (____) _____ Fax: (____) _____ email: _____
Certified DBE? _ Yes _____ No If yes, provide certification # _____

Form 3

**PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE
(Must Check Yes or No)**

In accordance with Public Contract Code Section 10162, the Proposer/Operator shall complete, under penalty of perjury, the following questionnaire:

QUESTIONNAIRE

Has the Proposer/Operator, any officer of the Proposer/Operator, or any employee of the Proposer/Operator who has a proprietary interest in the Proposer/Operator, ever been disqualified, removed, or otherwise prevented from proposing on, or completing a federal, state, or local government PROJECT because of a violation of the law or a safety regulation?

Yes _____

No _____

If the answer is Yes, explain the circumstances in the following space.

Form 4

**BUTTE COUNTY ASSOCIATION OF GOVERNMENTS
NON-COLLUSION AFFIDAVIT**

(Title 23, United States Code Section 112 and Public Contract Code 7106)

In conformance with **Title 23, United States Code, Section 112 and Public Contract Code 7106**, the Proposer/Operator declares that the proposal is not made in the interest of or on behalf of, an undisclosed person, partnership, company, association, organization or corporation; that the proposal is genuine and not collusive or sham; that the Proposer/Operator has not directly or indirectly induced or solicited any other Proposer/Operator to put in a false or sham proposal, and has not directly or indirectly colluded or conspired, connived, or agreed with any Proposer/Operator or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that the Proposer/Operator has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the Proposer/Operator or any other Proposer/Operator, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other Proposer/Operator, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further that the Proposer/Operator has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal, depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

PUBLIC CONTRACT SECTION 10232 STATEMENT

In accordance with **Public Contract code Section 10232**, the Proposer/Operator, hereby states under penalty of perjury, that no more than one final appealable finding of contempt of court by a federal court has been issued against the Proposer/Operator within the immediately preceding two-year period because of the Proposer/Operator's failure to comply with an order of a federal court which orders the Consultant to comply with an order of the National Labor Relations Board.

Note: The Equal Employment Opportunity Certification (Form 1), the above statement, the Questionnaire (Form 3) and this, this statement and Non-Collusion Affidavit are part of the proposal.

Proposer are cautioned that making a false certification may subject the certifier to criminal prosecution. The above certification is part of the Proposal. Sign below to acknowledge understanding.

Proposer Signature: _____

Form 5

PUBLIC CONTRACT CODE SECTION 10285.1 STATEMENT

In accordance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the Proposer/Operator hereby declares under penalty of perjury under the laws of the State of California that the Proposer/Operator has ____, has not ____ been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the proposing upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "Proposer/Operator" is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

Form 6

CERTIFICATION REGARDING DEBARMENT, SUSPENSION INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTION

Instructions for Certification

1. By signing and submitting this bid or proposal, the prospective lower tier participant is providing the signed certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, BCAG may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to BCAG if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact BCAG for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by BCAG.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List issued by U.S. General Service Administration.
8. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

Form 6 (continued)

9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is

suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, BCAG may pursue available remedies including suspension and/or debarment.

10. The prospective lower tier participant certifies, by submission of this bid or proposal, that neither it nor its "principals" [as defined at 49 C.F.R. § 29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

11. When the prospective lower tier participant is unable to certify to the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Date _____

Signature _____

Company Name _____

Title _____

Form 7

LOBBYING CERTIFICATION

The undersigned _____ certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all SUBCONSULTANTS shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The CONSULTANT, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the CONSULTANT understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

Signature of CONSULTANT'S Authorized Official

Name and Title of CONSULTANT'S Authorized Official

Date _____

Form 8 (continued)

Standard Form LLL Rev. 09-12-97

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

15. Continuation Sheet(s) attached: Yes No

16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only: Standard Form LLL

Standard Form LLL Authorized for Local Reproduction

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of covered Federal action or a material change to previous filing pursuant to title 31 U.S.C. section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered Federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or sub award recipient. Identify the tier of the sub awardee, e.g., the first sub awardee of the prime is the first tier. Sub awards include but are not limited to subcontracts, sub grants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Sub awardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant. or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influenced the covered Federal action.
(b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).

Form 8 (continued)

Standard Form LLL Rev. 09-12-97

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with Federal officials. Identify the Federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

Form 9

PROPOSER CERTIFICATION CLAUSES AND PROPOSAL SIGNATURE PAGE

PROPOSER/OPERATOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Consultant has, unless exempted, complied with the nondiscrimination program requirements. (GC 12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)
2. DRUG-FREE WORKPLACE REQUIREMENTS: Consultant will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
 - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
 - b. Establish a Drug-Free Awareness Program to inform employees about:
 - 1) the dangers of drug abuse in the workplace;
 - 2) the person's or organization's policy of maintaining a drug-free workplace;
 - 3) any available counseling, rehabilitation and employee assistance programs;
 - 4) penalties that may be imposed upon employees for drug abuse violations.
 - c. Every employee who works on the proposed Agreement will:
 - 1) receive a copy of the company's drug-free workplace policy statement; and,
 - 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Contract or termination of the Contract or both and Consultant may be ineligible for award of any future BCAG agreements if BCAG determines that any of the following has occurred: (1) the Consultant has made a false certification or has violated the certification by failing to carry out the requirements as noted above (GC 8350 et seq.).

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Consultant certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Consultant within the immediately preceding two-year period because of Consultant's failure to comply with an order of a Federal court, which orders Consultant to comply with an order of the National Labor Relations Board. (PCC 10296) (Not applicable to public entities.)
4. UNION ORGANIZING: Consultant hereby certifies that no request for reimbursement, or payment under this agreement, will seek reimbursement for costs incurred to assist, promote or deter union organizing.
5. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Consultant hereby certifies that contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Form 9 (continued)

DOING BUSINESS WITH BCAG

The following laws apply to persons or entities doing business in the State of California.

1. LABOR CODE/WORKERS' COMPENSATION: Consultant needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)
2. AMERICANS WITH DISABILITIES ACT: Consultant assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)
3. CONTRACTOR NAME CHANGE: An amendment is required to change the Consultant 's name as listed on this Agreement. Upon receipt of legal documentation of the name change BCAG will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.
4. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:
 - a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the Consultant is currently qualified to do business in California in order to ensure that all obligations due to BCAG are fulfilled.
 - b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate Consultant performing within the state not be subject to the franchise tax.
 - c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.
5. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.
6. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Consultant shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.
7. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other government entity.

Form 9 (continued)

By my signature on this proposal I certify, under penalty of perjury under the laws of the state of California that the included questionnaire and statements of Public Contract Code Sections 10162, 10232 and 10285.1 are true and correct and that the Proposer/Operator has complied with the requirements of Section 8103 of the Fair Employment and Housing Commission Regulations (Chapter 5, Title 2 of the California administrative Code). By my signature on this proposal I Further certify, under penalty of perjury under the laws of the State of California and the United States of America, that the Non-collusion Affidavit required by Title 23 United States Code, Section 112 and Public Contract Code Section 7106; and the Title 49 code of Federal Regulations, Part 29 Debarment and Suspension certification are true and correct. (Forms 1-8)

The undersigned hereby certify and declare under penalty of perjury that the foregoing is true and correct and that I am duly authorized to legally bind the prospective Proposer/Operator to the clauses listed above. This certification is made under the laws of the State of California. The **undersigned is duly authorized to certify that the contents of the technical proposal are true and accurate and the commitment to perform the requested services is certified for a 90 day period.**

| | | |
|---|----------------------------------|--------------------------|
| <i>Proposer Firm Name (Printed)</i> | | <i>Federal ID Number</i> |
| <i>By (Authorized Signature)</i> | | |
| <i>Printed Name and Title of Person Signing</i> | | |
| <i>Date Executed</i> | <i>Executed in the County of</i> | |

NOTE - If Proposer/Operator is a corporation, the legal name of the corporation shall be set forth above together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation: if Proposer/Operator is a co-partnership, the true name of the firm shall be set forth above together with the signature of the partner or partners authorized to sign contracts in behalf of the co-partnership: and if Proposer/Operator is an individual, his signature shall be placed above. If signature is by an agent other than of an officer of a corporation or a member of a partnership, a power of attorney must be on file with BCAG prior to opening proposals or submitted with the proposal; otherwise, the proposal will be discarded as irregular and unauthorized.

Form 10 (Continued)

INSTRUCTIONS – CONSULTANT PROPOSAL DBE COMMITMENT

CONSULTANT SECTION

- 1. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 2. Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
- 3. Project Location** - Enter the project location as it appears on the project advertisement.
- 4. Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
- 5. Consultant's Name** - Enter the consultant's firm name.
- 6. Prime Certified DBE** - Check box if prime contractor is a certified DBE.
- 7. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 8. DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
- 9. DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
- 10. DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
- 11. Total Claimed DBE Participation %** - Enter the total DBE participation claimed. If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
- 12. Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
- 13. Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
- 14. Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
- 15. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 16. Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

- 17. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 18. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 19. Proposed Contract Execution Date** - Enter the proposed contract execution date.
- 20. Consultant's Ranking after Evaluation** - Enter consultant's ranking after all submittals/consultants are evaluated. Use this as a quick comparison for evaluating most qualified consultant.
- 21. Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
- 22. Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
- 23. Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
- 24. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 25. Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

Form 10 (Continued)

- C. The items of work which the bidder made available to DBE firms including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

| Items of Work | Bidder Normally Performs Item (Y/N) | Breakdown of Items | Amount (\$) | Percentage Of Contract |
|---------------|-------------------------------------|--------------------|-------------|------------------------|
| | | | | |
| | | | | |
| | | | | |

- D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

Names, addresses and phone numbers of firms selected for the work above:

- E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

- F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

Form 10 (Continued)

- G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

| Name of Agency/Organization | Method/Date of Contact | Results |
|-----------------------------|------------------------|---------|
| <hr/> | | |
| <hr/> | | |

- H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

Form 11
CURRENT CLIENT REFERENCES

Prime consultant, by its signature below, certifies that the following references supplied to other clients over the last seven (7) years (use additional pages as necessary): (A minimum of 2 are required)

| | Agency Name: | Contact Name, Phone and Email | Year |
|----|--------------|-------------------------------|-------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

Signature: _____

Name: _____

Date: _____

Company Name: _____

Title: _____