

<i>VENDOR SELECTION - REQUEST FOR PROPOSAL ARCHITECTURAL ENGINEERING AND OTHER SERVICES</i>	PROCEDURE	
	Document Number:	FRS-PR-032
	Version Number:	6

1.0 Purpose:

To implement the provisions of VTA Policy FRS-PL- 032 “Vendor Selection—Request for Proposals Architectural Engineering and Other Services”.

2.0 Scope:

This Procedure applies to all VTA departments and all vendors participating in the established VTA procurement process.

3.0 Responsibilities:

It is the responsibility of the Purchasing and Materials Manager to draft and obtain approval of this procedure to assure organizational understanding and compliance with Policy FRS-PL-032. Additionally, the Purchasing and Materials Manager will have responsibility for periodic review and proposing updates to the Policy and Procedure.

4.0 Procedure:

- 4.1 The Request for Proposals (RFP) solicitation process will be employed under the circumstances outlined in Policy FRS-PL-032 Section 4.0 for procurements valued greater than \$100,000.
- 4.2 EARLY INVOLVEMENT It is preferable to have Procurement & Contracts staff involved at an early stage of such procurements to provide guidance on the process to be used and to set tentative procurement timelines.
- 4.3 REQUISITION REQUIRED A complete and acceptable requisition must be received by Procurement & Contracts staff before the procurement process will begin. When the requisition is received, Procurement & Contracts staff will review all documents to determine that the funding source has been specified by the requester and to assure that the specifications are clear, complete and non-restrictive.
- 4.3.1 Any incomplete documents or restrictive specifications will be discussed with or returned to the requestor and must be corrected and approved by Procurement & Contracts staff prior to solicitation.
- 4.4 EVALUATION CRITERIA The evaluation criteria for Architectural and Engineering (A& E) solicitations may only consider the offeror’s qualifications. Price is excluded as an evaluation factor.

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4.5 **KICK OFF MEETING** Generally, Procurement & Contracts staff will meet with the requestor to determine the following:

- If a Pre-Proposal conference is needed;
- The required staff attendees of the Pre-Proposal conference;
- If the solicitation is intended to result in one contract award or if it is to establish a list of qualified firms.
- The advertising to be used and department/project advertisement budget availability
- The need to obtain Board approval;
- If federally funded, the needed federal clauses;
- Assure that the requestor understands that the Office of Small and Disadvantaged Business (OSDB) must approve all DBE and or SBE goals for the solicitation.
- Determine Bonding and Insurance requirements;
- Determine the need for Liquidated Damages;
- The evaluation team;
- Unlike the evaluation criteria used in RFP's for Professional and Non-professional services which have cost as one of the evaluation criteria, this solicitation for A& E services is qualification based and may not use cost as one of the criteria.
- The overall procurement timeline to include the date and time of the pre-proposal conference and the date, time and location for submitting proposals;
- Any vendor sources recommended by the requestor.

4.5.1 The evaluation team:

- Shall consist of VTA staff recommended by the Project Manager approved by the Contract Administrator';
- The Contract Administrator shall act as chairperson and facilitator of the evaluation team;
- If there is a demonstrated need for non-VTA staff to be on the evaluation team, the Project Manager and Contract Administrator will agree on who those team members shall be;
- The evaluation team should be kept to a workable size. The Contract Administrator and three to four members would be an ideal size;
- The Contract Administrator shall have the responsibility of contacting the proposed evaluation team members and confirming their participation;
- The Contract Administrator shall have the responsibility for arranging all meetings places for the Pre-Proposal meeting and subsequent evaluation meetings;
- The Contract Administrator shall have the responsibility of notifying all evaluation team members of the dates, times and locations of necessary meetings;
- No consultants may be on the evaluation team;

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- With approval of the Contracts Manager, consultants may observe the interviews, but may not score the proposals or the interviews nor may they be made aware of the proposed scoring of the Evaluation Team.
- The Contract Administrator will have the responsibility of assuring that none of the evaluation team members have any conflict of interest in the solicitation.

4.6 ADVERTISING When the above steps have been completed, the Contract Administrator will prepare the solicitation for advertisement in a newspaper of general circulation, the VTA website and any other outlets agreed upon with the requestor.

4.7 Procurement & Contracts RESPONSIBILITIES Procurement & Contracts staff will have the responsibility for:

- Sole contact with the proposers until such time as a contract has been awarded or the procurement has been cancelled. There shall be no contact between proposers and any VTA staff or consultants during this time.
- Preparing the solicitation document;
- Assuring the RFP document contains the scope of work, the evaluation factors and their relative importance and any necessary federal clauses among other required elements;
- Assuring that documentation of the decision for the solicitation method used is in the file;
- Placing all agreed upon advertisements;
- Receiving notices of publication;
- Uploading the needed information to the VTA website;
- Arranging for the meeting room for the Pre-bid conference;
- Making arrangements for any needed site visits.

4.8 PRE-PROPOSAL CONFERENCE Should a Pre-Proposal conference be needed, Procurement & Contracts staff will have the following responsibilities:

- Chair the meeting and assure that questions asked are responded to appropriately, and to fully outline the procurement process that will be followed.
- Remind prospective proposers that all communications with VTA throughout the procurement process will be with Procurement & Contracts staff only unless indicated otherwise in this Procedure.
- Notify attendees that they must register as an interested vendor for the specific RFP so they will be notified of any addenda that may be issued.
- Assure that needed VTA staff are in attendance, this would include staff from the requesting department, staff from the Office of Small and Disadvantaged Business

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and any others that may be needed to respond to questions from prospective bidders.

- Accurately document questions that are asked and answered and questions that must be responded to in writing at a later date.
- Assure that all attendees have signed in on sheets that have been prepared for that use.
- Coordinate with the requestor and Legal Counsel's office if necessary to develop written responses to questions raised at the Pre-Proposal conference.
- Provide written responses to all plan holders of record to questions raised at the Pre-Bid conference.

4.9 **COMMUNICATION WITH VENDORS** Procurement & Contracts staff will be solely responsible for all communications with the vendors throughout the procurement process. Any VTA staff member that is contacted by a bidder or a prospective bidder must inform that vendor that such contact is inappropriate and refer that person to the Procurement & Contracts staff member that is responsible for the procurement. Additionally Procurement & Contracts staff should be notified of the contact. The only exception to this requirement is that prospective bidders may contact the OSDB to discuss related procedures and requirements.

4.10 **ADDENDA** Any needed addenda to the solicitation documents must be prepared and issued by the responsible Procurement & Contracts staff person. The issuance of such addenda will be done with involvement and concurrence of the requestor. Such addenda will be sent to all plan holders of record.

4.11 **PLAN HOLDERS OF RECORD** The plan holders of record will be determined by those vendors who have registered on the VTA website for the specific RFP in question. Vendors who submit bids without having been so registered do so at the risk of not receiving addenda and potentially having their proposal rejected.

4.12 **PROPOSAL OPENING RESPONSIBILITIES** Procurement & Contracts staff will have the following responsibilities:

- Receive all proposals submitted in a timely manner;
- Consult with Counsel's Office to determine the proper handling of any "late" submissions;
- Assure all proposals received are complete and responsive.

4.13 **POST PROPOSAL OPENING RESPONSIBILITIES** After the proposals are received Procurement & Contracts staff will be responsible for the following:

- Distribute proposals to the evaluation team;

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- The OSDB must approve all DBE/SBE goal attainment and direct any Good Faith Efforts review that may be necessary;
- Schedule and chair the evaluation process meetings;
- Assure that the evaluation is consistent with the published evaluation criteria;
- When a selection is made on qualifications and not price, direct the negotiations with the most competent offeror;
 - The Contract Administrator, the Project Manager and other VTA staff will negotiate price with most competent offeror until a fair and reasonable price is agreed upon;
 - If the parties are unable to reach agreement on price with the most competent proposer, negotiations shall be conducted with the next most qualified offeror;
 - Then, if necessary, negotiations with successive offerors in descending order may be conducted until a contract award can be recommended to the offeror whose price is fair and reasonable.
- When a decision on the recommended award is reached complete the Solicitation Summary and obtain needed approval signatures;
- The original evaluation forms that support the final contractor selection will remain as part of the procurement file.
- Draft the Notice of Recommended Award and send to all plan holders of record;
- Assist the requestor with drafting the Board Memo, if needed;
- Create the necessary contract documents for signature when the contract has been approved;
- Secure the required signatures on the contract documents from the awardee and VTA;
- Distribute the fully executed contract document to the awardee and the requestor;
- Maintain a complete procurement contract file.

4.14 **PROTESTS** Any protests received during the procurement process will be handled according to Policy and Procedure FRS-PL-036 & FRS-PR-036.

4.15 **AMENDMENTS** Any changes to the executed contract must be accomplished by a contract amendment. A contract amendment can be requested by the vendor or VTA. Procurement & Contracts staff will have the following responsibilities when a contract amendment is contemplated:

- Work with the Project Manager to develop the scope of the intended contract change;
- Assure that the proposed amendment is within the scope of the original agreement;
- Assure that the proposed amendment is not a “Cardinal” change to the contract;
- Assure that the Project Manager has developed a valid Independent Cost Estimate (ICE);

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- Participate, as needed, in the negotiations of such amendments with the vendor;
 - Assure that the Project Manager has completed a Negotiation Summary which documents the negotiations that took place to resolve differences in price or scope between the ICE and the vendors proposal;
 - Draft or approve the amendment;
 - Secure appropriate approval signatures from the vendor and VTA;
 - Assure that the vendor and the Project Manager receive fully executed amendments.
- 4.16 Direction for selection from established lists is contained in Policy FR-CM-PL- 1000
- 4.17 CONTRACT CLOSEOUT Procurement & Contracts staff will assure that all contract closeout requirements are met.

5.0 Definitions:

Contract:	<p>A contract can be:</p> <ul style="list-style-type: none"> • A formal contract document that contains all of the terms, conditions and specifications of the agreement • A standard VTA Purchase Order • A Construction Agreement
Procurement & Contracts Staff Member	Used interchangeably with Contract Administrator or Buyer.
Requestor:	The responsible VTA staff member that has requested the product or service. Sometimes referred to as the Project Manager or Project Engineer.
Project Manager:	The person who submitted the requisition for the product or service and is (or will be) the responsible party for the contract once executed.
Cardinal Change:	A Cardinal Change is a change that is not within the general scope of the original or of such a large dollar value that a new procurement would be justified.
Amendment:	A formal document signed by both parties to the original contract that changes the terms, conditions or specifications of the original contract. In the case construction contracts, can be referred to as a Change Order or a Construction Change Order.

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6.0 Records:

Records of protests shall be maintained within the Contracts and Materials Management Department according to established record retention guidelines.

7.0 Appendices:

Not applicable.

8.0 Training Requirements:

Contracts and Materials Management will have responsibility for training VTA staff for compliance with this Procedure.

9.0 Summary of Changes:

Wording added in:

Sec. 4.5 that:

Speaks to the determination of whether the RFP will result in the selection of one firm or a list of firms.

Gives direction of the participation of consultants in the evaluation process.




Sec. 4.7

Limitation on contact with proposers.

Sec. 4.13 that:

That requires the maintenance of the original scoring sheets in the procurement file.

10.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Thomas B. Smith Purchasing and Materials Manager	 Bill Lopez Director of Business Services	 Nuria I. Fernandez General Manager

1/20/15
Date Signed