Request for Proposals
#24-02

Construction Management Services
for the
SURF! Busway and Bus Rapid Transit Project

Issue Date:
Wednesday, July 26, 2023

Submittal Due Date:
Thursday, September 14, 2023 by 4:30 p.m., Pacific Time

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940
REQUEST FOR PROPOSALS (RFP)

For

CONSTRUCTION MANAGEMENT SERVICES ON THE
MONTEREY-SALINAS TRANSIT DISTRICT
SURF! BUSWAY AND BUS RAPID TRANSIT PROJECT

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GENERAL

The Monterey-Salinas Transit District (MST) is seeking a qualified and responsible consultant to provide Construction Management services for the SURF! Busway and Bus Rapid Transit Project. Specifically, the consultant is required to provide resident engineer, inspection, material testing services, landscape architect and related services throughout the duration of the construction of the project and through project close-out.

The successful consultant will have experience in managing complex, multi-agency transportation projects partially on State rights-of-way, a depth of resources and sensitivity to local and regulatory issues, and demonstrated success with the construction administration of Federal-aid projects with other grant funding. The successful consultant will also have demonstrated the ability to provide clear written and verbal communications with MST, local jurisdictions, local partners and businesses, utility companies, the Federal Transit Administration, and regional and state agencies.

The project is funded with federal, state, regional and local funds, as summarized below.

- MST General Fund
- TAMC Measure X – local sales tax measure for transportation purposes
- FY18/19 SB1 Local Partnership Program – State of California funding
- State AB 178 – State earmark from Senator Laird
- TIRCP Cycle 5 – State Transit and Intercity Rail Capital Program
- 5307 Formula – Federal Transit Administration funding
- FY23 CIG Funding – Federal Transit Administration funding
- FY24 CIG Funding – Federal Transit Administration funding

All services and deliverables provided by the consultant are required to comply with the guidelines, rules and regulations of these funding sources, including invoicing, reporting, insurance, and record keeping requirements.

All requirements from the Federal Transit Administration’s Capital Investment Grant program on this project and the selected consultant must have experience in how to manage an FTA-funded project including administrative documentation throughout the project.

The project delivery method is Construction Management – General Contractor. As such, MST entered into contract with Graniterock-Myers JV for pre-construction work in December 2022. Negotiations for a guaranteed maximum price (GMP) are scheduled to begin fall 2023/winter 2024, construction is scheduled to begin Summer 2024, and will have approximately 550 working days.
PROJECT DESCRIPTION

MST developed a regional vision for bus rapid transit (BRT) to serve its uniquely laid out service area. The first phase, the JAZZ BRT was funded with a Federal Transit Administration (FTA) award and completed over 10 years ago. The SURF! Project is the second phase of the region’s overall BRT network.

In 2020, MST was accepted into the Project Development phase of the FTA’s Capital Investment Grants (CIG) Program for the SURF! Busway and Bus Rapid Transit project (SURF! Project). The SURF! project will consist of approximately 6 linear miles of roadway dedicated for express busway service. The route for the SURF! project would begin at MST’s Marina Transit Exchange at 280 Reservation Road and intersecting with De Forest Road in the City of Marina (northern terminus), and end at Contra Costa Street in Seaside (southern terminus).

The alignment of the busway would be primarily within the Transportation Agency for Monterey County’s (TAMC’s) Monterey Branch Line rail corridor, generally located west of Highway 1 between Beach Range Road and the Monterey Peninsula Recreation Trail. Additional work is located in the public right-of-way at both ends of the project. Given the length of the facility and its alignment, the project will be located within the cities of Marina, Seaside, and Sand City, running parallel to Highway 1 next to Fort Ord Dunes State Park. Additionally, small areas of the project are located within the Caltrans Highway 1 right-of-way.

Coordination between MST and the Cities of Marina, Seaside, Sand City, and Caltrans is vital to the success of this effort.
FEDERAL CONTRACT REQUIREMENTS

The successful consultant will be required to execute the Consultant Services Agreement with MST and meet the insurance, federal and state requirements therein.

This project has an aspirational Disadvantaged Business Enterprise (DBE) goal of 1.5% (see Exhibit 10-I: Notice to Proposers DBE Information).

Title VI of the Civil Rights Act of 1964 – disadvantage business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, religion, age, or disability in consideration for an award.

MST has established a set of written protest procedures as shown below. Any protests filed by a Proposer in connection with this RFP must be submitted in accordance with MST’s written procedures.

I. Protest Procedures
   a. General Procedures
      i. Any proposer or Contractor whose direct economic interest would be affected by the award of the Contract or the failure to award the Contract may file a protest, claim or dispute with MST pursuant to these protest procedures prior to filing any protest, claim or dispute with the FTA.

      ii. Claims or disputes, where applicable, shall be in writing and filed with MST directed to the General Manager, 19 Upper Ragsdale Drive, Suite 200, Monterey, CA 93940. FAILURE TO COMPLY WITH ANY OF THE REQUIREMENTS MAY RESULT IN REJECTION OF THE PROTEST.

   b. Protest Before Proposal Opening
      i. Protests shall be submitted in writing prior to the opening of proposals, unless the aggrieved person did not know and could not have known of the facts giving rise to such protest prior to the opening.

      In that case, the protest shall be submitted within five (5) calendar days after such aggrieved person knows of should have known of the facts giving rise to the protest. The protest shall clearly identify:

         1. The name, address, and telephone number of the protester.
         2. The grounds for the protest, any and all documentation to support protest and the relief sought.
         3. Steps that have been taken to date in an attempt to correct the alleged problem or concern.
c. Protest After Contract Award
   i. Any individual or entity may file a protest with MST alleging a violation of applicable federal, state law and/or MST policy or procedure relative to seeking, evaluating and/or intent to award a procurement Contract. In addition, any individual or entity may file a protest with MST alleging that MST has failed to follow its Procurement Protest Procedures. Such protest must be filed no later than five (5) calendar days from the notice of intent to award or non-award of the procurement Contract.

   ii. A protest, dispute, or claim with respect to the award of a Contract through solicitation of proposals shall be submitted in writing within five (5) days of notification of such award to the General Manager/CEO for a decision. All claims shall clearly identify:
       1. The name, address, and telephone number of the protester.
       2. The grounds for the protest, any and all documentation to support protest and the relief sought.
       3. Steps that have been taken to date in an attempt to correct the alleged problem or concern.

   iii. A written decision by the MST General Manager/CEO stating the grounds for allowing or denying the protest will be mailed to the protestor prior to execution of the Contract. Such decision shall be final unless the Board of Directors accepts an appeal of the General Manager/CEO’s decision. If an appeal is accepted, the Appellant shall be afforded an opportunity to be heard by the MST Board of Directors, or by an administrative hearing officer selected by that Board, and to offer evidence in support of its position. The decision of the Board or the hearing officer shall be binding upon MST and the Appellant and both MST and the Appellant shall abide by that decision.

d. FTA Protest Procedures
   i. FTA will only review protests regarding the alleged failure of MST to have written protest procedures, or the alleged failure to follow such procedures. An alleged violation on other grounds falls under the jurisdiction of the appropriate State or local administrative or judicial authorities. Alleged violations for a specific Federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with the Federal regulation. FTA will only review protest submitted by an intercede party as defined in FTA 4220.1E. FTA’s decision on any appeal will be final.
See Appendix B for additional information on the federal requirements on this project as required by the Federal Transit Administration (FTA)

**SCOPE OF SERVICES**

The Monterey-Salinas Transit District (District or Owner) is seeking professional construction management services for the SURF! Busway and Bus Rapid Transit Project. The project is being constructed using the CM/GC delivery method and is currently in the preconstruction phase. The estimated completion date is July 2026, with revenue service beginning by April 2027.

Project management is the discipline of planning, organizing, securing, and managing resources to achieve specific goals defined by the project specifications. The primary responsibility of the Construction Project Manager is to fulfill all project goals and objectives while honoring constraints. The primary constraints are scope, time, and budget.

Under the direction of the Assistant General Manager (AGM), the Construction Project Manager will work with various District departments' staff, as well as representatives in the various design and construction disciplines and those agencies having jurisdiction over the project. The Construction Project Manager will act as the District’s owner-representative in meetings, conferences, and presentations, and report to the AGM as required.

The capability of firms submitting shall include construction management services covering the entire project spectrum.

**Anticipated Services**

The proposed Agreement (or Agreements) anticipated by this scope comprehensively covers services defined as construction management. The services may include, but are not limited to, some or all of the following services:

1. **General Construction Management & Administration Services**
   - Assist with negotiating and administrating the guaranteed max price for the construction contract.
   - Assist the District with obtaining all required permits and oversee compliance with each permit.
   - Work with the District, Engineer, and CM/GC (Graniterock-Myers) entity to clearly define roles and responsibilities during construction and develop a construction management plan.
   - Coordinate the work of the CM/GC entity without interfering in the project’s progress.
   - Monitor project budget, schedule contract quantities, and document field-measured units per the requirement of the project.
specifications.

- Chair and conduct meetings with MST, Engineer, and CM/GC and produce minutes from each meeting.
- Ensure that the project is on schedule, and if not, develop recovery plans with the CM/GC.
- Establish notification procedures for any shutdowns of utilities for the progress of the work.
- Produce monthly cost reports to monitor the project’s current and final costs. Prepare cash flow projections as needed.
- Provide administrative assistance to manage the filing systems, meeting minutes, and the office.
- Review the legitimacy of change orders, negotiate prices, and make recommendations on change order requests from contractors.
- Review any MST or design team document changes and prepare cost estimates for each.
- Maintain a change order log reflecting the status of each change order and the total cost of changes.
- Develop and maintain submittal and shop drawing logs. Review both as they are received before transmittal to the design teams to ensure they are complete and accurate.
- Produce weekly management report summary defining the progress of the work, including change orders, RFI’s, submittals, schedule, and potential claims. Produce a more detailed monthly report of the same items.
- Review and monitor the construction schedule provided by the CM/GC entity.
- Provide progress photos and videos of the project on a regular basis. Work with the CM/GC outreach team to help keep all local and government agencies informed of the project’s progress. Meet with the CM/GC outreach team as required.
- Monitor the Contractor’s safety program.
- Review any received potential claims and make recommendations to the Owner.
- Verify project labor compliance and review certified payroll against daily diaries and prevailing wages.
- Prepare in conjunction with the design team and District all punch list items. Monitor the completion of the punch list items by the CM/GC entity.
- Coordinate and receive all close-out items including as-built drawings, operation and maintenance manuals, and warranties as required.
- Assist with resolving all contract issues, warranties, bonds, etc., at the project’s close-out.
• Prepare a final close-out report with recommendations for final payment, a notice of completion, and a file system to retrieve close-out documentation.

2. Quality Assurance, Inspection, and Material Testing
• Provide day-to-day on-the-job observations.
• Make reasonable efforts to guard against defects and deficiencies in the Contractor’s work and ensure that the contract documents’ provisions are being fulfilled.
• Assist in developing an effective quality control and quality assurance program.
• Coordinate the project’s testing and inspection, review test reports, and make recommendations as necessary.
• Monitor compliance with the Mitigation Monitoring and Reporting Program. Ensure all environmental requirements are met, submit environmental compliance documents, and oversee all onsite monitors (biologist, paleontologist, and archeologist).
• Schedule District and special inspections.
• Prepare and maintain inspection report logs.
• Monitor project for conformance with plans, traffic control plans, and specifications.
• Accept or reject work as necessary.

3. Project Documentation
• Provide project documentation, including daily construction activity reports, field clarifications, minutes of meetings, and clarification of requests for information (RFI).
• Develop and maintain logs of correspondence, clarifications on RFI’s, change orders, submittals, and test results.
• Track responses with the design teams.

4. Progress Payments
• Review the monthly payment requests for completeness and accuracy, including proper payroll documentation and lien releases are in order, and make recommendations for payment to the District.

The District’s AGM may request from the consulting firm any and all of the above tasks, according to the nature of the project assigned. The firm must be staffed to render these services expeditiously upon request.
Length of Agreement: The anticipated duration of the agreement is tied to the respective project and is estimated to continue through April 2027.

PROPOSAL REQUIREMENTS

This document, together with its Appendices and any Addendum, comprises the Request for Proposal (RFP) for the project. Responses to the RFP should be submitted according to the instructions outlined herein. Proposal content and completeness are most important. Respondents may not provide more than 20 pages of their proposal, excluding transmittal letter, requires forms and other attachments, in a readable font size for clarity and conciseness. Each proposal should include, at a minimum, the following items:

1. Transmittal letter – Include contact information (physical address, telephone, and email address) for the primary person responsible for the proposal and who will be the point of contact for MST on all correspondence and communications pertaining to this RFP. Include a statement acknowledging receipt and consideration of all RFP Addenda and Responses to Submitted Question(s), and include a copy in the proposal.

2. Statement of Project Understanding – Provide a brief discussion of the firm’s understanding of the nature of work, approach to be taken including cost-effective and efficient construction administration techniques, and vision for providing quality services.

3. Statement of Experience and Qualifications – Present the qualifications and experience of the proposed key staff and any support staff proposed for the project. Include descriptions of projects undertaken by the proposed Resident Engineer, Inspector and members of the proposed professional staff within the last five years for the firm that are similar in nature and complexity of this project. Demonstrate their availability to pursue completion of this project in terms of the involvement in other projects that are presently in the firm’s ongoing projects.

4. Consultant’s Work Plan – Explain in detail the proposed work plan, including all anticipated tasks, along with any supplemental tasks (those not specifically identified in this RFP) you deem necessary for successful completion of this project. Include a spreadsheet showing all project tasks, along with the proposed project team member assigned to each task and their estimated hours per task.

5. References – Provide three recent public agency references for the proposed Resident Engineer and Inspector(s); include names, agencies, email addresses and telephone numbers.

6. Federal and other Required Forms – Provide all applicable federal forms included in
Appendix C. Please note that bidder forms are required for all subcontractors regardless of DBE status.

7. **Other Information (Optional)** – Provide additional relevant information that may be helpful in the selection process.

Consultant questions pertaining to this RFP shall be submitted no later than 2:00 P.M. (Pacific Time), August 14, 2023, by email to the address below. An addendum will be issued answering any questions submitted by the deadline, and will be posted to the Procurement page of MST’s website at www.mst.org/procurement.

Monterey-Salinas Transit  
Attention: Steven Bruno, Purchasing Agent  
19 Upper Ragsdale Drive, Suite 200  
Monterey, CA 93940  
Email: sbruno@mst.org

Any addenda will be posted on the Procurement page of MST’s website at www.mst.org/procurement. Neither MST nor the consultant will be bound by any oral representations, clarifications, or changes made to this RFP unless provided in addenda form.

It is the Consultant’s sole responsibility to ensure they obtain all addenda and responses to consultant-submitted questions by regularly checking and downloading these items located on the Procurement page of MST’s website at www.mst.org/procurement. Consultant shall identify receipt of all addenda and responses to questions in their Transmittal Letter and include copies in their proposal.

All consultant proposals shall be submitted by 4:30 P.M., Thursday, September 14, 2023, to the email indicated above. Proposals will not be accepted after the deadline. Cost proposals shall be submitted in a separate email with the subject line “MST RFP #24-02 Cost Proposal.”

Proposals shall be clearly marked on the Email subject as: “Proposal for SURF! Busway and Bus Rapid Transit Project – Construction Management Services.” The proposal shall be signed by an officer of the firm who is authorized to bind the firm to contract and shall contain a statement to this effect.

The proposals received become the exclusive property of MONTEREY-SALINAS TRANSIT. At such time as a contract award is made by MST, all proposals submitted in response to this RFP shall become a matter of public record and shall be regarded as public records, with the exception of those elements of each proposal which are trade secrets as the term is defined in California Government Code 6254.7 and which are so marked as “TRADE SECRET,” “CONFIDENTIAL,” OR “PROPRIETARY.” MONTEREY-SALINAS TRANSIT shall not in any way be liable or responsible for the disclosure of any such records or portions thereof, including, without limitation, those so marked if disclosure is deemed required by law or by an order of a court. Proposals that
indiscriminately identify all or most of the proposal as exempt from disclosure without justification may be found technically unacceptable.

Costs incurred by consultants in preparing and submitting their proposals for consideration by MST shall not be reimbursed.

**SELECTION PROCESS**

Each proposal will be reviewed to determine if it meets the submittal requirements contained within this RFP. Failure to meet the requirements for the RFP can be cause for rejection of the proposal. MST may reject any proposal if it is conditional, incomplete or contains irregularities. MST may waive an immaterial deviation in a proposal, but this shall in no way modify the proposal document or excuse the consultant from compliance with the contract requirements if the consultant is awarded a contract.

Proposals will be evaluated based upon the following qualification based factors, but may not be limited to just these factors:

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<th>Understanding of the work to be done</th>
<th>20%</th>
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<td>Experience and past performance on similar kinds of work, including federally funded projects</td>
<td>20%</td>
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<tr>
<td>Quality of staff for work to be done</td>
<td>20%</td>
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<tr>
<td>Familiarity with state and federal procedures</td>
<td>20%</td>
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<tr>
<td>Approach to delivering project including work plan and schedule</td>
<td>20%</td>
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Contract award will be made to a team that presents the proposal that, in the opinion of the MST, is the most advantageous to MST, based on evaluation criteria outlined above. Having worked with MST is not a prerequisite for selection. All proposals must be fully responsive to this RFP in order to be considered. MST reserves the right to reject any and all proposals for any reason whatsoever. MST may waive informalities or irregularities in the proposal received where such is merely a matter of form and not substance, and the correction or waiver thereof is deemed by MST not prejudicial to other proposals.

The selection committee will rank the proposals and may ask firms to proceed to an interview. The firm(s) selected for an interview will be scheduled for the week of October 16.

A Cost Proposal and Certification of Indirect Costs and Financial Management System form (See Appendix B) are required to be submitted by all firms. The Cost Proposal form shall be submitted separately from the Technical Proposal and include the firm’s fixed fee in the form of
a percentage of total construction costs for providing the requested services. Provide a breakdown of fees by task, identifying employees, classification, billing rate and estimated hours per task (See Appendix B – Cost Proposal Form. Include information of any other incidental cost, such as: overhead, mileage, etc. A cost proposal will be opened only after the technical proposal has been reviewed and evaluated.

Following the selection process and after review of the cost proposal, MST will begin fee negotiations with the top-ranked firm. If MST fails to reach an agreement with that firm, a new negotiation will be instigated with the next highest ranked firm after review of its cost proposal. If the new negotiation fails to reach an agreement, then the process will be repeated until either a contract is successfully negotiated or the process is terminated by MST.

It is MST’s intent to follow the process and timetable as set forth below. At MST’s discretion, estimated dates and process are subject to change as necessary.

RFP Published: July 26, 2023
Consultant Questions Due: No later than 2:00 p.m., August 14, 2023
Proposals Due: 4:30 p.m., September 14, 2023 (Late Submittals Will Not Be Accepted)
Interviews: Week of October 16th (Day and Times to be Pre-Arranged)
Contract Negotiations: November 2023
MST Board of Directors Award of Contract: December 2023