NEVADA COUNTY TRANSPORTATION COMMISSION

REQUEST FOR PROPOSAL

NEVADA COUNTY ACTIVE TRANSPORTATION PLAN

I. PURPOSE OF REQUEST FOR PROPOSAL

As part of the regional transportation planning process, the Nevada County Transportation Commission (NCTC) in coordination with the County of Nevada, City of Grass Valley, City of Nevada City, and Town of Truckee is seeking proposals from consulting firms to prepare an Active Transportation Plan (ATP) covering Nevada County and the jurisdictions within. The Plan will evaluate needs, identify and prioritize active transportation recommendations, including all disadvantaged communities within Nevada County.

The Plan shall utilize the previously adopted Nevada County Bicycle Master Plan (2013), amended in 2016 to incorporate recent planning by the Town of Truckee, the Town of Truckee Trails & Bikeways Master Plan (2015), and the Nevada County Pedestrian Improvement Plan (2010) as the basis for development of the ATP along with input from local jurisdictions and the public. The plan shall analyze and prioritize recommended bikeway and pedestrian facility improvements by jurisdiction.

Preparation of the Plan will help to address active transportation needs by supporting the development of more sustainable, livable, and efficient walkable and bicycle friendly communities. The recommended priorities shall be tied to measureable goals and objectives that shall be developed based on both community input as well as technical analyses throughout the process. The Plan shall provide all necessary information and analysis required by the California Transportation Commission's state guidelines for ATPs. By recommending prioritization of improvements the Plan shall guide local agency efforts to secure funding to implement improvements that strengthen the active transportation network.

OVERALL PROJECT OBJECTIVES:

- Replace the Nevada County Pedestrian Improvement Plan and update the pedestrian needs within Nevada County
- Replace the Nevada County Bicycle Master Plan and update the bicycle needs within Nevada County
- Engage and solicit input from community stakeholders and local jurisdiction staff regarding bicycle and pedestrian priorities
- Recommend priority pedestrian improvements by jurisdiction based on a comprehensive set of criteria
- Incorporates local and regional planning for bicycle infrastructure and support facilities
- Recommend priority bicycle improvements by jurisdiction based on a comprehensive set of criteria
- Analyze the best practices that can be applied in Nevada County
- Provide an overview of active transportation funding opportunities
- Provide an ATP that is compliant with state ATP guidelines

II. SCOPE OF WORK/SERVICES REQUESTED (Consultant may propose minor changes to integrate innovative approaches to address the scope of work requested)

Task 1.0: Project Meetings and Coordination

Task 1.1: Project "Kick-off" Meeting: NCTC staff will hold an initial "kick-off" meeting with Caltrans and a Project Advisory Committee (PAC), and the selected project consultant to finalize project goals and objectives, project deliverables, and timeline; and identify any critical and/or regional issues as background to the project. In conjunction with this meeting the consultant will review prior studies and other related documents and identify any data needs that will be required.

Task 1.2: Convene Project Advisory Committee: This study will be guided by a PAC consisting of staff representatives of NCTC, Nevada County, City of Grass Valley, City of Nevada City, Town of Truckee, and other appropriate stakeholders. NCTC will be responsible for establishing the PAC. The consultant will meet with the PAC at the outset of the study, and meetings will be held at key points during the course of the study development.

Task 1.3: Project Coordination: The Consultant will coordinate monthly with NCTC staff to ensure good communication on upcoming tasks and to make sure the project remains on time and within budget. NCTC staff will also assist the consultant with certain data collection efforts.

Task 2.0: Existing Conditions/Data Collection. (The mapping for existing conditions analysis needs to be consistent with the Statewide Active Transportation Program guidelines as outlined in Task 7.2)

Task 2.1: Collect, Review, and Incorporate Relevant Data from Current and Previous Planning Documents: The consultant will conduct an initial review and analysis of the current and previous bicycle and pedestrian planning efforts, including the Nevada County Bicycle Master Plan, Nevada County Pedestrian Improvement Plan, Town of Truckee Trails & Bikeways Master Plan, and local jurisdiction Americans with Disabilities (ADA) transition plans.

Task 2.2: Collect and Review Existing Demographic and Economic Conditions Information: The consultant will conduct an analysis of existing demographics and economic characteristics of the region as it relates to the need, demand, and potential for active transportation infrastructure. The analysis will identify areas that meet the Active Transportation Program criteria for disadvantaged communities and lead to the development of a regional definition/criteria for disadvantaged communities.

Task 2.3: Update Major Activity Centers Data: The consultant will update information relating to key destinations and major activity centers such as schools, parks, employment centers, shopping centers, tourist destinations, and other regional activity centers. The consultant shall work with the jurisdictions to identify appropriate locations for end-of-trip facilities.

Task 2.4: Accident Data: The consultant shall evaluate collision data using recognized statewide standardized data to map injuries and fatalities to pedestrians and bicyclists in traffic collisions.

Task 2.5: Safety and Education Programs: The consultant will coordinate with the jurisdictions to document active transportation related safety, education, and encouragement programs conducted by local jurisdictions, law enforcement agencies, or other stakeholder groups.

Task 3.0: Goals and Objectives

Task 3.1: Draft Project Goals and Objectives: The consultant shall develop draft active transportation goals and objectives for local agency and public review. Regional and statewide goals for safety, sustainability, mobility and accessibility, and equity, including those in the California Statewide Bicycle Plan and Caltrans Smart Mobility 2010 Principles, shall provide a starting point and shall be supplemented to address local context. The goals and objectives shall be realistic, measurable, and shall consider metrics utilized by other jurisdictions and take into consideration availability of data. The active transportation goals and objectives shall be used to guide the identification of recommended projects.

Task 4.0: Public Participation

Task 4.1: Conduct Public Meetings to Gather Input: The consultant will hold public workshops in coordination with NCTC staff to obtain input from the general public and pedestrian and bicycle advocacy groups. Workshops will be held in both western and eastern Nevada County. Workshops are to be held in Americans with Disabilities Act (ADA) accessible locations served by public transit to ensure that they can be attended by the transit dependent population. Workshop information will be noticed in the local newspaper, posted on the NCTC website, and a press release will be sent to other media outlets.

Task 4.2: Develop On-line Survey Method: An online survey or other method of providing opportunities for online input will be developed by the consultant and results documented.

Task 4.3: Outreach Materials: The consultant shall prepare collateral materials that can be distributed at outreach events and direct community members on ways to provide public input. Materials shall be translated for multilingual audiences as needed. The consultant shall provide translation of flyers and limited content materials.

Task 4.4: Non-Traditional Outreach: The consultant shall coordinate with NCTC staff to identify community festivals or events to attend, promote, and solicit input. Participation through a booth at community events has proven useful to engage a broad spectrum of the community.

Task 5.0: Pedestrian Recommendations

The consultant shall provide the following services for identification and recommendations for improvements to the pedestrian network for people walking and using mobility assistance devices.

Task 5.1: Pedestrian Project Identification: Where county and city pedestrian network planning and ranking has occurred, the consultant shall develop a list of projects for inclusion in the Plan. Additionally, the consultant shall work with city and county staff to include locally desired projects that may not have been included in previous plans. Input collected through public outreach will also be incorporated into the listing of desired projects. The proposed improvements will be mapped for each jurisdiction.

Task 5.2: Establish Criteria for Prioritization of Projects: Work with the PAC to establish a criteria such as collision history, access to regional destinations, network gap closures, current and potential demand, and public input to rank the identified projects by benefit score/rating category.

Task 5.3: Pedestrian Improvement Cost Estimates: Cost estimates shall be developed for typical pedestrian improvements to position jurisdictions for potential funding applications or incorporation into local funding programs. The consultant shall work with the jurisdictions to develop a locally representative unit cost for treatments. Estimates should include information about capital costs to implement pedestrian projects as well as maintenance costs related to pavement and landscaping upkeep, and maintenance of traffic control devices, striping, signs, and lighting where applicable. Consideration of maintenance for pedestrian facilities should include review of ADA consistency and guidance about review of pavement quality to ensure level surfaces, and address damage related to tree roots, cracking, and displaced pavement.

Task 5.4: Pedestrian Best Practice Toolkit: The consultant shall research and document various best practices related to pedestrian projects that improve mobility and safety to inform jurisdictions within Nevada County. Best practices should represent a diverse range of pedestrian methods/treatments to address both infrastructure and non-infrastructure needs. Where available, effectiveness of the best practices and applicability to jurisdictions in Nevada County shall be identified. Additionally, the consultant shall work with local agencies to identify where similar practices and treatments may already be employed within Nevada County to provide a local and accessible example if they exist.

Task 6.0: Bikeway Recommendations

Task 6.1: Bikeway Project Identification: Where jurisdiction network planning and ranking has recently occurred, the consultant shall utilize that information to avoid replicating work. Additionally, the consultant shall work with city and county staff to include locally desired projects that may not have been included in previous plans. Input collected through public outreach will also be incorporated into the listing of desired projects. Additional bikeways network recommendations shall be determined through agency staff coordination, public input, and technical analysis of gaps and opportunities for connectivity. The consultant will identify bikeway projects located on state highways and consider opportunities to advance strategic implementation and partnership with Caltrans. The proposed improvements will be mapped by jurisdiction.

Task 6.2: Establish Criteria to Guide Prioritization of Future Projects: Where jurisdictions have already developed custom ranking criteria and prioritization in their recently developed bicycle master plans, the jurisdiction’s developed ranking list shall be incorporated into the Plan. The consultant should develop a recommended criteria such as, collision history, gap closure, connectivity to destinations, cost, public input, and current and projected usage for the planning and evaluation of future projects.

<u>Task 6.3: Bikeway Cost Estimates</u>: Cost estimates shall be developed for typical pedestrian improvements to position jurisdictions for potential funding applications or incorporation into local funding programs. The consultant shall work with the jurisdictions to develop a locally representative unit cost for treatments. Estimates should include information about capital costs to implement bikeways projects as well as maintenance costs related to pavement material, landscaping upkeep, and maintenance of traffic control devices, striping, signs, and lighting where applicable. Where jurisdictions have already developed cost estimates in their recently developed bicycle master plans, the cost estimate should be reviewed and updated if necessary in coordination with the jurisdiction.

<u>Task 6.4: Bikeways Best Practices Toolkit</u>: The consultant shall research and document best practices related to bicycle projects accounting for evolving legislation and standardization of infrastructure treatments (bike diversion training, bike signals, green paint usage, Class IV bikeways, etc.). Where available, effectiveness of the best practices and applicability to jurisdictions in Nevada County shall be identified. Topics included in the toolkit should include engineering designs, wayfinding and signage, as well as programmatic concepts such as education, encouragement, enforcement, and evaluation. Additionally, the consultant shall work with local agencies to identify where similar practices and treatments may already be employed within Nevada County to provide a local and accessible example if they exist.

Task 7.0: Active Transportation Plan

<u>Task 7.1: Funding Source Matrix</u>: The consultant shall develop a compiled matrix of funding sources for pursuit of grants to plan and implement active transportation improvements. The funding sources could include local, regional, state, and federal sources, and would include a variety of fund types including transportation, air quality, water quality, health, and sustainability sources. The funding list shall include details on what each funding source can address such as feasibility analysis, environmental review, right-of-way acquisition, final design, construction, and maintenance.

The consultant shall identify the most likely near-term funding sources which considers Federal, State, and local requirements, as well as locally adopted policies to determine "likely" funding sources. The funding matrix shall be developed to help guide and position city staff as project priorities evolve at each jurisdiction.

<u>Task 7.2: Active Transportation Program Requirements</u>: In order to position cities to pursue future regional, state, and federal funding the consultant shall document where the Plan addresses the following ATP checklist items related to active transportation plans:

- The estimated number of existing bicycle trips and pedestrian trips in the plan area, both in absolute numbers and as a percentage of all trips, and the estimated increase in the number of bicycle trips and pedestrian trips resulting from implementation of the plan.

- The number and location of collisions, serious injuries, and fatalities suffered by bicyclists and pedestrians in the plan area, both in absolute numbers and as a percentage of all collisions and injuries, and a goal for collision, serious injury, and fatality reduction after implementation of the plan.

- A map and description of existing and proposed land use and settlement patterns which must include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, major employment centers, and other destinations.

- A map and description of existing and proposed bicycle transportation facilities, including a description of bicycle facilities that serve public and private schools and, if appropriate, a description of how the Five E's (Education, Encouragement, Enforcement, Engineering, and Evaluation) shall be used to increase rates of bicycling to school.

- A map and description of existing and proposed end-of-trip bicycle parking facilities.

- A description of existing and proposed policies related to bicycle parking in public locations, private parking garages and parking lots and in new commercial and residential developments.

- A map and description of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. These must include, but not be limited to, bicycle parking facilities at transit stops, rail and transit terminals, ferry docks and landings, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles or ferry vessels.

- A map and description of existing and proposed pedestrian facilities, including those at major transit hubs and those that serve public and private schools and, if appropriate, a description of how the Five E's shall be used to increase rates of walking to school. Major transit hubs must include, but are not limited to, rail and transit terminals, and ferry docks and landings.

- A description of proposed signage providing way finding along bicycle and pedestrian networks to designated destinations.

- A description of the policies and procedures for maintaining existing and proposed bicycle and pedestrian facilities, including, but not limited to, the maintenance of smooth pavement, ADA level surfaces, freedom from encroaching vegetation, maintenance of traffic control devices including striping and other pavement markings, and lighting.

- A description of bicycle and pedestrian safety, education, and encouragement programs conducted in the area included within the plan, efforts by the law enforcement agency having primary traffic law enforcement responsibility in the area to enforce provisions of the law impacting bicycle and pedestrian safety, and the resulting effect on collisions involving bicyclists and pedestrians.

- A description of the extent of community involvement in development of the plan, including disadvantaged and underserved communities.

- A description of how the Plan has been coordinated with neighboring jurisdictions, including school districts within the plan area, and is consistent with other local or regional transportation, air quality, or energy conservation plans, including, but not limited to, general plans and a Sustainable Community Strategy in a Regional Transportation Plan.

- A description of the projects and programs proposed in the plan and a listing of their priorities for implementation, including the methodology for project prioritization and a proposed timeline for implementation.

- A description of past expenditures for bicycle and pedestrian facilities and programs, and future financial needs for projects and programs that improve safety and convenience for bicyclists and pedestrians in the plan area. Include anticipated revenue sources and potential grant funding for bicycle and pedestrian uses.

- A description of steps necessary to implement the plan and the reporting process that shall be used to keep the adopting agency and community informed of the progress being made in implementing the plan.

Task 8.0: Prepare and Present Draft Active Transportation Plan

<u>Task 8.1: Preparation and Presentation of Draft Report</u>: The consultant will prepare an administrative draft report for review and comment by the PAC. Comments received from the PAC will be incorporated into the final draft report and the consultant will present it at a meeting of the NCTC in coordination with NCTC staff.

Task 9.0: Prepare and Present Final Active Transportation Plan

Task 9.1: Preparation and Presentation of the Final Report: The consultant will consider and incorporate the comments received on the draft report into the final report as appropriate and present it at a meeting of the NCTC in coordination with NCTC staff.

III. DELIVERABLE PRODUCTS

The consultant must provide to the NCTC an electronic PDF copy of the administrative draft for review and comment. The consultant will provide twenty (20) bound copies of the draft final report and an electronic PDF copy on a USB Flash Drive. Once considerations and changes are fully addressed, the consultant must complete the final report and deliver twenty (20) bound copies, one reproducible unbound original copy, and the final on USB Flash Drive to NCTC. Format for reproducible originals will be in Microsoft Word, Excel, and PDF.

IV. PROPOSAL FORMAT

A qualifying proposal must address all of the following points, in the order shown below:

A. **Introduction**: (Maximum 3 pages). A brief description of the consultant's firm, including the year the firm was established, type of organization of firm (partnership, corporation, etc.), and any variation in size over the last five years, along with a statement of the firm's qualification for performing the subject services. Also a brief summary of the firm's experience with similar projects.

B. **Technical Approach**: The firm's proposed work plan and time schedule to address the scope of work.

C. **Project Team**: An organizational chart depicting the individual or team proposed by the firm and time allowed by each team member. A brief summary of the qualifications and experience of each member proposed to work on the project. To assure that the designated personnel are used for the project, reassignment of and/or substitution of any member of the designated project team shall have prior approval by the NCTC Executive Director.

D. **Project Schedule and Costs**: The proposed project schedule and cost, including the method of compensation, the hourly rate for principals, employees to be assigned to this project, and a summary of any other related costs that are to be billed directly. A detailed schedule of proposed costs shall be included in the proposal.

E. **Subconsultants**: That portion, if any, of the total project for which the firm will require the services of a subcontracting firm.

F. **References**: A list of references for similar projects, including contact person, phone numbers, and the professional staff who performed the work.

V. PROPOSAL SUBMITTAL

Proposals are to be received at the NCTC office no later than 5:00 p.m., **Friday, February 23, 2018**. The Transmittal letter should include the name, title, address, phone number, and original signature of an individual with authority to negotiate on behalf of and to contractually bind the consultant or consulting firm, and who may be contacted during the period of proposal evaluation. The letter must also include a statement acknowledging that the consultant or consulting firm has reviewed and accepted NCTC's Standard Agreement (attached as Part A) with or without qualifications. Only one transmittal letter need be prepared to accompany all copies of the technical and cost proposals. Deliver six (6) bound copies of the proposal, one (1) unbound original, suitable for reproduction, and an electronic copy on CD-ROM or flash drive to the Nevada County Transportation Commission, 101 Providence Mine Road, Suite 102, Nevada City, CA 95959. Late proposals will not be accepted.

The consultant may ask for clarification of the RFP by submitting written questions to the NCTC's Deputy Executive Director, Mike Woodman at mwoodman@nccn.net. Questions regarding this RFP must be submitted no later than 5:00 p.m. on Wednesday, February 14, 2018. No response will be given to verbal questions. NCTC reserves the right to decline a response to any question if, in the NCTC's assessment, the information cannot be obtained and shared with all potential proposers in a timely manner. A summary of the questions submitted, including responses deemed relevant and appropriate by the NCTC, will be provided on Friday, February 16, 2018 to all firms that receive the RFP.

Oral interviews may be deemed necessary to provide additional evaluation of the short listed proposers, and are tentatively scheduled to be held on Friday, March 9, 2018.

VI. SCHEDULE OF ACTIVITIES

ACTIVITIES	DATE
Email RFP	February 1, 2018
RFP Question Submittal Deadline	February 14, 2018
NCTC Post Responses to Questions	February 16, 2018
Proposals Due	February 23, 2018
Selection Screening of Proposals	February 26 – March 2nd
Short Listed Proposers Notified	March 5, 2018
Oral Interview (if deemed necessary)	March 9, 2018
Consultant Selection	March 12, 2018
Contract Execution	March 21, 2018
Project Kick-off Meeting	April 2018 (TBD)
Admin. Draft Report for Review and Comment	August 2018
Draft Report Delivered to NCTC	September 7, 2018
Present Draft Report to NCTC	September 19, 2018
Present Draft Report to the Jurisdictions	September/October 2018 (TBD)
Final Report Delivered to NCTC	October 29, 2018
Project Complete	December 31, 2018

The proposed project schedule may be adjusted to meet the needs of the NCTC or the consultant.

VII. EVALUATION AND SELECTION PROCESS

PROPOSAL EVALUATION CRITERION

A Selection Committee will perform an in-depth analysis of all proposals, carefully evaluating each one with the following criterion:

		Relative Weight/Maximum Points
1.	Understanding of project requirements, issues, and challenges.	15
2.	Approach to be followed and tasks to be performed, including detailed steps, resources required, and proposed project schedule.	20
3.	Specialized experience and technical competence of personnel to be assigned to project.	20
4.	Relative allocation of resources to key tasks, including the time and skills of personnel assigned to the task and the consultant's approach to managing resources and project output.	20
5.	Qualifications of the project leader and assurance of involvement in the project.	15
6.	Proposed cost to accomplish the RFP scope of work.	10
	Total Points Possible	100

The Selection Committee may recommend selection of a consultant firm based on the evaluation of the proposals or may decide to entertain formal oral interviews of proposers placed on the final short list of proposers. If oral interviews are held, the evaluation of the oral interviews will determine the selection of the recommended consultant firm.

In oral interviews, if held, the consultant would be expected to provide a 30 minute oral presentation that will be followed by a 15 minute question and answer period during which the committee may question the prospective consultant about their proposed approaches.

ORAL INTERVIEW EVALUATION CRITERION

The Selection Committee will carefully evaluate the oral interview based on the following criterion:

		Relative Weight/Maximum Points
1.	Presentation by Consultant Team (Overview of Team and Approach to Scope)	25
2.	Q&A Session: Responses to Panel Questions	25
	Total Points Possible	50

A consultant will be selected by NCTC staff on or before March 12, 2018 based on the Selection Committee evaluation process described above.

The NCTC reserves the right to reject any or all proposals or to waive minor irregularities in said proposal, and reserves the right to negotiate minor deviations to the proposal with the successful consultant. The NCTC reserves the right to award a contract to the firm or individual that presents the proposal, which, in the sole judgment of the Commission, best accomplishes the desired results.

The RFP does not commit NCTC to award a contract, to pay any costs incurred in the preparation of the contract in response to this request, or to procure or contract for services or supplies. NCTC reserves the right to withdraw this RFP at any time without prior notice.

All proposals, whether selected or rejected, shall become the property of the NCTC.

VIII. PAYMENTS AND FINANCIAL CONDITIONS

A "not to exceed" budget of $80,000.00 has been approved for the contract portion of the Nevada County Active Transportation Plan. At the time of contract negotiations, a payment schedule and amount will be agreed upon between the NCTC and the consultant. Payment will be tied to the completion of the project.

The NCTC will not provide financial assistance to the consultant beyond negotiated fees, but will collaborate with the consultant and give reasonable cooperation in the collection of information and facilitation of meetings with appropriate agencies.

The contract that results from this Request for Proposal will specify a maximum price. All applicable costs may be charged to the contract within the fixed price limit. Appropriate charges may include wages and salaries, overhead, travel, materials, and subcontractor costs.

IX. LIMITATIONS ON CONSULTANT

A. All reports and pertinent data or materials are the sole property of the NCTC and may not be used, reproduced or released in any form without the explicit, written permission of the NCTC.

B. Consultant should expect to have access only to the public reports and public files of local governmental agencies in preparing the proposal or reports. No compilation, tabulation, or analysis of data, definition of opinion, etc., should be anticipated by the consultant from the agencies, unless volunteered by a responsible official in those agencies.

X. CONFLICT OF INTEREST

No consultant, subcontractor, or member of any firm proposed to be employed in the preparation of this project has a past, ongoing, or potential involvement which could be deemed a conflict of interest under the Fair Political Practices Act or other law. During the term of this Agreement, the consultant shall not accept any employment or engage in any consulting work that would create a conflict of interest with NCTC or in any way compromise the services to be performed under this Agreement. The consultant shall immediately notify NCTC of any and all potential violations of this paragraph upon becoming aware of the potential violation.

XI. EQUAL EMPLOYMENT OPPORTUNITY/TITLE VI COMPLIANCE

The consultant shall comply with Title VI of the Civil Rights Act of 1964, as amended, and with the provisions contained in 49 CFR Part 21 through Appendix C and 23 CFR 710.405 (b).

A. During the performance of contract, the consultant and its subcontractors shall not unlawfully discriminate, harass, or allow harassment, against any employee or applicant for employment because of sex, sexual orientation, race, color, ancestry, religion, national origin, physical disability, mental disability, medical condition, age or marital status.

B. The consultant and its subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.

C. The consultant shall comply with Executive Order 11246, entitled "Equal Employment Opportunity" as amended by Executive Order 11375, and as supplemented in the Department of Labor Regulation (41 CFR Part 60), the California Fair Employment and Housing Act, and any other applicable federal and state laws and regulations relating to equal employment opportunity, including the provisions of the Fair Employment and Housing Act (Government Code § 12900, et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, § 7285.0, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code §§ 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into the contract by reference and made a part hereof as if set forth in full. The consultant and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

D. Solicitations for Subcontractors, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiations made by the consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the consultant of the consultant's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, sex, age, or national origin.

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

F. Sanctions for Noncompliance: In the event of the consultant's noncompliance with the nondiscrimination provisions of the contract, NCTC shall impose such contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including but not limited to:

i. Withholding of payments to the consultant under the contract until the consultant complies, and/or,
ii. Cancellation, termination or suspension of the contract, in whole or in part.

G. Incorporation of Provisions: The consultant shall include the provision of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The consultant shall take such action with respect to any subcontract of procurement as the NCTC or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the consultant may request that the NCTC enter into such litigation to protect the interests of NCTC. In addition, the consultant may request the United States to enter into such litigation to protect the interests of the United States.

H. Subcontracts: All subcontracts awarded shall contain provisions requiring compliance with Title VI of the Civil Rights Act of 1964, as amended. Accordingly, 49 CFR Part 21 through Appendix C and 23 CFR 710.405 (b) shall be made applicable by reference in all subcontracts.

XII. CONTRACT ARRANGEMENTS

The consultant is expected to execute a contract similar to the enclosed NCTC’s Professional Services Agreement, which meets the requirements of Federal law and Federal regulations:

1. Disadvantaged Business Enterprise (DBE) Program Considerations

The Agreement with the consultant selected is subject to Title 49, Part 26 of the Code of Federal Regulations (49 CFR 26) entitled, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.” Bidders who obtain DBE participation on the Agreement will assist Caltrans in meeting its federally mandated statewide overall DBE goal.

DBE and other small businesses, as defined in Title 49 CFR, Part 26 are encouraged to participate in the performance of agreements financed in whole or in part with federal funds. The consultant or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of the contract. The consultant shall carry out the applicable requirements of 49 CFR, Part 26 in the award and administration of U.S. Department of Transportation assisted contracts. Failure by the consultant to carry out these requirements is a material breach of the contract, which may result in the termination of the contract or such other remedy, as recipient deems appropriate.

Any subcontract entered into as a result of the Agreement shall contain all of the provisions of this section. The NCTC also advises that participation of DBEs is not a condition of award. <u>The attached Exhibit 10-O1 from Chapter 10 of the Caltrans Local Assistance Procedures Manual entitled, "Local Agency Proposer DBE Commitment (Consultant Contracts)" must be signed and dated by the consultant submitting the proposal.</u> Also, list a phone number in the space provided and print the name of the person to contact.

The attached Exhibit 10-O2 from Chapter 10 of the Caltrans Local Assistance Procedures Manual entitled, "Local Agency Proposer DBE Information (Consultant Contracts)" must be signed and dated by the consultant submitting the proposal. Also, list a phone number in the space provided and print the name of the person to contact.

2. Title VI of the Civil Rights Act of 1964:

   The consulting firm and NCTC shall comply with the nondiscrimination program requirements of Title VI of the Civil Rights Act of 1964 as amended and the regulations of the U.S. Department of Transportation issued there under in 49 CFR Part 21.

3. Equal Employment Opportunity:

   NCTC will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, religion, creed, medical condition, color, marital status, ancestry, sex, age, national origin, or disability. In addition, NCTC requires that any consulting firm hired to perform any work activity does not discriminate against any employee or applicant for employment because of race, religion, creed, medical condition, color, marital status, ancestry, sex, age, national origin, or disability.

XIII. INSURANCE

The successful firm or individual shall provide evidence of insurance as stated in the contract prior to execution of the contract.

XIV. TERMINATION OF CONTRACT

Upon failure of performance by the other party, or at NCTC's convenience, either party may terminate the contract upon ten (10) days written notice to the other party. If the contract is to be terminated, the consultant shall be paid the amount due for work properly completed and approved by NCTC, up to the date of the notice of termination, based on the actual costs to the consultant attributable to the project, less any compensation to NCTC for damages suffered as a result of Consultant’s failure to comply with the terms of the contract.

XV. CONTACT PERSON

Mike Woodman, Deputy Executive Director
Nevada County Transportation Commission
101 Providence Mine Road, Suite 102
Nevada City, CA 95959
Phone: (530) 265-3202
Fax: (530) 265-3260
Email: mwoodman@nccn.net

attachments:
Part A – NCTC Standard Agreement
Exhibit 10-O1
Exhibit 10-O2

EXHIBIT 10-O1 CONSULTANT PROPOSAL DBE COMMITMENT

1. Local Agency: ______________________ 2. Contract DBE Goal: ______________

3. Project Description: ______________________

4. Project Location: ______________________

5. Consultant's Name: ______________________ 6. Prime Certified DBE: ☐

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %
		11. TOTAL CLAIMED DBE PARTICIPATION	%

Local Agency to Complete this Section

17. Local Agency Contract Number: ______________

18. Federal-Aid Project Number: ______________

19. Proposed Contract Execution Date: ______________

Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.

20. Local Agency Representative's Signature ______________ 21. Date ______________

22. Local Agency Representative's Name ______________ 23. Phone ______________

24. Local Agency Representative's Title ______________

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.

12. Preparer's Signature ______________ 13. Date ______________

14. Preparer's Name ______________ 15. Phone ______________

16. Preparer's Title ______________

DISTRIBUTION: Original – Included with consultant's proposal to local agency.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

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 Description - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
4. Project Location - Enter the project location as it appears on the project advertisement.
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. 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.
21. Date - Enter the date the DBE commitment form is signed by the Local Agency Representative.
22. Local Agency Representative's Name - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
23. Phone - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
24. Local Agency Representative Title - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

EXHIBIT 10-O2 CONSULTANT CONTRACT DBE COMMITMENT

1. Local Agency: ______________________ 2. Contract DBE Goal: ______________

3. Project Description: ____

4. Project Location: ____

5. Consultant's Name: ______________ 6. Prime Certified DBE: ☐ 7. Total Contract Award Amount: ________

8. Total Dollar Amount for **ALL** Subconsultants: __________ 9. Total Number of **ALL** Subconsultants: ________

10. Description of Work, Service, or Materials Supplied	11. DBE Certification Number	12. DBE Contact Information	13. DBE Dollar Amount
Local Agency to Complete this Section		**14. TOTAL CLAIMED DBE PARTICIPATION**	**$**
			%

Local Agency to Complete this Section

20. Local Agency Contract Number: ______________

21. Federal-Aid Project Number: ______________

22. Contract Execution Date: ______________

Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.

23. Local Agency Representative's Signature ______________ 24. Date ______________

25. Local Agency Representative's Name ______________ 26. Phone ______________

27. Local Agency Representative's Title ______________

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.

15. Preparer's Signature ______________ 16. Date ______________

17. Preparer's Name ______________ 18. Phone ______________

19. Preparer's Title ______________

DISTRIBUTION: 1. Original – Local Agency
2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS – CONSULTANT CONTRACT 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 Description - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. Project Location - Enter the project location as it appears on the project advertisement.
5. Consultant's Name - Enter the consultant's firm name.
6. Prime Certified DBE - Check box if prime contractor is a certified DBE.
7. Total Contract Award Amount - Enter the total contract award dollar amount for the prime consultant.
8. Total Dollar Amount for ALL Subconsultants – Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
9. Total number of ALL subconsultants – Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
10. 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.
11. DBE Certification Number - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
12. 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.
13. DBE Dollar Amount - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
14. Total Claimed DBE Participation - $: Enter the total dollar amounts entered in the "DBE Dollar Amount" column. %**:** Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). 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).
15. Preparer's Signature - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
16. Date - Enter the date the DBE commitment form is signed by the consultant's preparer.
17. Preparer's Name - Enter the name of the person preparing and signing the consultant's DBE commitment form.
18. Phone - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
19. Preparer's Title - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

20. Local Agency Contract Number - Enter the Local Agency contract number or identifier.
21. Federal-Aid Project Number - Enter the Federal-Aid Project Number.
22. Contract Execution Date - Enter the date the contract was executed.
23. 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.
24. Date - Enter the date the DBE commitment form is signed by the Local Agency Representative.
25. Local Agency Representative's Name - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
26. Phone - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
27. Local Agency Representative Title - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.