## SECTION K

## REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS OR RESPONDENTS

Certain representations and certifications must be made by the offeror and must be filled in as appropriate. The signature of the offeror in Block 17 of Standard Form 33 (which is the face page of this solicitation) constitutes the making of the applicable representations and certifications. Award of any contract to the offeror shall be considered to have incorporated the applicable representations and certifications.

### 52.204-7 Central Contractor Registration (JULY 2006)

a. Definitions. As used in this clause—

"Central Contractor Registration (CCR) database" means the primary Government repository for Contractor information required for the conduct of business with the Government.

"Data Universal Numbering System (DUNS) number" means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.

"Data Universal Numbering System +4 (DUNS+4) number" means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at Subpart 32.11) for the same parent concern.

"Registered in the CCR database" means that—

1. The Contractor has entered all mandatory information, including the DUNS number or the DUNS+4 number, into the CCR database; and

2. The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS), and has marked the record "Active". The Contractor will be required to provide consent for TIN validation to the Government as a part of the CCR registration process.

b. 1. By submission of an offer the offeror acknowledges the requirement that a prospective awardee shall be registered in the CCR database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.

2. The offeror shall enter in the block with its name and address on the cover page of its offer, the annotation "DUNS" or "DUNS +4" followed by the DUNS or DUNS +4 number that identifies the offeror's name and address exactly as stated in the offer. The DUNS number will be used by the Contracting Officer to verify that the offeror is registered in the CCR database.

c. If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

1. An offeror may obtain a DUNS number -

i. If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at http://www.dnb.com; or

ii. If located outside the United States, by contacting the local Dun and Bradstreet office.

2. The offeror should be prepared to provide the following information:

i. Company legal business.

ii. Trade style, doing business, or other name by which your entity is commonly recognized.

iii. Company Physical Street Address, City, State, and ZIP Code.

iv. Company Mailing Address, City, State and ZIP Code (if separate from physical).

v. Company Telephone Number.

vi. Date the company was started.

vii. Number of employees at your location.

viii. Chief executive officer/key manager.

ix. Line of business (industry).

x. Company Headquarters name and address (reporting relationship within your entity).

d. If the Offeror does not become registered in the CCR database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

e. Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.

f. The Contractor is responsible for the accuracy and completeness of the data within the CCR database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. Updating information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

g.

1.

i. i. If a Contractor has legally changed its business name, "doing business as" name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in Subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of Subpart 42.12 of the FAR; and (C) agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

ii. If the Contractor fails to comply with the requirements of paragraph (g)(1)(i) of this clause, or fails to perform the agreement at paragraph (g)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of the electronic funds transfer (EFT) clause of this contract.

2. The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see FAR Subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the "Suspension of payment" paragraph of the EFT clause of this contract.

h. Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at http://www.ccr.gov or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

**52.204-8 Annual Representations and Certifications (JAN 2006)**

a.

1. The North American Industry Classification System (NAICS) code for this acquisition is 541611, Administrative Management and General Management Consulting Services

2. The small business size standard is $6.5 Million.

b.

1. If the clause at 52.204-7, Central Contractor Registration, is included in this solicitation, paragraph (c) of this provision applies.

2. If the clause at 52.204-7 is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (c) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:

[ ] (i) Paragraph (c) applies.

[ ] (ii) Paragraph (c) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

c. The offeror has completed the annual representations and certifications electronically via the Online Representations and Certifications Application (ORCA) website at http://orca.bpn.gov. After reviewing the ORCA database

information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below [offeror to insert changes, identifying change by clause number, title, date]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

| FAR Clause # | Title | Date | Change |
|---|---|---|---|
| _____ | _____ | _____ | _____ |

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

**52.204-9 Personal Identity Verification of Contractor Personnel (SEPT 2007)**

a. The Contractor shall comply with agency personal identity verification procedures identified in the contract that implement Homeland Security Presidential Directive-12 (HSPD-12), Office of Management and Budget (OMB) guidance M-05-24 and Federal Information Processing Standards Publication (FIPS PUB) Number 201.

b. The Contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

**52.230-1 Cost Accounting Standards Notices and Certification (JUNE 2000)**

Note: This notice does not apply to small businesses or foreign governments. This notice is in three parts, identified by Roman numerals I through III.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

If the offeror is an educational institution, Part II does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2(c)(5) or 9903.201-2(c)(6), respectively.

**I. Disclosure Statement—Cost Accounting Practices and Certification**

a. Any contract in excess of $500,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR

Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.

b. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

Caution: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

c. Check the appropriate box below:

[ ] (1) Certificate of Concurrent Submission of Disclosure Statement. The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows:

i. Original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable; and

ii. One copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement: _____
Name and Address of Cognizant ACO or Federal Official Where Filed:

_____

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

[ ] (2) Certificate of Previously Submitted Disclosure Statement. The offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement: _____
Name and Address of Cognizant ACO or Federal Official Where Filed:

_____

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

[ ] (3) Certificate of Monetary Exemption. The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling $50 million or more in the cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

[ ] (4) Certificate of Interim Exemption. The offeror hereby certifies that (i) the offeror first exceeded the monetary exemption for disclosure, as defined in (3) of this subsection, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 48 CFR 9903.202-1, the offeror is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under paragraph (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

Caution: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of $50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90 day period following the cost accounting period in which the monetary exemption was exceeded.

**II. Cost Accounting Standards—Eligibility for Modified Contract Coverage**

If the offeror is eligible to use the modified provisions of 48 CFR 9903.201-2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

□ The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than $50 million in awards of CAS-covered prime contracts and subcontracts. The offeror further certifies that if such status

changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

> Caution: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of $50 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of $50 million or more.

**III. Additional Cost Accounting Standards Applicable to Existing Contracts**

The offeror shall indicate below whether award of the contemplated contract would, in accordance with paragraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

☐· Yes ☐· No

## SECTION L- INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

### L-1 PROPOSAL INSTRUCTION

(a) As prescribed by FAR 52.215-16, the Government may award a contract on the basis of initial offers received, without discussion. Therefore, your initial offer should contain your best terms from a technical and price standpoint. The government reserves the right to conduct discussions if the Contracting Officer determines that they are necessary.

Under separately-bound, two volume format, the Offeror is requested to submit: one (1) original proposal, plus nine (9) hardcopies of Volume 1 Qualifications/Capability (Technical) Proposal; and one (1) original proposal, plus three (3) hardcopies of Volume II Cost Proposal for this effort. The effort shall be performed in accordance with the Statement of Work. Your original proposals, plus the designated hardcopies, shall be submitted to the following address:

U.S. Department of Transportation
Federal Transit Administration
Office of Procurement, TAD-40
East Building (4th Floor)
1200 New Jersey Ave., SE
Washington, DC 20590
Attn: John Bardwell III, Contracting Officer

In addition to the hardcopy proposal submission Offerors must provide copies of their proposal, properly labeled, on a compact disc read only memory (CDROM). All proposals must show the RFP Number **DTFT60-08-R-000010** on the cover page and outside of the envelope.

| Proposals must be received no later than 5:00 pm EST on Tuesday, August 26, 2008. |
|---|

A two-volume written proposal shall be submitted by Offerors in accordance with Section L.2.1. Volume 1 will address the technical submission of the Offeror's qualifications and capabilities. Volume 2 will address the Offeror's cost proposal.

(b) Only uniformed couriers dressed in a uniform bearing their organization's name and possessing official identification may deliver proposals or sealed bids. Security procedures prohibit non-uniformed couriers from delivering material directly to offices in the DOT Building; such couriers must delivery material to the west building security entrance at the DOT Building. The guard will accept the material, dismiss the courier,

and then the material will be examined prior to being delivered to the Office of Procurement (TAD-40) through the normal DOT Building mail delivery procedures. Offerors planning to use non-uniformed couriers or other means of delivery should make allowances for these procedures in order to assure that offers arrive at FTA's Office of Procurement (TAD-40) on time. Bids/offers must be received by the Office of Procurement (TAD-40) to be considered timely, not just delivered to the DOT mail room or loading dock.

(c) Consistent with FAR 52.215-1 (JAN 2004), "Instructions to Offerers - Competitive Acquisition." Offerors that include in their proposal data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall:

(1) Mark the title page with the following legend: This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part — for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of - or in connection with - the submission of this data, the Government shall have the right to duplicate, use or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained herein if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

(2) Mark each sheet of data it wishes to restrict with the following legend: Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(d) Facsimile, email proposals will NOT be considered for this solicitation.

(1) The Source Evaluation Board (SEB) will evaluate the proposals using the criteria in this Section M. A Source Selection Official (SSO) will select Offerors for contract award using the best value analysis described in this Section M.

(2) The instructions set forth in this Section L are designed to provide guidance to the Offeror concerning the documentation that will be evaluated by the SEB. The Offeror must furnish adequate and specific information in its response. A proposal shall be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be totally unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address the essential requirements of the solicitation, or if it clearly demonstrates that the Offeror does not understand the requirements of the solicitation. In the event that a proposal is rejected, a notice will be sent to the Offeror stating the reason(s)

that the proposal will not be considered for further evaluation under this solicitation.

## L.2 WRITTEN PROPOSAL AND ORAL PRESENTATION INSTRUCTIONS

(a) A separately-bound, two-volume written proposal shall be submitted by Offerors in accordance with Section L.2.1.

(b) In addition to the written proposal, Offerors in the competitive range shall make oral presentations to the Government. In the event there is a discrepancy between the written proposal and the oral presentation, the written proposal takes precedence. Oral presentations shall be conducted in accordance with the instructions in Section L.2.9.

(c) If the Offeror fails to submit a written proposal as scheduled, the Government will consider the entire offer to be non-responsive.

(d) Offerors shall submit only the information required by this section. Marketing literature, marketing or product videos, catalogs, manuals, product literature, or other extraneous information, either electronic or hard copy provided with the proposal or at the oral presentation will not be reviewed or utilized in the evaluation.

### L.2.1 Written Proposals

Offerors shall submit their written proposals in accordance with Section L.1(a). The written proposals shall be provided in two (2) separately-bound volumes, as follows:

**Volume I – Qualifications/Capabilities (Technical) Proposal**

Executive Summary
Section 1 – Personnel Qualifications
Section 2 – Technical Excellence
Section 3 – Management Capability
Section 4 – Past Performance
Section 5 – Organizational and Individual Conflicts of Interest
Section 6 – Socioeconomic Status

**Volume II – Cost Proposal**

Executive Summary
Section 1: Cost Proposal – General
Section 2: Cost Proposal

The written proposal, submitted as Volume I and II shall be evaluated based on the information presented. Therefore, organization, clarity, accuracy of information, relevance, and completeness are of significant importance.

### L.2.2 Written Proposal Organization

The following table summarizes written proposal's organizational requirements. The proposal should have a paper size limitation of 8.5 inches by 11 inches. Font size shall be 12 point. Font type shall be Times New Roman.

NOTE: In the table L2.2 below, section letters contained in the "Sections" column correspond to those section letters contained in the "Maximum Pages and Special Instructions" column.

| Proposal Volume | Date Due | Volume Copies | Sections | Maximum Pages and Special Instructions |
|---|---|---|---|---|
| **Volume I:**<br><br>**Qualifications and Capabilities (Technical)** | 8/26/08 | Three (3) CD-ROMs; one (1) original and nine (9) hard copies | **Executive Summary – Qualifications and Capabilities** | Three (3) pages maximum. |
| | | | **Section 1 –Personnel Qualifications**<br>A. Resume Summaries<br>B. Key Personnel Letters of Commitment<br><br>(Reference Section L.2.4 for preferred qualifications for Key Personnel) | A. Minimum of one Resume Summary per labor category or skill set, providing only relevant experience information, not to exceed three (3) pages each.<br>B. Scanned images are acceptable. One (1) required from each key person and one (1) page limit per letter. |
| | | | **Section 2 – Technical Excellence**<br>A. Technical Approach<br>B. Quality Control Plan | A. Limited to a maximum of 15 pages, single-sided.<br>B. Limited to a maximum of 10 pages, single-sided. |
| | | | **Section 3 – Management Capability**<br>A. Management Plan, consisting of the elements contained in Section L.2.6 below. | A. Limited to a maximum of 15 pages, single-sided. |

| | | | | |
|---|---|---|---|---|
| | | | | |
| | | | **Section 4 – Past Performance**<br>A. Past Performance Information (PPI) Form Reference Attachment J-2 | A. Maximum of five (5) past performance references covering the last 5 years. Maximum one (1) page limit per PPI reference. |
| | | | **Section 5 – Organizational and Individual Conflicts of Interest**<br>A. Conflict of Interest Matrix Spreadsheet Reference Attachment J-5 | A. Offeror to provide conflict status for each project listed in the Government-provided matrix spreadsheet. Reference Attachment J-5 in Section J, List of Attachments |
| | | | **Section 6 –**<br>**Socioeconomic Status** | One (1) Page maximum. |
| **Volume II:**<br>**Cost Proposal** | 8/26/08 | Three (3) CD-ROMs, one (1) original, and three (3) hard copies | **Executive Summary – Cost Proposal** | Two (2) pages maximum. |
| | | | **Section 1 – Cost Proposal – General** | No page limitation. |
| | | | **Section 2 – Cost Proposal**<br>A. Cost / Price Information | A. No page limitation. |

Table L2.2

### L.2.3 Volume 1: Executive Summary

At the beginning of Volume I, the Offeror shall include a three (3) page

Executive Summary of the information contained in the following sections/subsections of Volume I. The information provided in the Executive Summary is not to introduce any new marketing literature or any other extraneous information.

### L.2.4 Volume 1, Section 1: Personnel Qualifications

**a)** Offerors shall provide resumes for their Key Personnel, as identified below. The page count for each resume shall not exceed three (3) pages. **Preferred** professional qualifications of key personnel are presented below. Each requirement should be satisfied to be best qualified for the Key Personnel position. The requirements for a position or positions may be fulfilled concurrently:

Program Manager

- Minimum 15 years of management of Project Planning, Engineering, Architecture service contract with experience in passenger rail or other modes, and
- Degree in (BS, Masters, or PhD) in Engineering, Architecture, Planning, Business or Government Administration, and
- Professional Engineer or Registered Architect or PMP certification or 15 years experience in a program management oversight program, and
- Required to be an employee of the Contractor(s) (no subcontractors) and,
- The resume should highlight the listed experience in passenger rail or other transportation modes:
  - Engineering design management
  - Project planning management
  - Construction management
  - NEPA report development
  - Public outreach management
  - Federal grant management process
  - Regulatory and compliance experience
  - Providing project oversight services to a grant management program

Task Order Manager

- Minimum 15 years of management of Project Planning, Engineering, Architecture service contract with experience in passenger rail or other modes, and

- Degree in (BS, Masters, or PhD) in Engineering, Architecture, Planning, Business or Government Administration, and
- Professional Engineer or Registered Architect or PMP certification or 15 years experience in a program management oversight program, and
- Required to be an employee of the Contractor(s) (no subcontractors) and,
- The resume should highlight the listed experience in passenger rail or other transportation modes:
  - Engineering design management
  - Project planning management
  - Construction management
  - NEPA report development
  - Public outreach management
  - Federal grant management process
  - Regulatory and compliance experience
  - Providing project oversight services to a grant management program

Civil Engineer (PE)

- Minimum 10 years of management of Project Planning, Engineering, Architecture service contract with experience in passenger rail , fixed guideway,and other transportation modes, and
- Minimum 5 years of engineering design experience in rail or other transportation modes, and
- Minimum 5 years of construction management experience in rail or other transportation modes, and
- Degree (BS, Masters, or PhD) in Civil Engineering, and
- Professional Engineer
- May concurrently serve as the Systems Integration Manager or Risk Assessment Manager

Systems Integration Manager

- Systems engineering management and system integration management inclusive of signals, communication propulsion power systems and control center engineering, and
- Minimum 10 years of management of Project Planning, Engineering, Architecture service contract experience in rail or other transportation modes, and
- Minimum 5 years of engineering design management experience in passenger rail or other transportation modes, and
- Minimum 5 years of construction management experience in rail or other transportation modes, and
- Degree (BS, Masters, or PhD) in Engineering or Architecture
- May concurrently serve as the Civil Engineer or Risk Assessment Manager

Risk Assessment Manager

- Minimum 3 years of Management of Project Risk Assessment experience in transit, and
- Minimum 5 years of Project Risk Assessment experience in other transportation modes, and
- Minimum 5 years of Risk Assessment in safety or geotechnical engineering and
- Minimum 3 years experience providing project oversight services highlighting the FTA Risk Assessment products, and
- Degree (BS, Masters, or PhD) in Engineering, Business, Government Administration or Mathematics, and
- Professional Engineer or PMP certification
- May concurrently serve as the Systems Integration Manager or Civil Engineer

The Contractor shall complete and submit **Attachment J-1 (Key Personnel and Support Staff Resume Form) contained in Section J, List of Attachments,** of this RFP for each key person and support staff personnel who will participate in this contract in accordance with the Section M-4(a). **Attachment J-2 , Required Skill Sets (Disciplines) referenced in Section J, List of Attachments** provides a complete listing of both required Key Personnel and anticipated Support Staff for this contract. Offeror's are to provide one resume for each skill set with the resumes grouped as they are listed in

**Attachment J-2**, with personnel of the prime Contractor or joint venture partner firms identified as well as the names of sub-Contractors. One individual may provide more than one skill set. **Note**: Only one resume will be evaluated for each labor category. Additional resumes may be presented in a separate grouping which will not be considered as part of evaluation. The following information must be provided for each resume:

(1) Name: Self-explanatory.

(2) Role in This Contract: **Skill Sets (Disciplines)**.

(3) Years Experience: Total years of relevant experience, and years of relevant experience and experience with current firm.

(4) Firm Name and Location: Name, city and state of the firm where the person currently works, which must correspond with one of the firms that are part of the proposer's team.

(5) Education: Provide information on the each relevant academic degree(s) received. Indicate the area(s) of specialization and concentration for each degree.

(6) Current Professional Registration: Provide information on current relevant professional registration(s) in a State or possession of the United States, Puerto Rico, or the District of Columbia.

(7) Other Professional Qualifications: Provide information on any other professional qualifications relating to this contract, such as education, professional registration, publications, organizational memberships, certifications, training, awards, and foreign language capabilities.

(8) Relevant Projects: Provide information on at least one and up to five projects in which the person had a significant role that demonstrates the person's capability relevant to her/his proposed skill set role in this contract. These projects do not necessarily have to be any of the projects presented in Section F for the project team if the person was not involved in any of those projects or the person worked on other projects that were more relevant than the team projects in Section F. Indicate if the project was performed with another firm. Indicate if any of the professional services or construction projects are not complete.

**b) Key Personnel Letters of Commitment**

The Offeror shall provide letters of commitment that provide evidence of the corporate intent to commit these Key Personnel in the service of the FTA requirement from the date of contract award through the completion of the applicable work. An employee proposed for a Key Personnel role must be supported by a letter of commitment. A letter of commitment shall include the name of the person whose resume is provided, and an indication of the percentage of time the employee will be available to be assigned during

the term of this contract. Limited availability will result in a lower evaluation score. A corporate official and each key person shall sign the their commitment letters. Letters should be scanned for insertion into the proposal document, and are limited to one (1) page each. An employee of a sub-contractor proposed for a Key Personnel role must be supported by a letter of commitment from the individual and the individual's employer

### L.2.5 Volume 1, Section 2: Technical Excellence

The Offeror shall provide the following information in accordance with the evaluation criteria contained in Section M-4(b).

(a) Technical Understanding and Approach: In its proposal, the Offeror shall submit its planned technical approach to successfully accomplish the contract requirements. The Offeror shall explain the techniques and methodologies it intends to use, taking into consideration use of the Oversight Procedures (OP), **Attachment J-3, Oversight Procedures, provided in Section J of this RFP**, in the execution of the Section C (Statement of Work) requirements.

(b) Technical Planning: In its proposal the Offeror shall submit a quality control (QC) plan that clearly demonstrates and identifies the QC system the Contractor intends to use to effectively manage the quality of the work they perform and that the work meets all contract requirements. The Offeror shall demonstrate, through development of a quality control plan, its ability to provide all required deliverables: at the required frequency; within the allocated time, and in conformance with contract requirements.

(c) Prior Experience: The Offeror shall provide a minimum one contract and a maximum of five contracts it has had within the last 5 years in the area of project management oversight. The work experience must have been in one of the following areas of interest: civil engineering project; fixed guide-way project; or transit or railroad project. The contract must have or had a construction value equal to or greater than $20,000,000. Prior experience shall be used to evaluate the Offeror's technical expertise and determine whether the Offeror has performed such work in the past.

### L.2.6 Volume 1, Section 3: Management Capability

The Offeror shall submit a management plan that demonstrates how it will effectively manage all aspects of contract performance. The management plan shall include:

a) an organizational chart delineating lines of authority, responsibility and communication,
b) identified management techniques that will facilitate early identification and resolution of problems, the prompt response to changes, and ability to react to workload fluctuations,
c) a staffing plan that clearly represents an appropriate level and labor mix, and reflects the technical input and ability for successful and timely contract performance, and
d) a subcontracting plan that clearly demonstrates how the Offeror will meet the 20%

goal for participation of small disadvantage, women-owned, Hub-Zone, Veteran and Service-Disabled Veteran, 8(a)Program, and small businesses.

**L.2.7 Volume 1, Section 4: Past Performance**

The Offeror shall complete and submit **Attachment J-4 (Past Performance Information Form) contained in Section J, List of Attachments**, of this RFP for each past performance reference the Offeror submits in accordance with Section M-4(d).

The Offeror shall submit written documentation of its past performance information within the last five (5) years as outlined below. Through a past performance summary, the Offeror shall identify current and past contracts (these may be federal, state, local government or private contracts) for the same or similar work, including the contract number, dollar value, dates, name of contracting agency, a contact telephone number, and a description of the work effort. The Offeror must clearly show how the work under each referenced contract is relevant to the proposed effort. Some, but not necessarily all, of the references will be checked by the Government to verify the quality of the past performance over the past five years. Offerors may describe the quality of their performance on the referenced contracts and must also provide information on predecessor companies, key personnel who have relevant experience or subContractors that will perform major or critical aspects of the requirement. Offerors are required to identify any performance difficulties in the referenced contracts and to discuss corrective measures taken. The Offeror shall provide written evidence that it was able to identify the cause of the problems and demonstrate that the problems were resolved to the satisfaction of the requiring activity. If past problems are not fully addressed, it will be assumed that those problems still exist, and the proposal will be evaluated accordingly. The Offeror should submit copies of agency-developed Contractor performance reports on past or current contracts as part of their past performance information, if available. Offerors should provide information on awards or commendations that they have received regarding work on referenced contracts. In the event the Government receives adverse past performance information from the Offeror's references during the Government's past performance reference checks, the Offeror shall be given an opportunity to respond.

**L.2.8 Volume 1, Section 5: Organizational and Individual Conflicts of Interest**

The Offeror shall complete and submit the Government-provided **Conflict of Interest matrix spreadsheet, Attachment J-5, in Section J, List of Attachments.** The Offeror is not allowed to alter the content in the spreadsheet. The Offeror is required to indicate in the required fields whether there is or isn't a conflict of interest and whether or not the Offeror is interested in the project assignment based upon their contract status. Offerors shall refer to the Conflict of Interest language in Section H Special Requirements prior to completing and submitting the Conflict of Interest matrix spreadsheet.

**L.2.9 Volume 1, Section 6: Socioeconomic Status**

The Offeror shall refer to Section K, Representations, Certifications, and Other Statements of Offerors, where Small Businesses are required to self-certify their status. Offerors possessing 8a, HubZone or Small Disadvantage Business shall provide a copy of their certification letter from the Small Business Administration (SBA) verifying their

status in these three categories. The Government shall verify all information through SBA and Central Contractor Registration (CCR).

**L.2.10 Oral Presentation**

In addition to the written proposal, Offerors determined by the SEB to be in the competitive range shall make oral presentations to the Government.

Offerors in the competitive range will be notified by the Office of Procurement (TAD-40) to conduct an oral presentation at:

U.S. Department of Transportation
Federal Transit Administration
1200 New Jersey Ave., SE
Washington, DC 20590

The Office of Procurement (TAD-40) will instruct Offerors in the competitive range as to the time and location of the oral presentation.

(1) The Contractor shall ensure that all personnel designated as key personnel (to include Program Manager, Task Order Manager, Civil Engineer (PE), System Integration Management professional, Risk Assessment professional) for the FTA contract are introduced in person at the Oral Presentation and that only the key personnel represented in the Offeror's proposal make the Oral Presentation.
(2) The questions will be asked at the time of the Offeror's oral presentation and will not be published or made known to the Offeror in advance.
(3) Maximum allotted time for presentation is 1 (one) hour.
(4) Other details regarding facilities, equipment, presentation format, etc. will be provided to those Offerors in the competitive range designated to make Oral Presentations.

**L.2.11 Volume II, Section 1: Cost Proposal- General**

**a) General**

All information shall be grouped-divided for each firm. Information submitted for the prime Contractor must be reflected first. All Offerors shall submit the following information:

(1) RFP Section A (Standard Form 33), RFP Section B, and RFP Section K. Blocks 12 through 18 of Standard Form 33 must be filled in as appropriate, signed and returned with the offer.

(2) Section K of this RFP, "Representations, Certifications, and Acknowledgements" must be filled out, signed by an authorized organizational representative, and returned as part of your proposal. This requirement applies to all subContractor's/consultants.

(3) Your cost proposal shall be specific and complete in every detail. The prime Contractor and all proposed subContractors shall complete and submit cost proposals utilizing **Attachment J-6, Contract Pricing Summary, provided in Section J, List of Attachments**, with appropriate back-up material as follows:

- Managerial, technical and professional labor costs
- Fringe Benefits, if appropriate
- Overhead costs
- Travel and Per Diem costs (plug-in value provided)
- Other Direct Costs {plug-in value provided)
- Consultant/SubContractor costs, appropriately detailed
- G&A Cost and the application thereof
- Facilities Capital Cost of Money, if appropriate
- Fixed Fee (fee is not authorized for travel and Per Diem expenses, Other Direct Cost, nor subContractor/consultants proposed cost).

*The plug-in value for Travel and Other Direct Costs* may be applied to Contractor's cost and/or subContractors cost, but shall not exceed the government's estimated value of **$850,000.**

(4) If other divisions, subsidiaries, a parent or affiliated companies will perform work or furnish materials under this proposed contract, please provide the name and location of such affiliate and your intercompany pricing proposal.

## L.2.12 Volume II, Section 2: Cost Proposal

### a) Cost / Price Information

(1) Adequate price competition is expected to exist, and this action is therefore exempt from the requirement for submission of cost or pricing data. However, all Offerors (prime and subContractors) shall submit a budget summary for the entire contract period of performance and a separate summary for each year of the project. Budget summaries shall clearly identify the following:

- Direct labor by labor categories to include hours, rates, and escalation. NOTE: Offerers must relate labor categories to the Government labor categories provided.

- All applicable indirect rates including their corresponding basis. No unallowable costs should be included in any overhead rates (see the Federal Acquisition Regulations Parts 30 & 31 for details). NOTE: Offerers must provide dollar values as well as percentages.

- Other Direct Costs and Travel: For purposes of this solicitation, assume travel and other direct costs of **$850,000** for these categories. These line items will be reimbursed at cost as

determined reasonable, allocable and allowable for payment.

NOTE: Although a plug-in value is provided for travel and other direct costs, these items will be reimbursed at cost, or as negotiated for each task order award.

- Fixed fee and its basis. NOTE: Fee is not authorized for Travel and Per Diem expenses, Other Direct Costs and Sub-consultants.

This information is necessary to determine the adequacy of the Offerer's proposal, e.g., information adequate to validate that the proposed costs are consistent with the technical proposal, or cost breakdowns to help identify unrealistically priced proposals.

(2) Any information submitted must support the price proposed. Include sufficient detail or cross-references to clearly establish the relationship of the information provided to the price proposed. Support any information provided by explanations or supporting rationale as needed to permit the Government to evaluate the documentation (to include Federal and Independent audit information, breakout of overhead/G&A pools as appropriate). Such information is not considered cost or pricing data, and will not require certification in accordance with FAR 15.406-2.

(2) If, after receipt of offer, the Contracting Officer concludes there is insufficient information available to determine price reasonableness and none of the exceptions described in FAR 15.403-1 applies, then cost or pricing data shall be obtained. As a minimum, a budget summary shall be submitted for each year of the contract period (reference paragraph 1 above).

**NOTE:** There is a clear distinction between submitting cost or pricing data and merely making available books, records, or other documents without identification. The requirement for submission of cost or pricing data is met when all accurate cost or pricing data reasonably available to you have been submitted, either actually or by specific identification, to the Contracting Officer or an authorized representative. As later information comes into your possession, it should be promptly submitted to the Contracting Officer. The requirement for submission of cost or pricing data continues up to the time of final agreement on price.

(3) The Offeror shall state whether the Federal Government currently approves its and its proposed subContractors' accounting systems without conditions. If not, the Offeror shall explain any existing conditional approvals and the status where approval does not exist or has been denied. Provide a copy of any Federal Government agency audit reports prepared within the last three (3) years. If Federal Government audits are unavailable, provide complete and accurate financial statements from you and/or your subContractor's CPAs/accounting firm, include a certified statement from a CPA and/or accounting firm stating whether your and/or your subContractor's accounting systems are adequate to segregate costs.

(4) The Offeror, and its proposed subContractors, shall make its records available for pre-award or post-award audits.

**b) Staffing Proposal**

(1) For purposes of determining contract cost over the 5-year period of performance, the following distribution of hours is to be used in preparing your cost proposals. Your proposal must reflect the labor classifications reflected below, the hours assigned to each labor category and a total of **60,000** hours. The total hours for each labor classification shall be equally distributed over the period of performance, i.e. 12,000 total labor hours per year.

| Labor Classification | Estimated Number of Labor Hours |
|---|---|
| Program Manager (PE, RA, PMP® or PMOC >15 yrs) – Program Resource Manager (Prime Contractor(s) only; No Subcontractors) | 3000 |
| Task Order Manager (PE, RA, PMP® or PMOC >15 yrs) – Capability/Capacity Expertise (Prime Contractor(s) only; No Subcontractors) | 9600 |
| Systems Integration Manager – Oversight, Review of Grantees' Design and Reports | 3000 |
| Civil Engineer (PE) – Oversight and Review of Grantees' Engineering Design | 4200 |
| Risk Assessment Manager – Analysis of Project Risks in Cost, Schedule, Performance and Safety | 3600 |
| Officer-in-Charge- Corporate Representative of Prime Contractor (Prime Contractor(s) only; No Subcontractors) | 600 |
| QA/QC Manager (CMQ/OE) – Certified Manager of Quality/Organizational Excellence, Audits | 1200 |
| Business Economics Manager – Financial Projections, Spread Sheets, Inflation Modeling | 1200 |
| Professional Planner (PP) – Oversight and Review of Grantees' Project | 1200 |
| Government and Regulatory Manager- Federal Railroad Administration (FRA), State Safety Oversight, Occupation Safety and Health Administration (OSHA), | 1200 |
| Contracts and Terms Manager –Legal (Contracts), Claims, Negotiation of Railroad Contracts | 1200 |
| Procurement / Supply Manager - Project Delivery Method, Federal Acquisition Regulations | 1200 |
| Real Estate Manager – Uniform Relocation Act Expert | 1200 |
| Architect/Architectural Engineer (RA) – Oversight and Review of Architectural Design | 1200 |
| Rail Vehicle / Bus / Motor Vehicle Engineer – Oversight of Grantees' Design | 1200 |
| System Safety Expert – 882 c process | 1200 |
| Construction Management Manager – Planning and Execution; Equipment, Labor Management | 1200 |
| Transit Operations Planning Manager – Review of Fleet Plans | 1200 |
| Mobility Expert - ADA Application to Transit | 1200 |
| Project Scheduling Manager– Microsoft Project and Primavera Expertise | 1200 |
| Document Control Manager – PMO Document and Presentation Preparation | 1200 |
| Cost Estimation Manager– Requires Transit including Rail Route Construction and Vehicle Shops | 600 |
| Industrial Engineer - Oversight of the Grantee Shops, Maintenance Process | 600 |
| Rail Signal Engineer – Oversight and Review of Grantees' Design and Reports | 600 |
| CBTC / Automatic Train Control Engineer – Oversight of Grantees' Design | 600 |

| | |
|---|---|
| Communications Engineer – Oversight and Review of Grantees' Design and Reports | 600 |
| Rail / Bus Vehicle Maintenance Manager – Review of Plans and Shop Capabilities | 600 |
| Rail Right of Way Maintenance Manager – Track Maintenance Plans, Requirements | 600 |
| Rail Track Design Engineer (PE) – Oversight and Review of Grantees' Design | 600 |
| Roadway Design Engineer, BRT (PE) – Oversight and Review of Grantees' Design | 600 |
| Structural Engineer (PE) – Oversight and Review of Grantees' Design | 600 |
| Bridge Engineer (PE) – Oversight and Review of Grantees' Design | 600 |
| Environmental Engineer (PE) – Oversight, Review of Grantees' Design and Reports | 600 |
| Geotechnical Engineer (PE) – Oversight and Review of Grantees' Design and Reports | 600 |
| Tunnel Engineering/Construction Manager (PE)– Oversight of Grantees' Design and Construction | 600 |
| Value Engineer – Oversight and Review of Grantees' Design and Reports | 600 |
| Mechanical Engineer (PE) – Oversight and Review of Grantees' Design and Reports | 600 |
| Electrical / Traction Power Engineer (PE) – Oversight, Review of Grantees' Design | 600 |
| Fare Collection Manager– Oversight of Grantees' Design of Automatic Fare Collection | 600 |
| Data Acquisition Manager – Oversight of Grantees' Design of Data Acquisition System | 600 |
| System Security Expert– Transit Security Expertise including anti-terrorism planning | 600 |
| Construction Safety Manager- Includes Guideway, Tunnel, High Voltage, and other Safety Management Experience | 600 |
| Buy America Expert- Familiarity with FTA Buy America Regulations | 600 |
| Clerical Support Staff | 4800 |
| Total | 60000 |

(2) The cost proposal of the prime Contractor must incorporate the proposed cost of its subContractors on line 5.c. of the Contract Pricing Summary (similar formats are allowed).

(3) A breakout of the actual positions and salaries that comprise average labor rates must be provided as supporting information..

(4) The following chart, or similar document, is to be submitted that provides the maximum labor rate per position, inclusive of application of the proposed escalation factors. NOTE: Multiple line items for each category may be proposed if appropriate {i.e. multiple task order managers; breakout of technical support based on work performed — civil engineers, quality control specialists, etc.).

| Prime or Sub Contractor [insert name] (escalation factor, maximum 4% ), Maximum | | | | | |
|---|---|---|---|---|---|
| Name/Title | Year | Year 2 | Year 3 | Year 4 | Year 5 |
| Officer-in-Charge (No Subs) | $ | $ | $ | $ | $ |
| Program Manager (No Subs) | | | | | |
| Task Order Manager (No Subs) | | | | | |
| Systems Integration Manager | | | | | |
| Civil Engineer (PE) | | | | | |
| Risk Assessment Manager | | | | | |
| QA/QC Manager (CMQ/OE) | | | | | |
| Business Economics Manager | | | | | |
| Professional Planner (PP) | | | | | |
| Government and Regulatory Manager | | | | | |
| Contracts and Terms Manager | | | | | |
| Procurement / Supply Manager | | | | | |
| Real Estate Manager | | | | | |
| Architect/Architectural Engineer (RA) | | | | | |
| Rail Vehicle/Bus/Motor Vehicle Engineer | | | | | |
| System Safety Expert | | | | | |
| Construction Management Manager | | | | | |
| Transit Operations Planning Manager | | | | | |
| Mobility Expert | | | | | |
| Project Scheduling Manger | | | | | |
| Document Control Manager | | | | | |
| Cost Estimation Manager | | | | | |
| Industrial Engineer | | | | | |
| Rail Signal Engineer | | | | | |
| CBTC / Automatic Train Control Engineer | | | | | |
| Communications Engineer | | | | | |
| Rail / Bus Vehicle Maintenance Manager | | | | | |
| Rail Right of Way Maintenance Manager | | | | | |
| Rail Track Design Engineer (PE) | | | | | |
| Roadway Design Engineer, BRT (PE) | | | | | |
| Structural Engineer (PE) | | | | | |
| Bridge Engineer (PE) | | | | | |
| Environmental Engineer (PE) | | | | | |
| Geotechnical Engineer (PE) | | | | | |
| Tunnel Engineering/ Construction Manager | | | | | |
| Value Engineer | | | | | |
| Mechanical Engineer (PE) | | | | | |
| Electrical / Traction Power Engineer(PE) | | | | | |
| Fare Collection Manger | | | | | |
| Data Acquisition Manager (DAS) | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| System Security Expert | | | | | |
| Construction Safety Manager | | | | | |
| Buy America Expert | | | | | |
| Clerical Support Staff | | | | | |
| | | | | | |

(5) Forward pricing rate agreements, forward pricing plans, and data in support of, shall be provided for the Offeror and its proposed subcontracting firms, if available.

(6) As supporting documentation, provide a breakout of the number of hours, per position, per year of performance used in establishing your cost (based on application of the escalation factor and other adjustments taken).

## L.3 OTHER FINANCIAL/ORGANIZATIONAL INFORMATION

General Information, The Offeror and its proposed subContractors shall attach a supplemental sheet providing the following information.

(a) Indicate the firm's fiscal year period (provide month-to-month dates).

(b) Indicate whether the proposed indirect cost rate(s) have been audited and accepted by any Federal Audit Agency.* Provide name, location and telephone number of the agency and the date of acceptance.

*If the answer to b) above is no, data supporting the proposed rates must accompany the cost proposal. The data shall include a breakout of the items comprising overhead and G&A rates, and the base upon which the burdens are computed. NOTE: Any cost proposed for independent research and development (IR&D) and bid and proposal (B&P) cost effort will not be allowed unless they can be shown to relate to FTA programs.

(c) Indicate whether your system of control of Government property has been approved by a Government Agency. If so, provide the name, location, contact person, and telephone number of the Government agency.

(d) Indicate whether written purchasing procedures exist, and whether your purchasing system has been approved by a Government agency. If so, provide the name, location and telephone number of the cognizant agency, and date of approval.

(e) Indicate whether your cost accumulation system has been approved by any Government agency. If so, provide the name, location and telephone number of the cognizant agency, and date of approval.

(f) Indicate whether your cost estimating system has been approved by any Government agency. If so, provide the name, location and telephone number of the cognizant agency, and date of approval

g) Submit a current financial statement, including a balance sheet and income statement for the last completed fiscal year. Specify resources available to perform the contract without assistance from any other source. If sufficient funds are not available, indicate the amount required and the anticipated source (i.e., bank loans, letter or lines of credit, etc.)

h) Indicate whether your firm has an established written incentive compensation or bonus plan. If so provide a copy.

i) Complete and submit Attachment J-12 Disclosure of Lobbying Activities Form provided in Section J of this RFP.

Until a formal notice of award is issued, no communication by the Government either written or oral shall be interpreted as a promise that an award will be made.

**The total page count for the technical proposal shall not exceed 60 pages, excluding the resume reporting requirements and the Section J attachments the offeror is required to submit.**

## L.4 FEDERAL ACQUISITION REGULATIONS (48 CFR CHAPTER) SOLICITATION PROVISIONS

52.252-1 Solicitation Provisions Incorporated By Reference (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address: http://www.arnet.gov/far/

| | | |
|---|---|---|
| 52.215-1 | Instructions to Offerors-Competitive Acquisition | JAN 2004 |
| 52.222-46 | Evaluation of Compensation for Professional Employees | FEB 1993 |
| 52.232-38 | Submission of Electronic Funds Transfer Information With Offer | MAY 1999 |
| 52.237-10 | Identification of Uncompensated Overtime | OCT 1997 |

FEDERAL ACQUISITION REGULATION (FAR) CLAUSES IN FULL TEXT

1. 52.204.6 DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER (OCT 2003)

(a) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" or "DUNS+4" followed by the DUNS number or "DUNS+4" that identifies the Offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. The DUNS+4 is the DUNS number plus a 4-character suffix that may be assigned at the discretion of the offeror to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see Subpart 32.11) for the same parent concern.

(b) If the Offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An Offeror may obtain a DUNS number—

(i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at http://www.dnb.com; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office.

(2) The Offeror should be prepared to provide the following information:

(i) Company legal business name.

(ii) Trade style, doing business, or other name by which your entity is commonly recognized.

(iii) Company physical street address, city, state and ZIP Code.

(iv) Company mailing address, city, state and ZIP Code (if separate from physical).

(v) Company telephone number.

(vi) Date the company was started.

(vii) Number of employees at your location.

(viii) Chief executive officer/key manager.

(ix) Line of business (industry).

(x) Company Headquarters name and address (reporting relationship within your entity).

(End of provision)

2. 52.215-16 FACILITIES CAPITAL COST OF MONEY (JUN 2003)

(a) Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in FAR 31.205-10(b) are met. One of the allowability criteria requires the prospective Contractor to propose facilities capital cost of money in its offer.

(b) If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

(End of provision)

3. 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a cost reimbursable, indefinite delivery indefinite quantity (IDIQ) contract resulting from this solicitation.

(End of provision)

4. 52.233-2 SERVICE OF PROTEST (SEP 2006)

(a) Protests, as defined in section 31.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from Mr. John L. Bardwell III. [*Address: U.S. DOT Building, Federal Transit Administration, 1200 New Jersey Avenue, SE., East Building, 4th Floor, Room 42-331, Washington, DC 20590* ]

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

# SECTION M
# EVALUATION FACTORS FOR AWARD

## M-1 EVALUATION OF PROPOSALS

(a) This acquisition will be conducted using the policies and procedures in Federal Acquisition Regulation (FAR) Part 15. A Source Evaluation Board (SEB) will evaluate the proposals using the criteria in this Section M. A Source Selection Official (SSO) will select an Offeror(s) for contract award(s) using the best value analysis described in this Section M. Multiple awards may be expected for this acquisition.

(b) The Government intends to evaluate proposals and award a Contract without discussions with Offerors (except clarifications as described in FAR 15.306(a)). The Government reserves the right to conduct discussions if the Contracting Officer later determines discussions to be necessary. Any exceptions or deviations by the Offeror to the terms and conditions stated in this solicitation for inclusion in the resulting Contract may make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the Contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the Contract.

(c) After evaluation and prior to selection for award by the SSO, a finding will be made by the Contracting Officer whether any possible Organizational and Individual Conflict of Interest exists with respect to the apparent successful Offeror or whether there is little or no likelihood that such conflict exists. In making this determination, the Contracting Officer will consider the Offeror's representation required by the Contract's Section L.2.8 provision entitled "Organizational and Individual Conflicts Of Interest". An award will be made if there is no conflict or if any conflict can be appropriately avoided or mitigated.

## M-2 BASIS FOR CONTRACT AWARD

The Government intends to award multiple (approximately 15-25) contracts to responsible Offerors whose proposals contain the combination of those criteria offering the best overall value to the Government. This will be determined by comparing differences in the value of technical and management features with differences in cost to the Government. In making this comparison the Government is more concerned with obtaining superior technical or management features than making an award at the lowest overall cost to the Government. However, the Government will not make an award at a significantly higher overall cost to the Government to achieve slightly superior technical or management features. Of the approximate 15to 25 awards, the government intends to award, as a minimum, five contracts to small businesses using the same procurement

strategy described above when making an award.

## M-3 OVERALL RELATIVE IMPORTANCE OF EVALUATION CRITERIA

The evaluation criteria listed below is in descending order of importance.

(a) Technical and Management Criteria

| Technical & Management Evaluation Criteria | |
|---|---|
| **Criterion 1** | **PERSONNEL QUALIFICATIONS** |
| **Criterion 2** | **TECHNICAL EXCELLENCE** |
| **Criterion 3** | **MANAGEMENT CAPABILITY** |
| **Criterion 4** | **PAST PERFORMANCE** |

(b) Cost / Price Criteria

(c) Socioeconomic Criteria

## M-4 TECHNICAL AND MANAGEMENT CRITERIA

The individual indicators which comprise the following Technical and Management criteria are listed in descending order of importance and will be individually weighted, then considered as a whole in developing an overall point score for the TECHNICAL AND MANAGEMENT criteria.

### (a) Criterion 1. PERSONNEL QUALIFICATIONS

The Government shall evaluate the proposed Key Personnel and support staff qualifications, competency, experience, demonstrated performance, pertinent education, leadership, and capability to perform the Statement of Work relevant to their proposed position; improve performance; meet commitments to customers; and, adapt to changing requirements. Key Personnel shall include the following skilled positions and disciplined areas of expertise: Program Manager, Task Order Manager, Civil Engineer (PE), Systems Integration Management, and Risk Assessment. Submission of minimum qualifications for the designated key personnel positions and disciplined areas of expertise are provided in Section L of this RFP. The Government shall also evaluate and assess the Offeror's strategy to retain proposed Key Personnel throughout the contract's lifecycle.

The Government shall evaluate Offeror's technical proposal to ensure the Offeror has the specialized experience, professional qualifications of staff and consultants including all principals and key staff of the firm, its consultants, and project personnel to perform the requirements of this contract. Key personnel positions / disciplined areas of expertise and required engineering and construction management disciplines are listed in Section J, Attachment J-2 "Required Skill Sets (Disciplines)". With respect to each project management or specific discipline listed in "Required PMO Skills for 2009 Contract", the Government shall consider an Offeror's Key Personnel experience as follows: rail experience shall be weighted more than bus; multiple modes shall be weighted more than single mode experience; and public sector (local, state or federal) experience shall be weighted more than non-public sector experience. The Government shall assess and evaluate the following sub-factors, not in any particular order of importance:

1. availability of qualified personnel in the minimum "key" areas defined in Section L,
2. years of relevant experience and skill sets in relevant fields,
3. possession of certifications relevant to the proposed work,
4. ability of the individual to remain on the PMO program throughout the contract's lifecycle,
5. level of engineering management experience,
6. level of engineering design management experience;
7. level of construction management experience, and
8. level of federal grant management process, compliance and regulatory experience.

It is the Offeror's responsibility to ensure that the proposed key personnel and support staff are available and committed to perform throughout the contract's period of performance. The Offeror must propose new personnel should the originally proposed personnel become unavailable.

(b) **Criterion 2. TECHNICAL EXCELLENCE**

The Government shall evaluate the quality of the Offeror's technical proposal in terms of meeting the contractual requirements, including those requirements contained in the Statement of Work. Technical Excellence shall be evaluated taking into consideration the sub-criteria noted below, not in any particular order of importance. Section L provides the Offeror with information on what written documentation must be submitted in the Offeror's proposal.

(1) Technical Understanding and Approach: In its proposal, the Offeror's analysis of

the contract's technical requirements must be explained in detail. The Offeror must clearly demonstrate its technical understanding and ability to meet the contract's requirements. In its proposal, the Offeror must clearly identify the techniques or methodologies to be employed to successfully satisfy the Offeror's proposed technical approach.

(2) Technical Planning: In its proposal the Offeror shall demonstrate and clearly identify the scheduling and sequencing of its planned effort and its ability to successfully meet the technical requirements of the contract, including those requirements contained in the Statement of Work. The Offeror shall demonstrate, through development of a quality control plan, its ability to provide all required deliverables: at the required frequency; at the designated time, and in conformance with the specified quality standards.

(3) Prior Experience: The Offeror must provide a minimum of one contract, and a maximum of three contracts, it has had within the last 5 years in the area of project or construction management. The work experience must have been in one of the following areas of interest: civil engineering project; fixed guide-way project; or transit or railroad project. The contract must have or had a construction value equal to or greater than $20,000,000. Prior experience shall be used to evaluate the Offeror's technical expertise and determine whether the Offeror has performed such work in the past.

(c) **Criterion 3. MANAGEMENT CAPABILITY**

The Government shall evaluate and assess how well the Offeror's proposal demonstrates that the Offeror can effectively manage all aspects of contract performance. The management proposal shall be evaluated considering such elements as:

1. How well the management plan demonstrates that the work effort will be managed effectively and establishes well-defined lines of authority, responsibility and communication,
2. The establishment of management techniques that will facilitate early identification and resolution of problems and the prompt response to changes,
3. The extent to which the staffing represents an appropriate level and labor mix and reflects the technical input and ability for successful and timely contract performance,
4. The Offeror's ability to react to workload fluctuations, and
5. The Offeror's ability to meet the 20% goal for participation of small disadvantage, women-owned, HubZone, and Veteran and Service Disabled Veterans.

(d) **Criterion 4. PAST PERFORMANCE**

The Government shall evaluate the Offeror's past performance during the last five-years to determine the degree to which the past performance demonstrates the Offeror's ability to successfully perform the contract requirements, including the Statement of Work. The Offeror's past performance shall be evaluated on the basis of how well the Offeror performed the same or similar effort on past or current contracts and how that past performance is likely to affect the current effort. The evaluation shall take into consideration the currency and relevance of an offeror's past performance, the source and validity of the past performance information received from the Offeror, the context of the data, and the general trend of the Offeror's past performance. The specific sub-factors or areas of interest relevant to past performance within the last five years shall include cost control, quality of work, business relations and compliance with performance schedules. In the case of an Offeror without a record of relevant past performance or for whom information on relevant past performance is not available, the Offeror will be evaluated neither favorably nor unfavorably on past performance. In such a case, the Offeror will receive a neutral rating, which is half of the points allocable to this criterion.

Proposal preparation instructions on what information the Offeror shall submit as past performance information is included in Section L of the RFP.

## M-5 COST EVALUATION CRITERIA

The cost proposal shall be used in determining the best value to the Government in accordance with M-2 of this Section. The Government shall evaluate and assess the cost proposal to determine that all items proposed have been included in the cost proposal in accordance with Federal Acquisition Regulation (FAR) Subpart 15.4-Contracting Pricing. The Government shall also evaluate and assess all proposal costs for cost reasonableness and realism. An unrealistic cost proposal may be evidence of the Offeror's lack of, or poor understanding of, the requirements of the solicitation and thus may adversely affect the Offeror's rating on the Technical and Management Criteria. The Government shall evaluate both price and non-price evaluation factors and award a contract to an Offeror that is perceived to have the best value considering all of the factors.

## M-6 SOCIOECONOMIC EVALUATION CRITERIA

The company's socioeconomic status will be considered when identifying contractors for award. The government intends to award, as a minimum, five contracts to small businesses to foster the achievement of the Department's and Agency's goals.

## M-7 OTHER CONSIDERATIONS

(a) **Oral Presentations**: For those proposals that have been determined to be in the

competitive range (those proposals that are most highly rated) by the SEB based upon the evaluation criteria contained in this Section M, the Offeror's Key Personnel shall be required to participate in oral presentations to demonstrate the Offeror's capability to perform the proposed contract. During the Oral Presentations the Government shall evaluate and assess the Offeror's Key Personnel's responses to three (3) technical and/or managerial problems. The three questions shall not be provided in advance and shall be made available at the time of the Oral Presentation. The Government shall provide one sample technical or managerial problem at the appropriate time to those Offeror's identified to be in the competitive range. In evaluating the Offeror's Key Personnel's response to each problem during the Oral Presentation, FTA shall consider:

1. Whether the Offeror's Key Personnel understand the management challenges created in the problems.
2. The interaction and participation of the Offeror's Key Personnel in dealing with the three problems as an integrated management team.
3. The degree to which the Offeror's Key Personnel's oral response is consistent with the Offeror's written proposal.

(b) **Organizational and Individual Conflicts of Interest**: The Government shall evaluate the availability of firms to work on FTA projects based upon responses received from the Offeror, including its sub-consultants. It is the Offeror's responsibility to review and complete the Conflict of Interest matrix of projects provided as an attachment in Section J of this RFP. The Offeror's written response (filling in the COI matrix table) will not be scored but rather used to identify the Offeror's availability for project assignments. Offeror's are to refer to Section L for further instructions pertaining to organizational and individual conflicts of interest.

(c) The Government reserves the right to award a contract to a technically compliant proposer that is the only proposer with an un-conflicted interest in a grantee identified in the listing provided in section J-5.