



# NAPA VALLEY TRANSPORTATION AUTHORITY

## REQUEST FOR PROPOSALS

RFP No. 23-R04

to provide

## FINANCIAL ANALYSIS SERVICES

Napa Valley Transportation Authority (NVTA)  
625 Burnell Street  
Napa, CA 94559

**Proposals are due prior to 2:00PM (PST/local) on March 13, 2023**

NVTA invites firms or individuals that possess qualifications, experience and knowledge to submit a proposal. Any contract to be awarded as a result of this RFQ will be awarded without discrimination based on race, color, religion, sex, sexual orientation, race, religious creed, color, national origin, ancestry, denial of family and medical care leave, medical condition (cancer/genetic characteristics) physical handicap, disability (mental or physical) including HIV and AIDS, denial of pregnancy disability leave or reasonable accommodation, marital status, age (40 and above). To obtain a full copy of the RFQ, please contact NVTA office at (707) 259-8631 or download the document from our website at <https://www.nvta.ca.gov/procurement-opportunities>.

Release of RFP authorized by:

  
Kate Miller (Feb 10, 2023 15:49 PST)

Kate Miller, NVTA Executive Director

Feb 10, 2023

Date

February 10, 2023

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## PROCUREMENT SCHEDULE

### KEY RFP DATES

Issue Date	February 10, 2023
<b>Pre-Proposal Conference (Virtual)</b>	<b>February 28, 2023, at 2:00PM (PST/local)</b>
<b>Deadline for Submitting Written Questions</b>	<b>March 3, 2023, at 2:00PM (PST/local)</b>
Answers to Written Questions Posted	March 6, 2023
<b>Deadline for Proposal Submittal</b>	<b>March 13, 2023, at 2:00PM (PST/local)</b>
Interviews (tentative)	None scheduled
Final Selection	Week of March 20, 2023
Award Contract	April 19, 2023

## SECTION I - INTRODUCTION

### ***Executive Summary***

NVTA is seeking consultant support for financial analysis to understand approaches to improve the flexibility and cost effectiveness for potential revisions to the existing Measure T ordinance in preparation for the November 2024 election.

### ***Napa Valley Transportation Authority (NVTA)***

NVTA is an independent local government with a 13-member Board of Directors of local elected officials and one non-voting member of our paratransit coordinating council for governance purposes. NVTA serves as the countywide transportation planning body for the incorporated and unincorporated areas of Napa County. Napa County encompasses five (5) incorporated municipalities that include the cities of Napa, St. Helena, Calistoga, American Canyon, and the Town of Yountville. The City of Napa with a population of 79,000 is the largest city in the county with over half of its population. The county has seen population growth of nearly 15% since 2000. Napa County's population of approximately 140,000 residents is considered the most rural county of the nine (9) counties in the San Francisco Bay Area region. NVTA is charged with coordinating short- and long-term planning and funding within an intermodal policy framework in the areas of highways, streets and roads, transit and paratransit, and bicycle improvements.

The Napa Valley Transportation Authority is also the local transportation sales tax agency (NVTA-TA). NVTA-TA is responsible for the oversight and administration of Measure T, the ½% sales tax for street and road improvements approved by the voters on November 6, 2012.

## SECTION II - INSTRUCTIONS TO PROPOSERS

### A. Pre-Proposal Conference

Topic: RFP No. 23-R04 Financial Analysis - Pre-Proposal Meeting  
Time: Feb 28, 2023, 02:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://countyofnapa.zoom.us/j/81185011778?pwd=cINyR3VhOGhNTzQ2N0FXcHZJaHV0QT09>

Meeting ID: 811 8501 1778

Passcode: 781334

One tap mobile

+16694449171,,81185011778# US

+16699006833,,81185011778# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)  
+1 346 248 7799 US (Houston)  
+1 719 359 4580 US  
+1 253 205 0468 US  
+1 253 215 8782 US (Tacoma)  
+1 689 278 1000 US  
+1 929 436 2866 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 305 224 1968 US  
+1 309 205 3325 US  
+1 312 626 6799 US (Chicago)  
+1 360 209 5623 US  
+1 386 347 5053 US  
+1 507 473 4847 US  
+1 564 217 2000 US  
+1 646 931 3860 US

Meeting ID: 811 8501 1778

Find your local number: <https://countyofnapa.zoom.us/j/81185011778>

*Attendance is strongly encouraged but not required to submit a proposal.*

Any questions related to this RFP shall be submitted in writing to Renée Kulick, Sr. Administrative Technician, via email at [rkulick@nvta.ca.gov](mailto:rkulick@nvta.ca.gov). Response to all questions submitted will be answered in accordance with the Procurement Schedule for this RFP. **Questions shall be submitted before 2:00 PM (PST/local) on March 3, 2023.**

#### B. Examination of Proposal Documents

By submitting a proposal, the Proposer represents that it has thoroughly examined and become familiar with the work required under this RFP, and that it is capable of performing the work identified in Attachment A, Scope of Work.

#### C. Addenda/Clarifications

Explanations or clarifications desired by respondents regarding the meaning or interpretation of the RFP must be submitted in writing.

All inquiries pertaining to this RFP should be emailed to Renée Kulick, Sr. Administrative Technician, at the following email address [rkulick@nvta.ca.gov](mailto:rkulick@nvta.ca.gov) no later than 2:00 PM (PST/local), March 3, 2023. The subject line for questions submitted in writing should include reference to "Questions – NVTA RFP No. 23-R04 Financial Analysis Services".

Response to all questions submitted by the deadline that may have a material impact on the proposal will be made available to all prospective Proposers and posted to NVTA's website at <https://www.nvta.ca.gov/procurement-opportunities>, on March 6, 2023.

D. Submission of Proposals

All proposal submittals shall be transmitted with a cover letter. The person authorized by the firm/team to negotiate a contract with NVTA shall sign the cover letter and the letter shall include the name, title, address, email address, and the telephone number of the individual to whom correspondence and other contacts should be directed during the proposer selection process. Address the cover letter as follows:

Kate Miller  
Executive Director  
Napa Valley Transportation Authority  
625 Burnell Street  
Napa, CA 94559  
RFP No. 23-R04

Proposal shall be submitted in one (1) original and one (1) electronic copy (USB flash drive/CD/DVD). Electronic copy of the proposal will only be accepted in PDF format on a USB flash drive/CD/DVD media.

Proposals shall be submitted in a sealed envelope, addressed as noted above, bearing the Proposer's name and address, and clearly marked as follows:

**"Proposal Submittal - NVTA RFP No. 23-R04"**

***Proposals must be received no later than 2:00 PM (PST/local) on March 13, 2023. Late proposals will not be considered.***

1. Any bid protest alleging improprieties in a solicitation process or in solicitation documents must be filed not later than five days prior to the scheduled bid opening or deadline for submittal or proposals, as appropriate, in order to be considered. Any protest based on such grounds not filed within this period will not be considered.
2. Any bid protests regarding the evaluation of bids or proposals, or improprieties involving the approval or award or proposed approval or award of a contract must be filed with NVTA no later than 72 hours after the protestor's receipt of the written notice of decision or intended decision to award a contract. Any protest filed after such date that raises issues regarding the bid proposal evaluation, or the contract approval or award will not be considered.

All documents submitted as part of the proposal will be deemed confidential during the evaluation process. After the award of a contract, any material submitted by a Proposer in response to this RFP is subject to public inspection under the California Public Records Act (Government Code Sections 6250 et seq.) unless exempt by law. The Proposer must identify in writing all

copyrighted material, trade secrets, or other proprietary information that it claims is exempt from disclosure.

E. Withdrawal of Proposal Submittal

A Proposer may withdraw their proposal at any time before the expiration of the time for submission of proposal submittals as provided in this RFP by delivering to the Procurement & Compliance Officer a written request for withdrawal signed by, or on behalf of, the Proposer.

F. Rights of Parties

This RFP does not commit the Napa Valley Transportation Authority (NVTA), to enter into a contract, nor does it create any obligation to pay for any costs incurred in preparation and submission of the proposal or in anticipation of a contract.

NVTA and its partners may investigate the qualifications of any Proposer under consideration, require confirmation of information furnished by the Proposer, and may require additional evidence or qualifications to perform the services described in this RFP.

NVTA reserves the right to:

1. In their sole discretion reject any or all proposal submittals.
2. Issue one or more subsequent RFPs.
3. Postpone opening for their own convenience.
4. Remedy technical errors in the RFP process.
5. Approve or disapprove the use of particular sub-proposers.
6. Negotiate and contract separately with any, all, or none of the proposers responding to this RFP.
7. Award a contract to one (1) or more proposers.
8. Waive informalities and irregularities in any proposal.

G. Contract Type

Proposers shall be prepared to accept the terms and conditions of NVTA's standard form contract included as Attachment C (NVTA - Sample Professional Service Agreement) hereto. If a Proposer desires to take exception to the agreement, the Proposer shall provide the following information as a section of the proposal identified as "Exceptions to the Agreement".

1. Proposer shall clearly identify each proposed change to the agreement, including all relevant exhibits and attachments.
2. Proposer shall furnish the reasons therefore as well as specific

recommendations for alternative language.

The above factors will be considered during contract negotiations. Substantial exceptions to the agreement may be determined by NVTA, at its sole discretion, to be unacceptable and NVTA will proceed with negotiations with the next highest ranking firm.

## SECTION III - FORMAT AND CONTENT OF PROPOSAL

### A. Format

#### 1. *Technical Proposal*

Technical proposals submitted in print, shall be bound and be 1) as brief as possible, and 2) not include any irrelevant promotional material. One (1) original and one (1) electronic file in PDF format on a USB flash drive/CD/DVD. Electronic copy of the proposal will **only** be accepted in PDF format on a USB flash drive/CD/DVD media. RFP submittal is due at NVTA no later than the time and date specified in the Procurement Schedule and SECTION II - INSTRUCTIONS TO PROPOSERS.

The Technical Proposal shall not exceed a total of the equivalent of twenty (20) pages (double sided print). RFP submittals must consist of letter sized pages (8.5" x 11"), with the exception of no more than three (3) ledger sized pages (11"x17"). The General Information Form (Attachment C), transmittal letter, and résumés are excluded from the total page count. Résumés should be limited to no more than two (2) pages in length. Each ledger size page is considered one (1) page for the total page count. Loose leaf or binder clipped RFP submittals will *not* be accepted. Font size shall be at least 12 point.

The nature and form of response of the Technical Proposal submittal is at the discretion of those responding, but shall include, at a minimum, the information listed in Section B below.

### B. Content

Proposal content, clarity, and completeness are factors that will be considered in evaluating each proposal received in order to determine suitability of each Proposer's capabilities. The entire length of the proposal document must be 20 pages or less and shall include:

- TITLE PAGE
- TRANSMITTAL LETTER
- EXECUTIVE SUMMARY

- FIRM BACKGROUND AND EXPERIENCE
- QUALIFICATIONS
- PROJECTS AND CONTACT REFERENCES
- EXAMPLES OF PUBLIC SECTOR REPRESENTATION
- STAFFING AND ORGANIZATION
- COST PROPOSAL
- EXCEPTIONS TO THE AGREEMENT
- APPENDICES *(not included in the 20 page limit)*
- GENERAL INFORMATION FORM *(not included in 20 page limit)*
- DBE COMMITMENT AND GOOD FAITH EFFORTS *(not included in 20 page limit)*

1. *Title Page*

The title page should show the RFP title, the name of the Proposer's firm, name of a contact person, address, telephone number and the date.

2. *Transmittal Letter*

A transmittal letter signed by an official authorized to contractually bind the firm or individual is required. The transmittal letter shall state that the proposal shall be valid for a 90-day period and should include the name, title, address, telephone number and email address of the individual to whom correspondence and other contacts should be directed during the proposer selection process.

Address the cover letter as follows:

Kate Miller  
Executive Director  
Napa Valley Transportation Authority 625 Burnell Street  
Napa, CA 94559

RFP No. 23-R04

3. *Executive Summary*

This section should be limited to a brief narrative highlighting and summarizing the proposal. The summary should clearly convey that the Proposer understands the nature of the work and the general approach to be taken.

4. *Firm Background and Experience*

A minimum one (1) page description of the firm's background and relevant public sector representation experience (no more than three (3)). Include

the name of the contact person, agency for whom the work was performed, telephone and fax numbers and the year in which the work was completed. References may or may not be contacted.

#### 5. *Qualification of Proposer*

The Proposer who is awarded the contract for this work will be required to comply with all applicable federal, state, regional and local requirements.

This section should include a brief description of the Proposer's qualifications and previous experience on similar or related engagements.

In addition, the selected Proposer will be required to provide the certification of eligibility that the Proposer and/or any of its principals/employees has not been debarred or suspended from providing services paid for by the federal government prior to award. Copies of all bar registrations and licenses to practice shall be included for each attorney.

A successful Proposer will be required to meet weekly with NVTA staff, prepare required reports, report information regarding the completion of all tasks in the work program, submit required work products by the required delivery dates and maintain records, accounts and books as necessary.

#### 6. *Examples of Public Sector Representation*

This part of the Proposal shall contain a description of matters where the Proposer represented/advised a public entity in California. The Proposer shall relate how it perceives its role in carrying out the responsibilities required by this RFP. The Proposer shall also provide examples of challenges encountered while representing public a public entity and discuss its approach in handling some of the specific challenges and opportunities it foresees in representing and advising public agency.

#### 7. *Staffing and Project Organization*

This section should identify key personnel who will be assigned to represent/advise the NVTA and their experience. At a minimum, this section shall include résumés for all attorneys assigned.

List any present activities and job commitments and potential or real conflicts of interest.

#### 8. *Cost Proposal*

At minimum the Proposer shall provide a total number of hours required per project, total number of staff assigned per project, and the billing rate and/or hourly for each staff assigned per project.

#### 9. *Exceptions to the Agreement*

This section shall include any exceptions the Proposer has taken to Attachment B, NVTA Sample Professional Service Agreement.

#### 10. *Appendices*

Under this section, Proposers shall provide all legal documents and compliance reports including DBE, Lobbying, Disbarment, etc.

### **SECTION IV - SCOPE OF SERVICES TO BE PROVIDED**

The work to be performed under contract based on this RFP is described in the Scope of Work attached hereto as Attachment A and hereby incorporated herein.

### **SECTION V - REQUIRED QUALIFICATIONS**

The NVTA seeks a motivated, skilled and enthusiastic professional team to be accountable and deliver innovative, high quality professional services.

*The Proposer/Firm must demonstrate the following experience:*

- At least ten (10) years of recent financial management experience for large, governmental capital projects.
- At least ten (10) years of recent experience with local, California governmental entities in which there was successful demonstration of the financial advisor's awareness of constraints and pressures on those entities, such as fiscal, political, and legal constraints.
- Knowledge of and experience with local, state and federal funding programs and processes, including intergovernmental coordination.
- Identify each staff member that may work on the project beyond the Project Manager and include a brief description of the related duties and experience.

## SECTION VI - EVALUATION AND QUALIFICATIONS

### A. Evaluation Method

NVTA will review and evaluate all proposals deemed responsive to this request by the Evaluation Selection Recommendation Committee (ESRC) in accordance with NVTA's Procurement Policies and Procedures Manual. Each of the firms will be ranked by the ESRC based on the criteria listed in this section.

### B. Final Selection Determination

Following the ESRC's analysis of the written proposals and possible follow up discussions, NVTA will enter into negotiations with the highest ranked firm. If negotiations with this firm are ultimately unsuccessful, or if the firm declines the work offered, then negotiations will proceed with the second highest ranked firm from the proposal list, and so forth until a firm is selected. In the event of a tie, cost proposals will be opened, and the lowest bid will be awarded the contract. The Finalist will be selected among the firms that NVTA feels would make the best provider.

### C. Contract Negotiation

Upon conclusion of the interviews and best and final offer, if any, NVTA will enter into contract negotiations with the finalist. The final negotiated contract will be submitted to the NVTA Board for approval if applicable.

### D. Evaluation and Scoring Criteria

The Evaluation Selection Recommendation Committee (ESRC), which may be made up of staff from NVTA, and other outside agencies, will review the proposals submitted. They will then establish a short list of pre-qualified firms based on pre-established review criteria and interview the firms, if necessary. The individual or composite rating prepared by the ESRC will not be revealed prior to contract award.

The product of the selection process will be to award a contract with the top rank firm, as recommended by the ESRC. The following criteria and point system will be used to evaluate the RFP:

<b>CRITERIA</b>	<b>WEIGHT (%/Points)</b>
<i>Qualification and Experience</i>	40
<i>References</i>	20
<i>Fee Proposal</i>	40
<b>TOTAL</b>	<b>100</b>

After initial evaluation of the proposals, NVTA may, at its discretion, hold interviews with the top ranked proposers. Each interview will be no more than 60-minutes, with the Proposer’s presentation limited to not more than 20-minutes. Any areas of specific concern will be identified before the interview. NVTA reserves the right to award a contract based solely on written proposals and not conduct oral interviews.

**SECTION VII – AWARD**

In accordance with NVTA’s Procurement Policies and Procedures Manual, the ESRC will review and evaluate the proposal based on the criteria established above. The NVTA will enter into negotiations with the highest ranked firm. If negotiations with this firm are ultimately unsuccessful, or if the firm declines the work offered, then negotiations will proceed with the second highest ranked firm from the proposal list, and so forth until a firm is selected. In the event of a tie, cost proposals will be opened, and the lowest bid will be awarded the contract. Again, NVTA reserves the right to award without interviews, based only upon the initial proposals. Each initial proposal should be submitted with the most favorable terms from both price and technical perspectives.

**SECTION VIII - NON-DISCRIMINATION**

Proposers shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, sexual orientation, race, religious creed, color, national origin, ancestry, denial of family and medical care leave, medical condition (cancer/genetic characteristics) physical handicap, disability (mental or physical) including HIV and AIDS, denial of pregnancy disability leave or reasonable accommodation, marital status, age (40 and above), in the performance of NVTA contracts. Proposers and any subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.

Proposers shall include the non-discrimination and compliance provisions of the above clause in all subcontracts to perform work under this contract.

### **SECTION IX - LEVINE ACT**

Proposers will be required to disclose on the record any contribution of more than \$250 which they have made to an NVTA Board Member within the twelve-month period preceding the submittal deadline of this RFP, and within the twelve-month period preceding any subsequent procurement based on this RFP. This applies to your company, any member of your team, any agents for you or other team members and to the major shareholders of any closed corporation, which is part of your team. If you have made a contribution which needs to be disclosed you must provide written notice of the date, amount and receipt of the contribution(s) to NVTA Executive Director, Kate Miller. This information will need to be provided before the NVTA can approve any contract.

### **SECTION X - NVTA DBE REQUIREMENTS**

NVTA has adopted a Disadvantage Business Enterprise (DBE) Policy, pursuant to which the NVTA encourages all prime Proposers to utilize qualified DBE sub-Proposers on NVTA projects, NVTA promotes the direct purchase of goods from qualified DBEs by utilizing DBE vendors when such vendors are available and the price of the goods sought is reasonable, and, for professional services contracts, NVTA seeks the utilization of qualified DBEs when such DBEs are available. All prime Proposers are required to report on DBE usage during the term of each contract.

For purposes of NVTA's DBE Policy, a DBE shall be a "Disadvantage Business" within the meaning of 13 CFR Part 121 and California Government Code Section 14837. In the event that the NVTA's DBE Policy conflicts with any Federal, State or other funding source's programs, policies, regulations or requirements, NVTA shall make the DBE Policy consistent with said funding source's programs, policies, regulations and requirements to the extent permissible by law. NVTA's DBE Policy is neutral as to race, ethnicity, national origin, age, sex, religion, sexual orientation and other protected classes.

The DBE goal for this contract is 0%. NVTA's overall annual goal is 2.6%

### **SECTION XI - INDEMNIFICATION AND INSURANCE REQUIREMENTS**

Insurance requirements for this project are set forth in Attachment B, NVTA Sample Professional Service Agreement for Services, Section 7 - Insurance and Section 8 - Hold Harmless / Defense / Indemnification.

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*Attachments follow*

## ATTACHMENT A

### FINANCIAL ANALYSIS SERVICES

NVTA is seeking consultant support for financial analysis to understand approaches to improve the flexibility and cost effectiveness for potential revisions to the existing Measure T ordinance in preparation for the November 2024 election.

The Existing Ordinance: Measure T is a ½ cent sales tax. 1% is set aside for administration, \$70,000 (which may be adjusted for inflation) a year is set aside for Independent Taxpayer Oversight Committee activities which includes auditing and member honorarium. The balance is distributed to the City/County/Town jurisdictions for local streets and road maintenance and rehabilitation as follows:

- City of American Canyon – 7.7%
- City of Calistoga – 2.7%
- City of Napa – 40.35%
- County of Napa – 39.65%
- City of St. Helena – 5.9%
- City of Yountville – 2.7%

NVTA is considering modifying, extending, and possibly increasing Measure T. In evaluating options, NVTA is interested in understanding how to restructure the Measure to fund large capital projects without compromising the objectives of the existing expenditure plan. That approach involves extending the measure to future years, potentially increasing the amount of proceeds, and issuing debt against future revenue streams.

Napa Valley's city, town, and county jurisdictions' apportionments both generate an annual revenue stream but also result in certain pavement management outcomes as defined by the Metropolitan Transportation Commission's Pavement Management Index. NVTA is interested in knowing how Napa's local road and street conditions can be improved (or at a minimum remain stable) under various scenarios. The analysis will also include the net present value of advancing funds as well as a proposal to true up the Measure's current distribution.

The consultant will modify an existing and/or build a new financial model to inform NVTA on the best approach to reform its sales tax measure. A possible outcome could be not to modify the current sales tax, depending on the analysis results. Below is a list of financial analyses that NVTA would like the successful consultant to prepare:

- Optimize debt issuance plan based on (a) Funding and financing Large Capital Projects (under various scenarios – see below), (b) Optimize amount of LS&R revenues for each jurisdiction (balancing both how much each jurisdiction can deliver and how much revenues should be brought forward to best improve pavement management scores)
- Factor in the cost of bonding (legal, debt issuance transaction costs, monitoring and administrative costs under multiple scenarios)

- Impact of debt payments on existing revenue streams (to include changes in nominal revenue distribution and maintaining existing pavement management scores at a minimum)
- Calculate the cost of borrowing under various projected interest scenarios (High, Medium, Low)
- Recommendations for debt issuance (number of tranches, years, etc.) that both optimizes contracting opportunities (economies of scale) and interest costs.
- Provide financial stability analysis by showing existing annual revenue generations projected out over the 30-year period factoring in revenue volatility resulting from economic deviations and bond market deviations for both a bonding and no debt scenario
- Estimate net present and future values of revenues and costs (high, medium, low scenarios)
- Develop a range of net revenues available for project improvements based on increasing sales tax revenues and/or extending the existing sales tax rate per the scenarios laid out below

The Financial Model will need to run the following potential scenarios:

1. Measure T – No Changes. Maintain existing ½ cent sales tax and extend 30 years but without bonding against future revenues. Model real and nominal values.
2. Measure T Extension. Maintain existing ½ cent and extend Measure for 30 years; evaluate bond proceeds (for funding project(s) and associated bonding costs). After interest payments and other costs, what would be the net value and nominal value of revenue? Near or long-term impact to revenue stream for existing LS&R funds (nominal and present value). Debt payments and net interest?
3. Same scenario as item 2, but increase sales tax to ¾ cent.
4. Same scenario as item 2, but increase sales tax to 1 cent.
5. Each scenario above should also model separately an annualized set aside for programs such as transit, transportation development management programs, etc. of between \$1 and \$5 million.

The model should be flexible enough to enter variables such as sales tax amounts, varying extension in years, inflationary factors, and number of tranches.

The model should be transferable to a standard spreadsheet, like Excel with formulas and assumptions visible, and shall be the ultimate property of NVTVA.

## **ATTACHMENT B**

### **NVTA SAMPLE PROFESSIONAL SERVICE AGREEMENT**

Please refer to our website at [www.nvta.ca.gov](http://www.nvta.ca.gov) for a sample of the Professional Service Agreement (PSA). If this is a federally funded procurement, the federally required clauses will be included.

### ATTACHMENT C

### GENERAL INFORMATION FORM

(To be completed by the Proposer and placed at the front of the RFP)

Legal Name of Firm :

Date:

Street Address:

Telephone Number:

City/State/Zip:

Firm's Fax Number:

DBE  Cert # \_\_\_\_\_ SBE  Cert # \_\_\_\_\_ Other  Type \_\_\_\_\_ Cert # \_\_\_\_\_

None

Type of Organization:

(Corporation, LPA, Sole Proprietorship, Partnership, etc.)

Business License (documented):

Taxpayer ID Number

(Federal): Name and Title of Manager:

\_\_\_\_\_  
Name, Title, e-mail address, and Phone Number of Person Correspondence should be directed to:

\_\_\_\_\_  
DBE  Cert # \_\_\_\_\_ SBE  Cert # \_\_\_\_\_ Other  Type \_\_\_\_\_ Cert # \_\_\_\_\_

None

Signature, Name and Title of Person Signing

\_\_\_\_\_

## ATTACHMENT D

Visit NVTA's website at [Federal Required Clauses | Napa Valley Transportation Authority](#) for more detailed information.

### Federal Required and Other Model Contract Clauses

	Rolling Stock	Operating	Construction	Consultant Services	Research	Goods	Prof Srvc
1. Fly America - Required for air transportation. 49USC40118, 41CFR330							
2. Buy America 49USC5323(2); 49CFR PART681	>\$100,000		>\$100,000			>\$100,000	
3. Charter Bus and School Bus 49USC5323 PART804		X					
4. Cargo Preference - Required for all contracts involving equipment, materials, or commodities which may be transported by ocean vessels. 46USC55505; 46CFR PART381							
5. Seismic Safety 49USC77041; 49CFR PART141			New Bldg				
6. Energy Conservation 42 USC 6321; 49 CFR 622 SUBPART C	X	X	X	X	X	X	X
7. Clean Water 49USC5223(C)(2); 33USC1251-1398; 23 USC139	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
8. Bus Testing 49 USC 5318(C)	X	Turnkey					
9. Pre-Award and Post Delivery Audit 49USC5323(W)	X	Turnkey					
10. Lobbying 49CFR PART20; 31USC1352	>\$100,000	>\$100,000	>\$100,000	>\$100,000		>\$100,000	>\$100,000
11. Access to Records and Reports 49USC5323(O)		X	X	X			X
12. Federal Changes 49CFR30	X	X	X	X	X	X	X
13. Bonding 49USC53; 49CFR18.36; 18.48(C)(5)			>\$100,000				
14. Clean Air 42 USC7401-7671	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
15. Recycled Products 40CFR247; 48CFR pART23; 49USC5333(A)	* >\$10,000	* >\$10,000	* >\$10,000	* >\$10,000	* >\$10,000	* >\$10,000	* >\$10,000
16. Davis-Bacon and Copeland Anti-Kickback Acts 40USC3141-3148			>\$2,000				
17. Contract Work Hours and Safety Standards Act 40USC3701-3708			>\$100,000				
19. No Government Obligation to Third Parties 49USC SEC11	X	X	X	X	X	X	X
20. Program Fraud and False or Fraudulent Statements and Related Acts 31USC3801; 49CFR PART31	X	X	X	X	X	X	X
21. Termination 49USC5323 SEC11	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
22. Government-wide Debarment and Suspension (Nonprocurement) 2 CFR PART1200+1800	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
23. Privacy Act 5 USC552A	X	X	X	X	X	X	X
24. Civil Rights 49USC5323 SEC12	X	X	X	X	X	X	X
25. Breaches and Dispute Resolution 49USC5323 SEC39	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
26. Patent and Rights in Data 49USC5323 SEC17+18					X		
27. Transit Employee Protective Agreements 49USC5333(B); 29CFR215		X					
28. Disadvantaged Business Enterprise (DBE) 49CFR PART28	X	X	X	X	X	X	X
30. Incorporation of Federal Transit Administration Terms FTAC2201	X	X	X	X	X	X	X
31. Drug and Alcohol Testing 49CFR655; 49CFR40		X					

OCT 2018



**DBE Information – Good Faith Efforts**

Federal-aid Project No. \_\_\_\_\_ Bid Opening Date \_\_\_\_\_

NVTA established a Disadvantaged Business Enterprise (DBE) goal of 0% for this project. NVTA has an annual overall established DBE goal of 2.6%. The information provided herein shows that a good faith effort was made.

Lowest, second lowest and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the “Local Agency Bidder – DBE Commitment” form indicates that the bidder has met the DBE goal. This will protect the bidder’s eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

Submittal of only the “Local Agency Bidder – DBE Commitment” form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in the Section entitled “Submission of DBE Commitment” of the Special Provisions:

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement
_____	_____
_____	_____
_____	_____

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- C. The items of work which the bidder made available to DBE firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount(\$)	Percentage of Contract

- E. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a :

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

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Names, addresses and phone numbers of firms selected for the work above:

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- F. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

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- F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime CONTRACTOR or its affiliate:

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- G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results

- G. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

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NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.