

January 2, 2020

SAN JOAQUIN COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSAL

Transportation Innovation Planning Study

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Overview

The transportation needs for the many workers who live and work within the San Joaquin County, will require transportation infrastructure as the county continues to grow. Considering various subject matters which worsen issues, such as, environmental and roadway demand, diminishing air quality, congestion, and the lowering of the county's quality of life, SJCOG acknowledges, both, transportation technology and innovations will have significant and transformative impacts on the transportation system, shaping the future of transportation throughout the region (see Figure 1-1 below). Analyzing current conditions, assessing local/regional initiatives, and developing a policy framework will allow SJCOG to identify innovative and technological infrastructure opportunities that may benefit San Joaquin County.

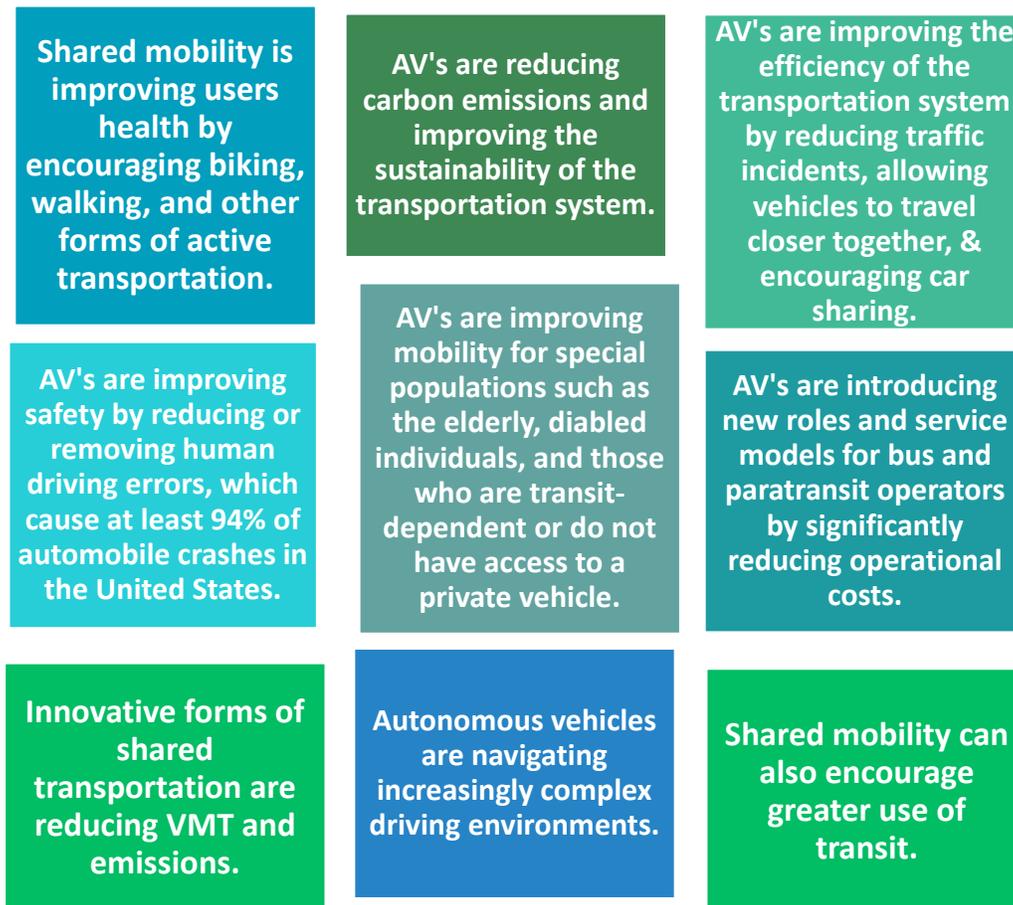


Figure 1-1 Benefits and Opportunities for the San Joaquin County

The San Joaquin Council of Governments (SJCOG) is soliciting proposals from qualified firms to assess transportation technology, transportation innovation, and transportation infrastructure. The objective is to determine which transportation innovations can best advance the county's future progress.

The outcome of the innovative transportation planning study includes **strategies, policy framework, and costs of various integrated innovative transportation options that can best advance the county's future transportation** system and offer solutions to the current worsening issues in San Joaquin County. Options to the study may include (but are not limited to) accelerated adoption of policies, programs related to technology innovations, evaluation of policy framework, metrics for evaluating the effectiveness of technological improvements across multiple modes of travel and how technology innovations can address and improve these metrics (especially in the most disadvantaged communities), and current innovative opportunities for San Joaquin County, including weights and ranks based on what works best for the County.

About SJCOG

SJCOG is a Joint Powers Authority (JPA) comprised of the County of San Joaquin and the Cities of Stockton, Lodi, Manteca, Tracy, Ripon, Escalon, and Lathrop. SJCOG serves as the Regional Transportation Planning Agency (RTPA), the Local Transportation Authority (LTA), the Metropolitan Planning Organization (MPO), and the Congestion Management Agency (CMA). In addition to the voting members, the SJCOG Board of Directors includes advisory representatives from the California Department of Transportation (Caltrans), the San Joaquin Regional Transit District (RTD), and the Port of Stockton. SJCOG's monthly board meetings provide the public forum and decision point for significant regional issues such as growth, transportation, environmental management, housing, open space, and air quality. SJCOG's Board of Directors adopt plans, allocate transportation funds, establish policies, and develop programs to address these regional issues which are used by the local governments of San Joaquin County. Citizens, special interest groups and other agencies are involved in the planning and approval process by participating in SJCOG's committees as well as attending workshops and public meetings.

Specific Objectives of the Transportation Innovation Planning Study

SJCOG will collaborate with a working group, which includes a cross-section of local elected officials, subject matter experts, local public works staff, transit agencies, local technology innovators, and community groups to determine which transportation innovations can best advance the county's future progress. The primary goal of the study is to prepare San Joaquin County for future technology, including connected and autonomous vehicles, that dramatically changes the transportation landscape. This supports the broader objectives identified in SJCOG's overall work program to:

- Prevent and reduce congestion on the regional transportation system.
- Expand the scope of Sustainable Communities Strategy to implement the SCS
- Advance RTP goals, objectives, and performance and air quality conformity.
- Maintain "Sustainable Communities" and "Smart Growth".

- Remain an economic leader in goods movement logistics

The study should focus on “solution-oriented”, cost-effective strategies that could be viable in San Joaquin County. Strategies must be innovative but implementable. While SJCOG and its partners aspire to revolutionize transportation innovations, SJCOG is looking for feasible strategies to deploy within 2-4 years. Questions to explore and address within the study include:

- What are the feasible options to examine in San Joaquin County?
- What are the metrics/characteristics that make them feasible?
- What infrastructure or various changes need to be in place to make it happen?
- What would be the cost and timeline to put that infrastructure/change in place?
- Do the transit operators generally support the concept?
- How are the options designed to benefit the disabled, elderly, and multi-lingual population?

This project consists of:

1. Review of existing data and technology initiatives led by SJCOG and other entities in the region.
2. A policy framework to inform SJCOG’s regional role in advancing the adoption of transportation innovations in the region.
3. An evaluation of various technology innovations using criteria and metrics developed by a working group.
4. The recommendation of the one technology innovation for further planning and piloting through a subgrant set-aside for this purpose.

The final product includes:

1. Data collection and research – Excel data and memorandum of findings.
2. Summary of implementation costs and benefits – Excel data and memorandum of findings.
3. Transportation Innovation Planning Report.

Scope of Work

Task 1 – Collaborate with SJCOG to Establish a Working Group

- Establish potential working group members and send invitations to participate in a detailed discussion about the integration of AV on roadways and 2-3 alternatives in transportation innovations that will most benefit San Joaquin County. These meetings’ focus will be policy and metric development along funding and other opportunities/information found.
- Host kick-off meeting to review working group structure, purpose and meeting schedule.

Deliverable: With the help of SJCOG staff, successfully hold a minimum of 3 working groups to discuss:

- 1) Their initial thoughts, goals, and aspirations on AV in San Joaquin County.
- 2) Review information, policies, metrics, and/or funding sources for AV and 2-3 alternatives in transportation innovation. In coordination with SJCOG, present and review potential AV pilot projects.
- 3) Approve AV policies, metrics, and funding sources. In addition, select an AV pilot project.

Task 2 - Review Current SJCOG and Other Local/Regional Initiatives

- Describe current state of transportation technology and any transportation innovations or infrastructure it currently lacks in San Joaquin County as the result of
 - Working group meetings;
 - Meetings with SJCOG; and
 - Reviewing comments from received from SJCOG committees/board in May 2019.

Deliverable: Identify current transportation innovations and supporting infrastructure or lack thereof.

Task 3 - Create a Policy Framework

- Following initial thoughts, goals, and aspirations on AV from working group, reach out to residents for their insight on how innovations can improve mobility for all, including for disadvantaged communities, disabled, students, and any other group no access to an operating motor vehicle.
- Create a policy framework to inform SJCOG's regional role in advancing the adoption of transportation in the region.

Deliverable: Policy framework, with some recommended policies for future Regional Transportation Plan / Sustainable Communities Strategy. In addition, memo that summarizes the key informant interview results with all comments attached.

Task 4 - Metric Development

- Create a list of criteria and develop a methodology for weighing and ranking innovations based on what best fits San Joaquin County. Some criteria may include:
 - Reduction in Vehicle Miles Traveled (VMT)
 - Improved Air Quality
 - Growth in transit ridership
 - Improved travel times for transit and cars
 - Quality of Life (i.e. stress Reduction, productivity, etc.)
 - Safety
 - Infrastructure maintenance and/or operation
 - Estimated implementation time frame
 - Total project cost and funding sources

- Using the criteria list, rank each innovation identified for San Joaquin County, incorporating feedback from working group, residents and local leaders.

Deliverable: List of criteria of rating the effectiveness of a project to help prepare the roadways for AV

Task 5 - Innovation Options and Potential Funding

- Analyze AV as benefit in San Joaquin County; including advantages/disadvantages & funding sources
- Analyze 2-3 alternatives in transportation innovations that may to account for unforeseen technology and county developments; including advantages/disadvantages, funding sources, and ranking of alternatives.

Deliverable: Technical Memo as an attachment to the final report that provides the analysis of AV and 2-3 alternative innovations

Task 6 - Prepare Report with Recommendation

- Summarize the assessment process and how each innovation scored, factoring metric criteria and feedback from SJCOG & its committees, working group, and other groups of interest that will be identified in Task 3.
- Include funding options for advancing selected innovation from Task 5 into a pilot study phase
- Review Report with SJCOG’s committees and working group and finalize report.
 - Committees may include Technical Advisory Committee, Management & Finance Committee, Executive Committee, Citizens Advisory Committee, and/or Interagency Transit Committee/Social Services Transportation Advisory Committee

Deliverable: Report with technical appendices. *Note: This report will read into future RTP/SCS*

Schedule

Task	Date (2020)
<i>RFP distributed to consultants</i>	<i>January 2nd</i>
<i>Qualifications & Proposals due to SJCOG</i>	<i>February 6th by 4:00 pm</i>
<i>Proposal review is completed by SJCOG</i>	<i>February 21st</i>
<i>Consultants interviewed (If Deemed Necessary)</i>	<i>February 25 - 27th</i>

<i>SJCOG Board approval of Professional Services Agreement</i>	<i>March 26th</i>
<i>Finalize Scope of Work and Execute Contract</i>	<i>April 2nd</i>
<i>Begin Work</i>	<i>April 6th</i>

Proposal Format

The consultant is free to submit a response to this RFP in a sequence and format of their choosing as long as the end result is consistent with the stated intention of the project.

Proposal content and completeness are important. Clarity and conciseness will be considered in assessing the proposal. The Consultant Selection Committee will screen all consultant proposals submitted in response to this request. The committee will determine, through the screening process, which consultants will be invited (If Deemed Necessary) to make formal presentations and be interviewed by the selection committee. The Consultant Selection Committee reserves the right to make a final selection for recommendation to the Board of Directors without an interview.

Submittal Requirements: Five (5) hard copies and one (1) electronic copy of the proposal must now be submitted to SJCOG's office by 4:00 p.m. on February 6th, 2020. In order to simplify the review process and maximize the degree of comparative analysis, the proposal should be organized in the following manner:

1. **Transmittal letter:** The transmittal letter should be signed by an official authorized to bind the consultant contractually and will contain a statement to that the proposal is a firm offer for ninety (90) days. The letter accompanying the proposal will also provide the following: name, title, address, and telephone of individuals with the authority to negotiate and contractually bind the company.
2. **Table of Contents:** Include identification of the material by section and page number.
3. **Overview:** This section should clearly convey the consultant's understanding of the nature of the work and the general approach to be taken in its performance. This section should include, but not be limited to, a discussion of the purpose of the project, the organization of the project effort, and a summary of the proposed approach. The consultant will provide an example of the output sheet and count report produced for each count location.
4. **Detailed Work Plan:** This section should include the following components:
 - **Task Description:** Include a full description of each step to be followed in carrying out the project. The work description should be presented in sufficient detail (tasks, subtasks, etc.) to show a clear understanding of the work and the proposed approach.

Identify proven methods applied to achieve successful consensus between opposing groups.

- **Deliverables:** A description of the format, content, and level of detail that can be expected for each deliverable.
- **Schedule:** A schedule showing the expected sequence of tasks, subtasks, etc. should accompany the work description. Important milestones should be identified on the schedule along with the expected time of completion.
- **Qualifications:** Provide a short description of previous projects that significantly relate to your qualifications for this project. Provide names, addresses, and telephone numbers for a least three clients for whom your firm provided services similar to those described in this RFP.

5. **Budget and Cost Breakdown:** Budget and Cost Breakdown: The budget for this project is estimated to not exceed \$125,000. SJCOG encourages all applicants to make their best effort to stay under \$100,000. If the applicant deems \$100,000 is not possible, SJCOG is still interested in receiving your proposal and SJCOG reserves the right to adjust the estimated budget.

(a) The cost breakdown must itemize all items that will be charged to the San Joaquin COG, including travel charges that will be involved, and included in the bid amount. No sub-consultant or direct charge mark-up will be accepted.

(b) This section should also provide a full description of the expected expenditures of funds for the work described in this RFP. The cost breakdown should include, but is not limited to, the following:

Billing Rates: A schedule of billing rates by category of employee, to be used in computing the billing cost during the term of the contract. Billing rates should cover all costs associated with the employee.

Task Budget: The task budget should include a breakdown by task hours, billing rate charges, and the itemization of other direct costs attributed to the task.

Direct Costs: All direct costs (e.g., travel, printing, and postage) specifically attributed to the project and not included in the billing rates must be identified to be eligible for reimbursement. Once contractually authorized, direct cost budgets may not be substituted without prior written consent of the San Joaquin COG project manager(s).

PROPOSAL SUBMITTAL PROCESS

Submission of Proposal/Period of Acceptance: Proposals must be delivered to San Joaquin COG no later than 4:00 p.m., Pacific Standard Time on **February 6th, 2020**. Proposals will not be accepted after 4:00 p.m. PST. Faxes, e-mails, or postmarks will not be accepted. Proposals must be delivered to:

San Joaquin Council of Governments
Rebecca Calija, Manager of Administrative Services
Attention: Travis Yokoyama, Associate Regional Planner
555 E. Weber Avenue

Stockton, CA 95202
Phone: 209-235-0451

All proposals will remain valid for a period of ninety (90) days following the final date for submission. All proposals will become the sole property of San Joaquin COG and a part of its official records without obligation on the part of San Joaquin COG.

This RFP is not to be construed as a contract of commitment on the part of SJCOG. San Joaquin COG reserves the right to reject all proposals, to seek additional information from each proposer, or to issue another RFP, if deemed appropriate. Proposals are prepared at the sole cost of the consultant.

Examination of RFP Document: The proposer shall be solely responsible for examining, with appropriate care, the RFP, including any addenda issued during the proposal period. The proposer shall also be responsible for informing itself with respect to any and all conditions that may in any way affect the amount or nature of the proposal or the performance of the work in the event the proposer is selected. Failure of the proposer to examine and inform itself in this manner shall be at the proposer's own risk and no relief for error or omission shall be given.

Conflict of Interest: The prospective consultant shall disclose any financial, business, or other relationship with SJCOG that may have an outcome on the selection.

Signing of Proposal/Authorization to Negotiate: The proposal shall be signed by an official authorized to bind the proposer and shall contain a statement to the effect that the proposal is a firm offer for a 90-day period. The proposal shall also provide the following: name, title, address, and telephone number of individuals with authority to negotiate and contractually bind the company.

Modification or Withdrawal of Proposals: Any proposal received before the date and time specified above for receipt of proposals may be withdrawn or modified by written request of the proposer. To be considered, however, the modified proposal must be received by the proposal due date and time specified previously.

All verbal modifications to these conditions or provisions are ineffective for proposal evaluation purposes. Only written changes issued by proposers to San Joaquin COG are authorized and binding.

Rejection of Proposals: Failure to meet the requirements for the RFP will be cause for rejection of the proposal. San Joaquin COG may reject any proposal if it is conditional, incomplete, or contains irregularities or inordinately high cost rates. San Joaquin COG may waive an immaterial deviation in a proposal. Waiver of an immaterial deviation shall in no way modify the Request for Proposals document or excuse the proposer from full compliance with the contract requirements if the proposer is awarded the contract.

Ineligible Bidders: Each consultant must certify that it is not included on the U.S. Comptroller General's Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Incorporating Labor Standards Provisions.

San Joaquin COG Rights: San Joaquin COG may investigate the qualifications of any proposer under consideration, require confirmation of information furnished by a proposer, and require additional evidence of qualifications to perform the work described in the RFP. San Joaquin COG reserves the right to:

- Reject any or all of the proposals if it deems such action is in the public interest;
- Issue subsequent Requests for Proposals;
- Cancel the entire Requests for Proposal;
- Remedy technical errors in the Request for Proposals process;
- Appoint an evaluation committee to review the proposals;
- Seek the assistance of outside technical experts in proposal evaluation;
- Approve or disapprove the use of particular subconsultants;
- Establish a short list of proposers eligible for interviews after review of written proposals;
- Negotiate with some, all, or none of the respondents to the RFP;
- Solicit best and final offers from all or some of the proposers;
- Award a contract to one or more proposers;
- Accept an offer other than the lowest price offer; and
- Waive informalities and irregularities in proposals and the bid process.

This RFP does not commit SJCOG to enter into a contract, nor does it obligate SJCOG to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. All proposals will be subject to public disclosure as required by the California Public Records Act.

SJCOG reserves the right to investigate the qualifications of all firms under consideration to confirm any part of the information furnished by a proposer, or to require other evidence of managerial, financial, or other capabilities that are considered necessary for the successful performance of the contract.

Proposer Objections: A proposer may object to any of the terms or provisions set forth in the RFP's Scope of Work or to the selection of a particular proposer on the grounds that San Joaquin COG's procedures, the provisions of this RFP, or applicable provisions of federal, state, or local law have been violated or inaccurately or inappropriately applied by submitting a written explanation of the basis for the objection. Any objections or clarifications regarding the RFP must be submitted no later than 4:00 PM (PDT) February 3, 2020.

Selection Process/Contract Award

Proposals will not be judged exclusively on any one criterion. Only those firms judged most qualified, based on their qualifications and proposal, will be invited to participate in the remainder of the selection process. Upon the completion of the evaluation of the proposal; SJCOG may invite a limited number of qualified firms, to participate in oral interviews. SJCOG will then select the most responsive firm with which to refine the Scope of Work. Assuming a successful negotiation process, the SJCOG Board will approve the selected consultant. If for any reason negotiations are unsuccessful, the second most qualified firm will be asked to refine the Scope of Work.

Proposal Scoring

Initial Proposal Evaluation

Written Proposal:	Points
Comprehension of the Project	20
Thoroughness of Proposal/Meeting the RFP Objectives – <i>Note: This report will feed into the future RTP/SCS</i>	30
Qualifications of Team (AV and Other Transportation Innovation Projects)	20
Experience with AV and Other Transportation Innovation Projects	30
Total Possible	100

Supplemental Evaluation (for firms that are shortlisted for consideration and/or interview)

References	15
Oral Interview (if applicable)	15
Maximum Total Score Possible (Written + Oral+ References)	130

The actual award of the contract will be by the San Joaquin Council of Governments. Proposal opening does not constitute the awarding of a contract. The contract is not in force until it is awarded and executed by the Board identified SJCOG designees.

Disadvantaged Business Enterprise (DBE) Policy

SJCOG has established a Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26 and may utilize Federal Funds. This project is subject to 49 CFR, Part 26 entitled “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”.

Although DBE participation goals have not been set for the agreement, SJCOG encourages the participation of DBEs, as defined in 49 CFR 26, in performing Agreements financed in whole or in part with federal funds. Disadvantaged Business Enterprises(DBE) are encouraged to submit proposals to ensure the participation of DBEs in the performance of agreements financed in whole or in part with Federal Funds to achieve its federally mandated Statewide overall goal, as defined in 49 CFR 26.

Consultants who obtain DBE participation on this contract will assist Caltrans in meeting its federally mandated statewide overall DBE goal of 17.6%. Please refer to the following website for guidance:

<https://www.transportation.gov/small-business/disadvantaged-business-enterprise-dbe-program> or <http://www.dot.ca.gov/hq/bep/>.

DBEs and other small businesses are strongly encouraged to participate in the performance of contracts financed in whole or in part with federal funds. The consultant should ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The proposer shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

Good Faith Efforts

The DBE policy requires contractors to follow Good Faith Effort Guidelines; however, they are limited to UDBEs. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian-Pacific Americans.

Nondiscrimination: The Authority will never exclude any person from participation in, deny any person the benefit of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. The Authority will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the Caltrans DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

Title VI of the Civil Rights Act of 1964: The selected consultant agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (49 USC 2000d) and the regulations of the U.S. Department of Transportation issued there under in 49 CFR Part 21.

Contract Provisions

Insurance Requirements: Without limiting SJCOG's right to obtain indemnification from the consultant or any third parties, the selected consultant, at its sole expense, shall maintain in full force and affect the following insurance policies throughout the term of the contract.

Comprehensive general liability insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage. Comprehensive general liability insurance policies shall name SJCOG, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under the terms of the contract are

concerned. Such coverage for additional insured shall apply as primary insurance or self-insurance and any other insurance, maintained by SJCOG, its officers, agents, and employees, shall be given excess only and not contributing with insurance provided under the Consultant's policies herein.

Comprehensive automobile liability insurance with limits for bodily injury of not less than \$25,000 per person, \$250,000 per accident and for property damages of not less than \$50,000, or such coverage with a combined single limit of \$250,000. Professional liability insurance of at least \$1,000,000 is required. Worker's compensation insurance is also required by law.

This insurance shall not be canceled or changed without a minimum of thirty (30) days advance written notice given to SJCOG. The selected consultant shall provide certification of said insurance to SJCOG within twenty-one (21) days of the date of the execution of the contract. Such certification shall show, to SJCOG's satisfaction, that such insurance coverage's have been obtained and are in full force; that SJCOG, its officers, agents, and employees will not be responsible for any premiums on the policies; that as and if required such insurance names SJCOG, its officers, agents and employees individually and collectively as additional insured (comprehensive and general liability only), but only insofar as the operations under the contract are concerned, that such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by SJCOG, its officer, agents, and employees, shall be excess only and not contributing with insurance provided under the consultant's policies herein; and that this insurance shall not be canceled or changed without a minimum of thirty (30) days advance, written notice given to SJCOG.

In the event the selected consultant fails to keep in effect at all times insurance coverage as herein provided, SJCOG may, in addition to other remedies it may have, suspend or terminate the contract upon the occurrence of such event.

Contract Assurance: DBE regulations require the following contract assurance statement in every DOT-assisted contract and subcontract: "The consultant or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The consultant shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract, or such other remedy as recipient deems appropriate."

Prompt Payment: Attention is directed to Section 7108.5 of the California Business and Professions Code, which requires a prime consultant or subconsultant to pay any subconsultant not later than 10 days of receipt of each progress payment, unless otherwise agreed to in writing. In addition, Federal Regulation (49 CFR 26.29) requires a prime consultant or subconsultant to pay a subconsultant no later than 30 days after receipt of each payment, unless any delay or postponement of payment among the parties takes place only for good cause and with the prior written approval of the agency. Section 7108.5 of the California Business and Professions Code also contains enforcement actions and penalties. These requirements apply to both DBE and non-DBE subconsultants.

Method of Payment: Payment to the selected consultant will be made upon successful completion of project tasks as invoiced by the consultant. Ten (10%) percent of the invoiced amount will be reserved and will be paid to the consultant upon successful completion of the entire project.

Bid Protest

1. **Bid Protest.** Any bid protest must be in writing and received by SJCOG at 555 East Weber Avenue, Stockton, CA 95202 before 5:00 p.m. no later than five (5) business days following bid opening (the “Bid Protest Deadline”) and must comply with the following requirements:
 - 1.1. **General.** Only a bidder who has actually submitted a Bid Proposal is eligible to submit a bid protest against another bidder. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder, but must timely pursue its own protest. If required by SJCOG, the protesting bidder must submit a non-refundable fee in the amount specified by SJCOG, based upon SJCOG’s reasonable costs to administer the bid protest. Any such fee must be submitted to SJCOG no later than the Bid Protest Deadline, unless otherwise specified. For purposes of this Section, a “business day” means a day that SJCOG is open for normal business, and excludes weekends and holidays observed by SJCOG.
 - 1.2. **Protest Contents.** The bid protest must contain a complete statement of the basis for the protest and all supporting documentation. Material submitted after the Bid Protest Deadline will not be considered. The protest must refer to the specific portion or portions of the Contract Documents upon which the protest is based. The protest must include the name, address, email address, and telephone number of the person representing the protesting bidder if different from the protesting bidder.
 - 1.3. **Copy to Protested Bidder.** A copy of the protest and all supporting documents must be concurrently transmitted by fax or by email, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.
 - 1.4. **Response to Protest.** The protested bidder may submit a written response to the protest provided the response is received by SJCOG before 5:00 p.m., within seven (7) business days after the Bid Protest Deadline or after actual receipt of the bid protest, whichever is sooner (the “Response Deadline”). The response must include all supporting documentation. Material submitted after the Response Deadline will not be considered. The response must include the name, address, email address, and telephone number of the person representing the protested bidder if different from the protested bidder.
 - 1.5. **Copy to Protesting Bidder.** A copy of the response and all supporting documents must be concurrently transmitted by fax or by email, by or before the Response Deadline, to the protesting bidder and other bidder who has a reasonable prospect of receiving an award depending on the outcome of the protest.
 - 1.6. **SJCOG Action.** The Executive Director will designate staff to investigate disputed factual allegations, if any, contained in the protest.

- 1.6.1. The designated staff will prepare a Proposed Decision with assistance from SJCOG General Counsel as soon as possible. The Proposed Decision should contain a summary of the protest and any responses received, an evaluation of the protest, and a recommendation as to whether the protest should be allowed or denied. The Proposed Decision will only address the issues raised in the protest. The Proposed Decision shall be submitted to the Executive Director for approval.
- 1.6.2. If the Proposed Decision is approved by the Executive Director, the Proposed Decision is then transmitted to the SJCOG Board Members.
- 1.6.3. If a Member of the Board does not request full Board consideration of the protest within ten days of mailing of the Proposed Decision, the Proposed Decision becomes the Final decision of SJCOG and is mailed to the protestor and the protested bidder to whom Award was authorized.
- 1.7. **Exclusive Remedy.** The procedure and time limits set forth in this Section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest. A bidder's failure to comply with these procedures will constitute a waiver of any right to further pursue a bid protest, including filing a Government Code Claim or initiation of legal proceedings.
- 1.8. **Right to Reject all Bids.** The bidder's filing of a protest shall not preclude SJCOG from rejecting all bids or proposals and re-advertising a contract. Rejecting all bids or proposals shall render a protest moot and terminate all protest proceedings.
- 1.9. **Right to an Award.** The SJCOG Board of Directors reserves the right to award the Contract to the bidder it has determined to be the responsible bidder submitting the lowest responsive bid, and to issue a notice to proceed with the Work notwithstanding any pending or continuing challenge to its determination.

Questions

All questions regarding the RFP should be sent to the Project Manager listed below:

Travis Yokoyama

Associate Regional Planner

San Joaquin Council of Governments

Direct: 209.235.0451

555 East Weber Avenue, Stockton, CA 95202

Email: yokoyama@sjcog.org