



**RFP No. FAC013**

**PROFESSIONAL, TECHNICAL AND EXPERT SERVICES**

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**City of Portland, Oregon  
April 19, 2010**

**REQUEST FOR PROPOSALS**

**for**

**Union Station Track Inspection Services**

**PROPOSALS DUE: May 21, 2010 by 4:00 p.m.**

**Envelope(s) shall be sealed and marked with RFP # and Project Title.**

**Submit one (1) original and three (3) complete copies of the Proposal to:**

City of Portland  
Bureau of Internal Business Services  
Facilities Services  
1120 SW 5<sup>th</sup> Avenue, #1204  
Portland, OR 97204

**Refer questions to:**

Diane Seaton, CPPO, CPPB  
Contracts Administrator  
Phone: (503) 823-6987  
Fax: (503) 823-5342  
Email: [Diane.Seaton@portlandoregon.gov](mailto:Diane.Seaton@portlandoregon.gov)

**A MANDATORY PRE-SUBMITTAL MEETING has been scheduled for April 28, 2010 at 10:00 a.m. Meet in the lobby of Union Station located at 800 NW 6<sup>th</sup> Avenue, Portland, Oregon.**

## GENERAL INSTRUCTIONS AND CONDITIONS

### **DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS –**

The City of Portland seeks to extend contracting opportunities to Minority Business Enterprises, Women Business Enterprises and Emerging Small Businesses (M/W/ESBs) in order to promote their economic growth and to provide additional competition for City contracts. Therefore, the City has established an overall 20% utilization goal in awarding PTE contracts to ESBs. No goal is set for the use of M/WBE firms, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

**ENVIRONMENTALLY PREFERABLE PROCUREMENT –** In accordance with the City's Sustainable City Principles and the City's Sustainable Procurement Policy, the City of Portland values the use of products and services that minimize the negative human health and environmental impacts of City operations. Therefore, proposers are encouraged to incorporate environmentally preferable products or services into their responses wherever possible. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. To view the above City policies go to [www.portlandonline.com](http://www.portlandonline.com) and navigate to "Charter, Code & Policies Documents".

**INVESTIGATION –** The Proposer shall make all investigations necessary to be informed regarding the service(s) to be performed under this request for proposal.

**SPECIAL CONDITIONS –** Where special conditions are written in the Request for Proposal, these special conditions shall take precedence over any conditions listed under the Professional, Technical and Expert Service "General Instructions and Conditions".

**CLARIFICATION OF REQUEST FOR PROPOSAL –** Proposers who request a clarification of the RFP requirements must submit questions in writing to the person(s) shown in the REFER QUESTIONS TO section on the cover of this RFP, or present them verbally at a scheduled pre-submittal conference, if one has been scheduled. The City must receive written questions no later than the date stated herein. The City will issue a response in the form of an addendum to the RFP if a substantive clarification is in order.

Oral instructions or information concerning the Request for Proposal given out by Bureau or Office managers, employees or agents to prospective Proposers shall not bind the City.

**ADDENDUM –** Any change to this RFP shall be made by written addendum issued no later than 72 hours prior to the proposal due date. The City is not responsible for any explanation, clarification or approval made or given in any manner except by addendum.

**COST OF PROPOSAL –** This Request for Proposal does not commit the City to pay any costs incurred by any Proposer in the submission of a proposal or in making necessary studies or designs for the preparation thereof, or for procuring or contracting for the services to be furnished under the Request for Proposal.

**CANCELLATION –** The City reserves the right to modify, revise or cancel this RFP. Receipt and evaluation of proposals or the completion of interviews do not obligate the City to award a contract.

**LATE PROPOSALS –** Proposals received after the scheduled closing time for filing will be returned to the Proposer unopened.

**REJECTION OF PROPOSALS –** The City reserves the right to reject any or all responses to the Request for Proposal if found in the City's best interest to do so. In the City's discretion, litigation between the City and a Proposer may be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the Proposer's

proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers who are concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.

**CITY OF PORTLAND BUSINESS LICENSE –** Successful Proposer shall obtain a current City of Portland Business License prior to initiation of contract and commencement of the work.

**WORKERS' COMPENSATION INSURANCE –** Successful Proposer shall be covered by Workers' Compensation Insurance or shall provide evidence that State law does not require such coverage.

**CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER –** Successful Proposers must be certified as Equal Employment Opportunity Affirmative Action Employers as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

**EQUAL BENEFITS PROGRAM –** Proposers must provide benefits to their employees with domestic partners equivalent to those provided to employees with spouses as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

**CONFLICT OF INTEREST –** A Proposer filing a proposal thereby certifies that no officer, agent or employee of the City who has a pecuniary interest in this Request for Proposal has participated in the contract negotiations on the part of the City, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Proposer of the same request for proposals, and that the Proposer is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

**CONFIDENTIALITY –** All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act (ORS 192.410 et seq.), except such portions of the proposals for which Proposer requests exception from disclosure consistent with Oregon Law. Any portion of a proposal that the Proposer claims constitutes a "trade secret" or is "confidential" must meet the requirements of ORS 192.501, ORS 192.502 and/or ORS 646.461 et seq. If the entire proposal is marked as constituting a "trade secret" or being "confidential," at the City's sole discretion, such a proposal may be rejected as non-responsive.

If a request to inspect the proposal is made, the City will notify the Proposer of the request. If the City refuses to release the records, the Proposer agrees to provide information sufficient to sustain its position to the District Attorney of Multnomah County, who currently considers such appeals. If the District Attorney orders that the records be disclosed, the City will notify the Proposer in order for the Proposer to take all appropriate legal action. The Proposer further agrees to hold harmless, defend and indemnify the City for all costs, expenses and attorney fees that may be imposed on the City as a result of appealing any decision regarding the Proposer's records.

The Chief Procurement Officer has the authority to waive minor irregularities and discrepancies that will not affect the competitiveness or fairness of the solicitation and selection process.

**These Professional, Technical and Expert Services Request for Proposal "General Terms and Conditions" are not to be construed as exclusive remedies or as a limitation upon rights or remedies that may be or may become available under ORS Chapter 279.**

# PART I

# CONTRACT REQUIREMENTS

## SECTION A

## GENERAL INFORMATION

### 1. INTRODUCTION

The Portland Development Commission (PDC) owns the Union Station Building and tracks #1, #2, #3, and #4, including turnouts up to their connection with track #5. PDC leases tracks #1, #2 and #3 to Amtrak. Track #4 is leased to both Amtrak and Portland Terminal Railroad. Track #5 is owned by Portland Terminal Railroad and will not be inspected through the awarded contract.

Building maintenance at Union Station is performed through a contract with PDC's property management contractor, the City of Portland. Track maintenance and repair is performed on an as needed basis by contract with the City of Portland's Bureau of Internal Business Services.

The objective of this contract is to fulfill the requirements of the Federal Railroad Administration (FRA) Track Safety Standards, Section 213.233 and subparts A to F, Track Inspection, 49 CFR213.118 Inspection of Continuous Welded Rail, Chapter 741 Oregon Administrative Rules "Railroad Rules and Regulation".

### 2. BACKGROUND

Tracks #1 and #2 are Class 1 tracks and were reconstructed in the fall of 1990. Track #3 is a Class 1 track and has had rehabilitation work done in 1990, 1992, and 2002 and tie renewal in 2001. Track #4 is a Class 1 track and was reconstructed in the fall of 1992.

Track #1 is designated as other than main track and sidings. It, therefore, requires monthly inspections in accordance with Section 213.233.

Amtrak use, including passenger occupied trains, is currently split between Tracks #2, #3 and #4. Initially, passenger occupied trains were operated only on Track #4. As train activity increased, Amtrak began using Track #3 for occupied passenger trains in 2002 and Track #2 in 2003.

Tracks #2, #3 and #4 are main line tracks requiring twice weekly inspections.

Track #5 is not included in this scope of work.

### 3. SCOPE OF WORK

The City of Portland, Bureau of Internal Business Services is seeking proposals from proposers with demonstrated experience in track inspection services. The Bureau of Internal Business Services proposes to engage the successful proposer for the following services: Monthly railroad track inspections of Track #1 and twice weekly inspections of Tracks #2, #3, and #4 located at Union Station.

Successful proposer shall also provide inspection services on City of Portland's behalf during track repairs.

### 4. PROJECT FUNDING

The City has not determined the anticipated cost for the requested services. The Proposer's proposal shall include the Proposer's true estimated cost to perform the work irrespective of the City's budgeted funds for this work.

### 5. TIMELINE FOR SELECTION

The following dates are proposed as a timeline for this project:

- Pre-proposal meeting at 10:00 a.m. April 28, 2010
- Written proposals due at 4:00 p.m. May 21, 2010
- Announcement of shortlist proposers June 7, 2010
- Interviews (if needed) May 31, 2010

- Selection committee recommendation June 14, 2010
- Contract negotiation with successful proposer June 21, 2010
- Notice to proceed – work begins August 19, 2010

**The City reserves the right to make adjustments to the above noted schedule as necessary.**

## **SECTION B**

### **WORK REQUIREMENTS**

#### **1. TECHNICAL OR REQUIRED SERVICES**

The successful proposer will perform the tasks listed below for this project and shall be expected to work closely with designated bureau personnel to accomplish these goals.

All employees performing work on the awarded contract must be trained by Amtrak. All work shall be performed in accordance with FRA standards. Training, certifications, and qualifications must be kept current through the term of the awarded contract.

Perform standard FRA inspections to include monthly railroad track inspections of Track #1 and twice weekly inspections of Tracks #2, #3, and #4 located at Union Station. Prepare a monthly inspection report that identifies the condition of rails, crossties, ballast, turnouts, walkways and other features included within the scope of the FRA Track Safety Standards and the Railroads Rules and Regulations of the Oregon Public Utility Commission. Construction inspection services are not part of the inspections services and will not be included in the awarded contract. Perform minor adjustments and repairs such as tightening bolts as part of these inspections.

The monthly report shall identify both recommended routine maintenance and FRA safety violations (each shall be identified separately).

The previously established local stationing for Union Station Tracks 1-4 will be used to locate reported defects. Maintaining that stationing will involve the following: inconspicuous stenciled numbers on adjacent passenger shed supports, painting station numbers at specific locations along the passenger platform, or some other reasonably permanent locating system.

The results of the inspection shall be reported on a standardized report form. Report shall include date of inspection, track involved, its location by station and rail length, the nature of the defect or deviation noted, along with the FRA violation number reference, if applicable, and a space for recording the date and remedial action taken to correct the defect. The inspection report will include recommendations for preventative maintenance or repair of defects. Corrected defects should be noted in the following month's inspection report. The report shall be submitted to City of Portland's Project Manager in a format similar to the attachment which is understood to be similar to Amtrak's format.

The weekly and monthly inspections will be performed by walking each track and turnout, noting defects and deviations and taking gage and cross level readings at regular intervals. Inspection will be made of rails, tieplates, jointbars, spikes, bolts, nuts and washers. At turnouts, the condition of switch points, frogs, guard rail, gage, stock rail, fit of switch point to stock rail, heel bolts, switch stand, connecting rods, and other features will be noted along with the need for lubrication or maintenance. The condition of ballast, walkways and adjacent right of way will be noted, such as plant growth or presence of debris.

The inspection report will be sent monthly to the City within one (1) week of the monthly inspection. The report will cover the monthly inspection and the weekly inspection results. It shall include a brief narrative summary of conditions noted and recommendations for corrective action.

- 2. WORK PERFORMED BY THE CITY** The City has assigned a project manager to oversee the successful Proposer's work and provide support as needed. Bureau staff shall make available sufficient hours of staff personnel as is required to meet with successful proposer and provide such information as required.
- 3. DELIVERABLES AND SCHEDULE** Deliverables shall be considered those tangible resulting work products that are to be delivered to the City such as reports, draft documents, data, interim findings, drawings, schematics, training, meeting presentations, final drawings and reports. The successful Proposer is encouraged to provide any deliverables in accordance with the City's Sustainable Paper Use Policy. The policy can be viewed at: <http://www.portlandonline.com/omf/index.cfm?c=37732> .
- Deliverables and schedule for this project shall include:
- a. Preparation of monthly reports as described in Part I, Section B, Work Requirements.
- All deliverables and resulting work products from the awarded contract will become the property of the City of Portland.
- 4. PLACE OF PERFORMANCE** Contract performance will take place primarily in the City's facility at the Union Station tracks and the successful Proposer's facility.
- 5. PERIOD OF PERFORMANCE** The City anticipates having the successful Proposer begin work no later than August 19, 2010. The term of contract will be three (3) years with an option to renew for two (2) additional one-year terms.
- 6. PUBLIC SAFETY** Public safety may require limiting access to public work sites, public facilities, and public offices, sometimes without advance notice. The Proposer shall anticipate delays in such places and include the cost of delay in the proposed cost. The successful Proposer's employees and agents shall carry sufficient identification to show by whom they are employed and display it upon request to security personnel. City project managers have discretion to require the successful Proposer's employees and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.
- 7. INSURANCE** The successful Proposer(s) shall agree to maintain continuous, uninterrupted coverage of all insurance as required by the City. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without a 30-day written notice, or a 10-day written notice for non-payment from the successful Proposer or its insurer(s) to the City.
- Workers' Compensation Insurance** in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (firms with one or more employees, unless exempt under ORS 656.027).
- General Liability Insurance** with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall provide that the City of Portland, and its agents, officers, and employees are Additional Insureds but only with respect to the successful Proposer's services to be provided under this Contract.
- Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired, or non-owned vehicles, as applicable.
- Professional Liability Insurance** with a combined single limit of not less than \$1,000,000 per claim, incident, or occurrence. This is to cover damages caused by negligent acts, errors or omissions related to the professional services to be provided under this contract. If insurance coverage is provided on a "claims made" basis, the successful Proposer shall

acquire a "tail" coverage or continue the same coverage for three years after completion of the contract, provided coverage is available and economically feasible. If such coverage is not available or economically feasible, contractor shall notify City immediately.

**Certificates of Insurance:** As evidence of the insurance coverages, the successful Proposer shall furnish acceptable insurance certificates to the City at the time signed contracts are returned to the City. The certificate will specify all of the parties who are Additional Insureds and will include a 30-day cancellation clause or a 10-day written notice for non-payment as identified above. Insuring companies or entities are subject to City acceptance. If requested, complete policy copies shall be provided to the City. The successful Proposer shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

## SECTION C

### 2. SAMPLE CONTRACT

## ATTACHMENTS

The Professional, Technical and Expert Services Contract is the City's standard contract and will be used as a result of this selection process. A sample contract can be viewed at: <http://www.portlandonline.com/shared/cfm/image.cfm?id=27067> .

## PART II

## PROPOSAL PREPARATION AND SUBMITTAL

### SECTION A

### PRE-SUBMITTAL MEETING/CLARIFICATION

#### 1. PRE-SUBMITTAL MEETING

A pre-submittal meeting and site visit is scheduled for this project on **April 28, 2010 at 10:00 a.m.** Meet in the lobby of Union Station located at 800 NW 6<sup>th</sup> Avenue, Portland, Oregon.

This is a **mandatory** meeting; therefore all Proposers are required to attend if they intend to submit a proposal. Proposals received from Proposers who do not attend will not be considered and will be returned to the Proposer.

#### 2. RFP CLARIFICATION

Questions and requests for clarification regarding this Request for Proposal must be directed in writing, via email or fax, to the person listed below. **The deadline for submitting such questions/clarifications is May 14, 2010.** An addendum will be issued no later than seventy-two (72) hours prior to the proposal due date to all recorded holders of the RFP if a substantive clarification is in order.

Diane Seaton, CPPO, CPPB  
Contracts Administrator  
Bureau of Internal Business Services  
Facilities Services  
1120 SW 5<sup>th</sup> Avenue, Room 1204  
Portland, Oregon 97204

E-mail: [Diane.Seaton@portlandoregon.gov](mailto:Diane.Seaton@portlandoregon.gov)  
Phone: (503) 823-6987  
Fax: (503) 823-5342

### SECTION B

### PROPOSAL SUBMISSION

#### 1. PROPOSALS DUE

Sealed proposals must be received no later than the date and time, and at the location, specified on the cover of this solicitation. The outside of the envelope shall plainly identify the subject of the proposal, the RFP number and the name and address of the Proposer. It is the Proposer's responsibility to ensure that proposals are received prior to the specified closing date and time, and at the location specified. Proposals received after the specified closing date and/or time shall not be considered and will be returned to the Proposer unopened. The City shall not be responsible for the proper identification and handling of any proposals submitted to an incorrect location.

#### 2. PROPOSAL

Proposals must be clear, succinct and not exceed twenty (20) pages. Section dividers, title page, and table of contents do not count in the overall page count of the proposal. Proposers who submit more than the pages indicated may not have the additional pages of the proposal read or considered.

For purposes of review and in the interest of the City's Sustainable Paper Use Policy and sustainable business practices in general, the City encourages the use of submittal materials (i.e. paper, dividers, binders, brochures, etc.) that contain post-consumer recycled content and are readily recyclable. The City discourages the use of materials that cannot be readily recycled such as PVC (vinyl) binders, spiral bindings, and plastic or glossy covers or dividers. Alternative bindings such as reusable/recyclable binding posts, reusable binder clips or binder rings, and recyclable cardboard/paperboard binders are examples of preferable submittal materials. Proposers are encouraged to print/copy on both sides of a single sheet of paper wherever applicable; if sheets are printed on both sides, it is considered to be two pages. Color is acceptable, but content should not be lost by black-and-white printing or copying.

All submittals will be evaluated on the completeness and quality of the content. Only those Proposers providing complete information as required will be considered for evaluation. The ability to follow these instructions demonstrates attention to detail.

### **3. ORGANIZATION OF PROPOSAL**

Proposers must provide all information as requested in this Request for Proposal (RFP). Responses must follow the format outlined in this RFP. Additional materials in other formats or pages beyond the stated page limit(s) may not be considered. The City may reject as non-responsive at its sole discretion any proposal or any part thereof, which is incomplete, inadequate in its response, or departs in any substantive way from the required format. Proposal responses shall be organized in the following manner:

1. Cover Letter
2. Project Team
3. Proposer's Capabilities
4. Project Approach and Understanding
5. Diversity in Employment and Contracting Requirements
6. Proposed Cost
7. Supporting Information

## **SECTION C**

### **EVALUATION CRITERIA**

#### **1. COVER LETTER**

By submitting a response, the Proposer is accepting the General Instructions and Conditions of this Request for Proposal (reference second page of the RFP) and the Standard Contract Provisions of the Professional, Technical and Expert Services contract.

The Cover Letter must include the following:

- RFP number and project title
- name(s) of the person(s) authorized to represent the Proposer in any negotiations
- name(s) of the person(s) authorized to sign any contract that may result
- contact person's name, mailing or street addresses, phone and fax numbers and email addresses

**A legal representative of the Proposer, authorized to bind the Proposer in contractual matters must sign the Cover Letter.**

#### **BUSINESS COMPLIANCE**

The successful Proposer(s) must be in compliance with the laws regarding conducting business in the City of Portland before an award may be made. The Proposer shall be responsible for the following:

##### **Certification as an EEO Affirmative Action Employer**

The successful Proposer(s) must be certified as Equal Employment Opportunity Employers as prescribed by Chapter 3.100 of the Code of the City of Portland prior to contract award. Details of certification requirements are available from Procurement Services, 1120 SW Fifth Avenue, Room 750, Portland, Oregon 97204, (503) 823-6855, website: <http://www.portlandonline.com/omf/purchasing>

##### **Non-Discrimination in Employee Benefits (Equal Benefits)**

Proposers are encouraged to submit the Equal Benefits Compliance Worksheet/Declaration Form with their response. If not submitted, you will be contacted and required to provide this form prior to contract award; otherwise your proposal may be rejected. If your company does not comply with Equal Benefits and does not intend to do so, you must still submit the Form. The Equal Benefits Compliance Worksheet/Declaration Form can be obtained from the following web site: <http://www.portlandonline.com/omf/purchasing>



- Fill out the form properly. You may call Procurement Services at 503-823-6855 to ensure you correctly complete the form. You may also call the contact listed on the front page of this solicitation document for assistance.
- There are five options on the Worksheet/Declaration Form from which to select. They range from full compliance (Options A, B, C), to one that requires advance authorization by the City (Option D – Delayed Compliance), to Non Compliance. Select the option that is true of your company's standing at the time you submit your proposal. You cannot change your answer after you submit the Worksheet/Declaration Form.
- Option D is only used if you have an official waiver from the City. Waivers are only issued by Procurement Services.
- The Form provides the City with your declared Equal Benefit status. However, the City issues the final determination of your Equal Benefit status for purposes of contract award.

If information on your form is conflicting or not clearly supported by the documentation that the City receives, the City may seek clarification to ensure we properly classify your compliance.

**Business License**

The successful Proposer(s) must be in compliance with the City of Portland Business License requirements as prescribed by Chapter 7.02 of the Code of the City of Portland prior to contract award. Details of compliance requirements are available from the Revenue Bureau License and Tax Division, 111 SW Columbia Street, Suite 600, Portland, Oregon 97201, (503) 823-5157, website: <http://www.portlandonline.com/omf/index.cfm?c=29320>

If your firm currently has a business license and is EEO certified, include in the Cover Letter your firm's City of Portland Business License number as well as the Equal Employment Opportunity (EEO) expiration date.

**2. PROJECT TEAM**

This criterion relates to qualifications of the project principal, project manager, and other key members of the project team and sub-consultants. It is assumed the project team would include people with demonstrated skills and experience in railroad track inspections services and with knowledge of Federal Railroad Administration (FRA) Track Safety Standards. The basis of evaluation is how well the team's qualifications, background, and experience relate best to this specific project. In the response, please provide the following information:

- a. Team qualifications and experience on similar or related projects:
  - qualifications and relevant experience of the prime consultant;
  - qualifications and relevant experience of sub-consultants, if any;
  - project manager's experience with similar projects.
- b. Names of key members who will be performing the work on this project, and their:
  - educational background, directly related work experience, professional development, and demonstrated performance record;
  - describe training program; include specific details of Amtrak training, ability and willingness to obtain Amtrak training; describe what is required of key members to stay current with training, certifications, and qualifications; safety records, claims, and accidents over the last three (3) years;
  - their responsibilities on this project;
  - current assignments and location;
  - experience on similar or related projects;
  - description of each person's qualifications and an explanation of how these skills and abilities will be used to complete this project;
  - percentage of their time that will be devoted to the project.

- c. Extent of proposer's principal member's involvement.
- d. A list of similar projects in type and scope completed by individuals on the proposer's team. Provide a contact name and phone number for each project.
- e. Additional information on the project manager's role, including previous experience with individuals on the team, general team management experience, and a description of techniques previously used to direct and coordinate the work of a consultant team.

**3. PROPOSER'S CAPABILITIES**

This criterion relates to the proposer's capabilities and resources in relation to this project. Describe the following:

- a. Similar projects performed within the last three (3) years, which best characterize capabilities, work quality and cost control.
- b. Safety records, claims, accidents over the last three (3) years.
- c. Similar projects with other government agencies.
- d. Resources available to perform the work for the duration of the project and other on-going projects.
- e. Internal procedures and/or policies associated or related to work quality and cost control.
- f. Management and organizational capabilities.

**4. PROJECT APPROACH AND UNDERSTANDING**

This criterion relates to how well the proposer demonstrates its understanding and approach of the proposed scope of work and related issues associated with the project. Please provide the following information:

- a. A description of the project, issues and opportunities as the proposer understands them.
- b. Describe the tasks and activities, the methodology that will be used to accomplish them, and which team members will work on each task;
- c. Describe the products that would result from each task or activity;
- d. An identification of resources available to assist the proposer.

**5. DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS**

The City is committed to increasing contracting opportunities for State of Oregon certified minority, women and emerging small business (M/W/ESB) enterprises. The City values, supports and nurtures diversity, and encourages any firm contracting with the City to do the same, maximizing M/W/ESB business participation with regard to all City contracts. As such, the City has established an overall 20% utilization goal in awarding PTE contracts to State of Oregon certified emerging small business (ESB) enterprises and the City has assigned at least 15% of the total points available on this solicitation to determine the award of this contract. No goal is set for the use of minority (MBE) and women business (WBE) enterprises, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

All Proposers shall address the following in their proposals:

- a. Indicate if your firm is currently certified in the State of Oregon as an MBE, WBE and/or ESB, or if your firm has applied for certification with the State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB). Provide a copy of the State of Oregon certification letter confirming receipt of application or copy of the approval letter certifying your firm (a copy of this letter does not affect the page-limit identified under Part II, Section B.2 of this document).
- b. Identify your current diversity of workforce and describe your firm's commitments to providing equal employment opportunities. Include in your response:
  - Number of total employees and description of type of work performed.
  - Number of minorities and women within your current workforce, broken out by ethnicity and positions held.
  - Any underutilization of minorities or women within your workforce and your firm's efforts to remedy such underutilization.
  - Any plans to provide innovative mentoring, technical training or professional

development opportunities to minorities and women in your workforce in relation to this project, or plans to employ minorities and women to work on this project.

- Description of the process your firm uses to recruit minorities and women.
- c. Have you subcontracted or partnered with State of Oregon certified M/W/ESB firms on any project within the last 12 months? If so, please describe the history of the firm's subcontracting and partnering with certified M/W/ESB firms. Include in your response:
- List of State of Oregon certified M/W/ESB firms with which your firm has had a contractual relationship during the last 12 months.
  - Any innovative or successful measures that your firm has undertaken to work with M/W/ESB firms on previous projects.
  - Any mentoring, technical or other business development services your firm has provided to previous or current M/W/ESB subconsultants or partners, or will provide in relation to this project.
- d. Are you subcontracting any element of your proposal? Describe your firm's plan for obtaining maximum utilization of State of Oregon certified M/W/ESB firms on this project. Include in your response:
- Subcontracting opportunities your firm has identified in the scope of this project.
  - Efforts made relating to outreach and recruitment of certified M/W/ESB firms. Did your firm advertise contracting opportunities in the *Daily Journal of Commerce*, *Skanner*, *Oregonian*, *Observer*, *El Hispanic News*, *Asian Reporter*, and/or other trade publications? Did your firm conduct any outreach meetings? Did your firm use the State's OMWESB certification list, or other source, as a basis for direct outreach? What were the actual results of any of the above efforts?
  - Any proposals received from certified M/W/ESB firms. If any such proposals were rejected, provide reasons for rejection.
  - Other efforts your firm used or proposes to use in relation to this project.
- e. If your firm will be utilizing State of Oregon certified M/W/ESB firms on this project, please list those firms and detail their role within your proposal.

The City expects thoughtful consideration of all of the above Diversity in Employment and Contracting criteria in the preparation of proposals, and will enforce all diversity in workforce and M/W/ESB commitments submitted by the successful Proposer.

## 6. PROPOSED COST

The proposal shall include the proposer's true estimated cost or fixed-price estimate for the proposed project approach irrespective of the City's anticipated cost. Additionally, this cost shall include the hourly rates of each person associated with the project as well as the estimated number of hours each staff member will be expected to work on each task.

## 7. SUPPORTING INFORMATION

Supporting material must include a minimum of three (3) references, and may include other information pertinent to the project or work to be performed. References must include the contact person's name, agency, address, phone number, their role in the project (e.g., project manager, etc.), name of the project and when the work was done.

# PART III

# PROPOSAL EVALUATION

## SECTION A

## PROPOSAL REVIEW AND SELECTION

### 1. EVALUATION CRITERIA SCORING

Each proposal shall be evaluated on the following evaluation criteria, weighting and maximum points:

	<b>Criteria</b>	<b>Maximum Score</b>
a.	Cover Letter	0
b.	Project Team	25
c.	Proposer's Capabilities	25
d.	Project Approach and Understanding	20
e.	Diversity in Employment and Contracting	15
f.	Proposed Cost	15
g.	Supporting Information	0
	Total Points Available	100

### 2. PROPOSAL REVIEW

An evaluation review committee will be appointed to evaluate the proposals received. For the purpose of scoring proposals each committee member will evaluate each proposal in accordance with the criteria and point factors listed above. The evaluation committee may seek outside expertise, including but not limited to input from technical advisors, to assist in the evaluation process.

The successful Proposer shall be selected by the following process:

- a. An evaluation committee will be appointed to evaluate submitted written proposals.
- b. The committee will score the written proposals based on the information submitted according to the evaluation criteria and point factors.
- c. The committee will require a minimum of ten (10) working days to evaluate and score the written proposals.
- d. A short list of Proposers, based on the highest scores, may be selected for oral interviews if deemed necessary. The City reserves the right to increase or decrease the number of Proposers on the short list depending on the scoring and whether the Proposers have a reasonable chance of being awarded a contract.
- e. If oral interviews are determined to be necessary, the scores from the written proposals will be considered preliminary. Final scores, based on the same evaluation criteria, will be determined following the oral interviews.

All communications shall be through the contact(s) referenced in Part II, Section A.2 of the RFP. At the City's sole discretion, communications with members of the evaluation committee, other City staff or elected City officials for the purpose of unfairly influencing the outcome of this RFP may be cause for the Proposer's proposal to be rejected and disqualified from further consideration.

For contracts over \$100,000, the evaluation committee's recommendation for contract award will be submitted to the Portland City Council for approval. The City has the right to reject any or all proposals for good cause, in the public interest.

**NOTE: In the City's discretion, litigation between the City and a Proposer shall be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the Proposer's proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.**

### 3. CLARIFYING PROPOSAL

At any point during the evaluation process, the City is permitted, but not required to seek

## DURING EVALUATION

clarification of a proposal. However, a request for clarification does not permit changes to a proposal.

## SECTION B

## CONTRACT AWARD

### 1. CONSULTANT SELECTION

The City will attempt to reach a final agreement with the highest scoring Proposer. However, the City may, in its sole discretion, terminate negotiations and reject the proposal if it appears agreement cannot be reached. The City may then attempt to reach a final agreement with the second highest scoring Proposer and may continue on, in the same manner, with remaining proposers until an agreement is reached. A consultant selection process will be carried out under Portland City Code Chapter 5.68.

### 2. CONTRACT DEVELOPMENT

The proposal and all responses provided by the successful Proposer may become a part of the final contract. The form of contract shall be the City's Contract for PTE Services.

### 3. AWARD REVIEW AND PROTESTS

#### REVIEW:

Following the Notice of Intent to Award, the public may view proposal documents. However, any proprietary information so designated by the Proposer as a trade secret and meeting the requirements of ORS 192.501, 192.502 and/or ORS 646.461 et seq. will not be disclosed unless the Multnomah County District Attorney determines that disclosure is required. At this time, Proposers not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.

#### PROTESTS OF CONTRACT AWARDS:

Protests may be submitted to the Chief Procurement Officer only for formal contracts (reference <http://www.portlandonline.com/omf/index.cfm?a=74585&c=27353>), and only from those Proposers who would receive the contract if their protest were successful.

Protests must be received by the Chief Procurement Officer within seven (7) calendar days, UNLESS OTHERWISE NOTED, following the date the City's Notice of Intent to Award was issued. The protest must specifically state the reason for the protest and show how its proposal or the winning proposal was mis-scored or show how the selection process deviated from that described in the solicitation document. No Contract will be awarded until the protest has been resolved.

Protests must be timely and must include all legal and factual information regarding the protest, and a statement of the form of relief requested. Protests received later than specified or from other than the Proposer who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

The Chief Procurement Officer may waive any procedural irregularities that had no material effect on the selection of the proposed contractor, invalidate the proposed award, amend the award decision, request the evaluation committee re-evaluate any proposal or require the bureau to cancel the solicitation and begin again to solicit new proposals. In the event the matter is returned to the evaluation committee, the Chief Procurement Officer shall issue a notice canceling the Notice of Intent to Award.

Decisions of the Chief Procurement Officer are final and conclude the administrative appeals process.

### 4. KICK-OFF MEETING

If requested by the City, the successful Proposer shall begin work by attending an orientation meeting to take place within five (5) days following execution of the contract. The successful Proposer shall then develop and maintain a comprehensive schedule for all elements of the project.