



DATE: September 27, 2018

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
Dan Cherrier, Deputy Executive Director
James O'Brien, Program Consultant

SUBJECT: TAM Consultant Procurement Manual (Action), Agenda Item 6b

RECOMMENDATION

Approve the following action as recommended by the Executive Committee on September 10, 2018:

1. Approval of the TAM Planning, Programs and Projects Consultant Procurement Manual shown in Attachment A.

BACKGROUND

The Transportation Authority of Marin (TAM) plays several important roles in the planning, programming and implementation of services and improvements related to transportation throughout Marin County. As the Marin County Congestion Management Agency, TAM manages county-wide planning efforts and programs the county shares of regional, state and federal transportation dollars to a variety of projects and programs for all modes of transportation in Marin County. As the governing agency for Measure A, the sales tax measure approved by the voters in November 2004, TAM oversees the efforts to implement the Marin County Transportation Sales Tax Expenditure Plan approved with Measure A in 2004; and as the administering agency for Measure B, the \$10 annual vehicle registration fee for transportation approved by voters in 2010, TAM oversees the distributions and expenditures of the funding derived from the \$10 annual Marin vehicle registration fee for transportation.

To carry out the responsibilities of TAM's multiple roles in Marin County and the Region, including the role of implementing agency for a variety of projects and programs, TAM enters into purchase agreements and contracts with consultants, suppliers, contractors and various service providers. In addition to the funding from sources directly administered by TAM, i.e. Measure A and Measure B, TAM also uses funding from various other local, regional, state and federal sources administered by other agencies. A uniform approach to procurement activities for all types of agreements and purchases is intended to increase the efficiency of the procurement processes and the effectiveness of procurement-related outreach to enhance the overall level of competition for TAM contracts and agreements.

DISCUSSION/ANALYSIS

The primary purpose of the TAM Planning, Programs and Projects Consultant Procurement Manual is to provide a framework for consistency in consultant procurement activities related to programs and projects implemented by TAM, and compliance with applicable laws, statutes and funding requirements. The Manual can be used as a guide for project managers and contract administrators during the process to procure equipment or services related to activities managed directly by TAM. Procurement for purchases or contracts to be funded wholly, or in part, by public funds must comply with the California Government Code and Public Contract Code. In addition to the public contract code requirements, procurement for purchases or contracts to be funded wholly, or in part, by grants funded by other agencies at the regional, state, and federal levels may be subject to requirements related to each specific fund source used to reimburse contract costs. Note, TAM has been following these required practices since its inception, but they have not been codified in a manual of activity.

For most state and federal fund sources, the eligibility of purchase and contract expenses for reimbursement is dependent on the procurement process satisfying the requirements set forth for each fund source. The California Department of Transportation (Caltrans) Division of Local Assistance, in cooperation with the Federal Highway Administration and California Transportation Commission, publishes and maintains various documents related to procurement requirements for purchases and contracts to be funded wholly, or in part, by state or federal funds. The Caltrans Local Assistance Procedures Manual applies to most federal grants received by TAM, and the Caltrans Local Assistance Program Guidelines identifies the requirements for most state grants. The TAM Planning, Programs and Projects Consultant Procurement Manual defers to the extent practicable to requirements for funding from other agencies, including sources under the purview of Caltrans Local Assistance, by referencing the applicable fund-specific requirements. One specific requirement of Caltrans Local Assistance is for agencies receiving funds through Local Assistance to have this type manual in place.

The procurement requirements for contracts with multiple fund sources must be coordinated and reconciled to establish a procurement strategy for each contract. The process described in the TAM Planning, Programs and Projects Consultant Procurement Manual represents the “base case” for procurement related to activities funded by funds administered by TAM. Procurement strategies for contracts to be funded wholly, or in part, by other fund sources must be developed on a case-by-case basis depending on the mix of funds. The TAM project manager in charge of the procurement process will ensure the appropriate procurement activities and requirements are satisfied for the fund sources identified for the contract. For projects funded wholly, or in part, by grants administered through Caltrans Local Assistance, TAM defers to the funding requirements included in the various Local Assistance policy and procedure documents referenced in Attachment A: TAM Planning, Programs and Projects Consultant Procurement Manual.

The TAM Planning, Programs and Projects Consultant Procurement Manual establishes a small purchase threshold for contracts with a total contract value of less than \$150,000 to match the current state and federal thresholds. Procurement for contracts below the small purchase threshold can involve a less formal outreach and evaluation process than prescribed for contracts with higher values.

FISCAL CONSIDERATION

There are no significant fiscal impacts anticipated to result from the recommended action. Use of standardized procedures for consultant procurement may result in more efficient negotiation practices with resulting savings.

NEXT STEPS

Staff will forward the document to Caltrans after TAM Board Approval. Acceptance by Caltrans is required before new federal funds can be assigned to TAM. It is expected that Caltrans will suggest changes to the Manual. Should any of those changes prove to be substantial, the TAM Board will be informed at a future meeting.

ATTACHMENTS

- A: TAM Planning, Programs and Projects Consultant Procurement Manual

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**PLANNING, PROGRAMS AND PROJECTS CONSULTANT
PROCUREMENT MANUAL
OF THE
TRANSPORTATION AUTHORITY OF MARIN**

APPROVED BY TAM BOARD

ON

x/xx/xxxx

*Transportation Authority of Marin
Planning, Programs and Projects Consultant Procurement Manual*

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1. Introduction

The Transportation Authority of Marin (TAM) plays several important roles in the planning and implementation of services and improvements related to transportation throughout Marin County. As the Marin County Congestion Management Agency, TAM manages county-wide planning efforts and programs the county shares of regional, state and federal transportation dollars to a variety of projects and programs for all modes of transportation in Marin County. As the governing agency for Measure A, the sales tax measure approved by the voters in November 2004, TAM oversees the efforts to implement the Marin County Transportation Sales Tax Expenditure Plan approved with Measure A in 2004; and as the administering agency for Measure B, the annual vehicle registration fee approved by voters in 2010, TAM oversees the distributions and expenditures of the funding derived from the annual vehicle registration fee.

To carry out the responsibilities of TAM's multiple roles in Marin County and the Region, including the role of implementing agency for a variety of projects and programs, TAM enters into purchase agreements and contracts with suppliers, service providers and contractors. In addition to the funding from sources directly administered by TAM, i.e. Measure A and Measure B, TAM also uses funding from various other local, regional, state and federal sources administered by other agencies.

The primary purpose of this Planning, Programs and Projects Consultant Procurement Manual is to provide a framework for consistency in consultant procurement activities related to programs and projects implemented by TAM, and compliance with applicable laws, statutes and funding requirements. This Manual can be used as a guide for project managers and contract administrators during the process to procure equipment or services for activities managed directly by TAM. Procurement for purchases or contracts to be funded wholly, or in part, by public funds must comply with the California Government Code and Public Contract Code. In addition to the public contract code requirements, procurement for purchases or contracts to be funded wholly, or in part, by grants funded by other agencies at the regional, state, and federal levels may be subject to requirements related to each specific fund source.

For most state and federal fund sources, the eligibility of purchase and contract expenses for reimbursement is dependent on the procurement process satisfying the requirements set forth for each fund source. The California Department of Transportation (Caltrans) Division of Local Assistance, in cooperation with the Federal Highway Administration and California Transportation Commission, publishes and maintains various documents related to procurement requirements for purchases and contracts to be funded wholly, or in part, by state or federal funds. The Caltrans Local Assistant Procedures Manual applies to most federal grants received by TAM, and the Caltrans Local Assistance Program Guidelines identifies the requirements for most state grants.

The procurement requirements for contracts with multiple fund sources must be coordinated and reconciled to establish a procurement strategy for each contract. The process described in this Planning, Programs and Projects Consultant Procurement Manual represents the "base case" for procurement related to activities funded by funds administered by TAM.

Procurement strategies for contracts to be funded wholly, or in part, by other fund sources

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must be developed on a case-by-case basis depending on the mix of funds. For contracts funded wholly, or in part, by grants administered through Local Assistance, the procurement strategy shall incorporate the requirements set forth in the applicable Local Assistance policies and procedures referenced in Attachment A: TAM Planning, Programs and Projects Consultant Procurement Manual. See Section 4: Developing Procurement Strategy below for details about developing a contract-specific procurement strategy.

2. Definition of Contracts

For the purposes of this Planning, Programs and Projects Consultant Procurement Manual, “contract” shall refer to the any of the various forms of agreements between TAM and vendors to perform services, provide equipment or construct capital improvements related to transportation planning and the implementation of transportation programs and projects. The contract costs incurred by TAM represent costs to be reimbursed by funding allocated or authorized for the transportation program or project, including grants funded by agencies other than TAM. To ensure that contract costs incurred are eligible for reimbursement from a given fund source, the contract expenses must be incurred in accordance with the requirements set forth by the funding agency approving the grant, or grants. In addition to the contract terms by which contract expenses are incurred, the procurement method used may also affect the eligibility of contract costs.

Procurement methods for the following types of contracts are addressed in this Planning, Programs and Projects Consultant Procurement Manual:

- Program or project specific consultant contracts; and
- Program or project specific material or equipment purchases.

Procurement methods for purchases related to the day-to-day operation and administration of TAM are addressed in administrative procedures and the annual budgeting process and are not covered by this Manual.

Procurement methods for construction contracts to be administered by TAM are also not addressed in this Manual. Construction contracts shall be based on plans, specifications and estimates prepared during the final design phase of a capital project. The plans, specifications and estimates shall be prepared in accordance with applicable requirements based on the fund source, or sources, to be used to fund the construction. The request for bids package for construction contracts shall be based on industry standards for local public works construction specifications and contract language with references to the Caltrans Standard Specifications and Standard Special Provisions as determined appropriate during the preparation of the plans, specifications and estimates. The procurement strategy for construction contracts will be developed in conjunction with the plans, specifications and estimates.

Contracts for the implementation of programs and projects can be executed by TAM for a single program or project, or for multiple programs or projects. Contracts may also be executed for on-call services to be performed on a task order basis as needed by TAM. Costs related to contracts for multiple programs or projects shall be segregated by phase for each program or project. Task order contracts for multiple programs or projects shall also be segregated with task order authorization amounts for each individual phase of each program

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or project for which services are provided. Segregating costs by program or project and by phase is essential to assigning costs to specific fund sources from various agencies.

The language used for contracts shall be based on TAM's current boilerplate language at the time of the procurement activities. The boilerplate contract language is updated from time to time and should be modified as appropriate to comply with any requirements related to the fund source, or sources, to be used to fund the contract.

3. Identifying the Need for Procurement Activities

The first step in the procurement process is to identify the need for a contract, or contracts, for the program or project to be implemented. The need for procurement activities should be described as the scope of services, materials and/or equipment required, and the estimated cost of the required services, materials and/or equipment. A program or project may involve multiple contracts, and a contract may include work on multiple programs or projects. Each contract shall be procured in accordance with the methods described in this Planning, Programs and Projects Consultant Procurement Manual.

The project manager for the program or project to be implemented by TAM shall also act as the procurement and contract administrator. The procurement and contract administrator shall be responsible for ensuring the procurement activities and contract administration are consistent with the procurement strategy developed in accordance with requirements set forth in this Planning, Programs and Projects Consultant Procurement Manual, and with the contract terms. Contract administration procedures occurring after contract award are not addressed in this Manual.

4. Developing Procurement Strategy

An initial procurement strategy should be developed for each set of procurement activities needed to implement a program or project. The procurement process for each contract to be executed by TAM shall include the following activities: outreach to advertise TAM's intent to enter into a contract; issuing a request for qualifications (RFQ) or a request for proposals (RFP) or both; evaluating the statements of qualifications or proposals received in response to the RFQ or RFP; negotiating the terms of the purchase agreement or contract with the top-ranked respondent to the RFQ or RFP; and recommending approval of a purchase agreement or contract as a result of the procurement process.

Once the need for procurement activities is defined, the project manager for the program or project to be implemented shall initiate the procurement process by developing a contract-specific procurement strategy. A sample summary of a procurement strategy for a consultant contract is shown in Appendix A: Sample Procurement Strategy Summary.

Because some procurement activities are based on the estimated total contract value, a contract cost estimate must be prepared and incorporated into the initial procurement strategy. (Note: the estimate can also serve as the "Independent Cost Estimate" and the basis of the DBE calculation required for federally-assisted contracts.) The contract cost estimate should reflect the breakdown of tasks and deliverables envisioned for the contract.

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The type of contract will also impact some procurement activities. Contracts for engineering and architectural work that relate to a specific construction project or that require work to be performed under the direction of a registered engineer or architect are commonly referred to as Architectural & Engineering (A&E) contracts. Contracts for planning activities and other services that are not related to a specific construction project are considered non-A&E. Both federal regulation and California state law (Government Code 4525-4529 et al) require selection of A&E consultant services on the basis of demonstrated competence and professional qualifications. Consultants other than A&E consultants may be selected using cost, cost and qualifications (best value) or other critical selection criteria based on TAM's contract-specific procurement strategy developed in accordance with requirements set forth in this Planning, Programs and Projects Consultant Procurement Manual.

Contracts with an estimated total cost, including subconsultants, of less than \$150,000 are considered small purchases and can be obtained using a relatively simple and informal small purchase procedure. This informal method must be sound and appropriate for the contract scope of services procured and the procurement files must contain justification for the selection. The method of procurement shall be an open and competitive process and shall consider a minimum of three different vendors whenever possible. The small purchase procedure does not require a formal Request for Qualifications, a selection/evaluation panel, disclosure of the evaluation criteria, records of cost/profit negotiations, or an audit review prior to executing the contract. The reasons for selecting a firm need to be thoroughly documented in the procurement file.

The project manager should organize an evaluation panel with a minimum of three members at the beginning of the procurement process. The project manager shall confirm that the members of the evaluation panel do not have any potential conflicts of interest related to the procurement. The names of the members of the evaluation panel should be kept confidential during the procurement process. If reference to individual reviewers is required during the procurement process, members of the panel can be identified by reviewer number and their organization, e.g. Reviewer No. 1 from TAM, Reviewer No. 2 from the City of San Rafael, etc. Members of the evaluation panel should include the project manager and subject matter experts from the areas of expertise included in the scope of services. The members should be familiar with the scope of work to be contracted out and with the local agency standards that will be used in the contract.

The project manager shall prepare a detailed procurement schedule including key dates for procurement activities such as deadlines for the submittal of questions by potential respondents, the date of the pre-submittal conference (if applicable), the proposed date for interviews of shortlisted firms (if applicable), and the deadline for submittal of the Statement of Qualifications (SOQ) or proposals in response to the RFQ or RFP. The project manager should confirm target dates in the procurement schedule with the members of the evaluation panel before TAM publishes the RFQ or RFP.

The RFQ or RFP must contain enough information regarding project work and any specialized services being sought to allow interested potential respondents to submit an appropriate SOQ or proposal in response to the RFQ or RFP.

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The outreach for the procurement process shall be by public advertisement or any other public forum or method that assures qualified potential respondents are given a fair opportunity to be considered for the award of a contract. Advertisements of the RFQ or RFP in a major newspaper of general circulation and technical publications with widespread circulation; distribution to professional associations and societies, recognized Disadvantaged Business Enterprise (DBE) organizations (for federally-assisted contracts), and web hosting and clearing houses known for posting contract solicitations; and posting the RFQ or RFP on TAM's website are all acceptable methods of solicitation. To document website postings, screen shots displaying the posted begin/end dates shall be retained in the procurement files.

The advertisement of the RFQ or RFP may take one of two approaches. In one approach, the entire RFQ or RFP is published with all its requirements and submittal deadline. In the second approach, the advertisement specifies the availability of the RFQ or RFP. Interested potential respondents will be able to obtain copies of the RFQ or RFP at a specified location, request that the RFQ or RFP be mailed, or simply download the electronic RFQ or RFP from the web site after registration. This approach provides a registry for firms who received the RFQ or RFP and therefore facilitates the broadcast of any revisions or addendum to the RFQ or RFP, if necessary. The procurement approach should be reflected in the contract-specific procurement strategy developed in accordance with requirements set forth in this Planning, Programs and Projects Consultant Procurement Manual. The total expected billings for all phases, if available, should be listed in the advertisement.

The RFQ or RFP shall be published online and in print so the RFQ or RFP can be sent to all respondents to newspaper and other advertisements. A record of the contact information for all respondents that have downloaded the RFQ or RFP online as well as those receiving the RFQ or RFP through other means, shall be maintained in the procurement file to ensure that any inquiry responses, addendums, or amendments to the RFQ or RFP are given to all potential respondents that have received the RFQ or RFP.

The procurement strategy may include the opportunity for submittal of written questions or for verbal questions during a pre-submittal conference, or both. All responses to inquiries made in accordance with the requirements set forth in the RFQ or RFP, including verbal inquiries made at a pre-submittal conference, shall be made by TAM in writing as specified in the RFQ or RFP and published in similar fashion to the initial issuance of the RFQ or RFP. All potential respondents that have received the RFQ or RFP, should also receive any addenda and responses to inquiries published by TAM.

The project manager shall be responsible for incorporating the applicable funding requirements into the procurement strategy and the RFQ or RFP documents. Any fund-specific procurement requirements for any of the sources shown as funding for the contract in the procurement strategy summary shall be incorporated to the extent practical into the RFQ or RFP. Exceptions to any fund-specific procurement requirements shall be confirmed by the funding agency for the specific fund source.

The project manager is responsible for ensuring that proper procurement procedures are followed, that all requirements are met, and that the selection process is well-documented in the procurement files. Any exceptions to the requirements set forth in this Planning,

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Programs and Projects Consultant Procurement Manual shall be approved by TAM on a case-by-case basis prior to the issuance of the RFQ or RFP. Any exceptions to fund-specific procurement requirements for any of the fund sources included in the contract funding plan must be approved in accordance with policies and procedures set forth by the funding agency.

The fund-specific requirements for most state and federal fund sources are included in Appendix 2: Caltrans Consultant Procurement Manual (April 2017). The project manager shall review the current requirements for each of the fund sources in the contract funding plan prior to the issuance of the RFQ or RFP.

5. Requests for Qualifications

The project manager is responsible for preparing the Request for Qualifications. As a minimum, the RFQ generally includes the following:

- Description of the project(s);
- Scope of work for contract;
- Schedule of work (including contract begin and end dates);
- Method of payment and cost proposal requirements;
- SOQ format and required items to be submitted (see list below);
- Evaluation criteria and weighting;
- DBE contract goal (for federally-assisted contracts);
- Schedule for procurement process;
- TAM contact information for inquiries and submittals;
- TAM sample contract; and
- Protest procedures and dispute resolution process.

The RFQ specifies the content of the SOQ, the number of copies required, the deadline for inquiries or requests for clarification, the submittal due date, mailing address, and a physical address where the submittals may be hand delivered if different from the mailing address. Two to four weeks is usually allowed between the time the RFQ is published and the time that the SOQ must be submitted. More time may be required for complex contracts or scopes of work. Additional time will also be required for a pre-submittal meeting if required.

Items typically required in a SOQ include:

- Qualifications of key personnel proposed for the contract, including consultant project manager (Key team members identified in the original technical proposal/cost proposal shall not change or be different than in the executed contract without approval by TAM);
- Recent relevant experience of key personnel;
- Qualifications/experience of the firm;
- Organizational chart for project team (listing subconsultants);
- Forecast or schedule for work;
- Consultant DBE Commitment document (for federally-assisted contracts);
- Staff resumes;

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- Exceptions to the TAM sample contract language; and
- References

The RFQ for an on-call contract shall include a description of the range of services and programs or projects for which task orders may be authorized.

The project manager is responsible for developing the technical criteria and their relative importance to be used to evaluate and rank the responses to the RFQ. The criteria and relative weights must be included in the RFQ, and the same criteria and relative weights must be used in the evaluation sheets.

The project manager shall review the current requirements for each of the fund sources in the contract funding plan prior to the issuance of the RFQ to ensure compliance with applicable fund-specific requirements.

6. Requests for Proposals

The project manager is responsible for preparing the Request for Proposals. The description of the scope of services in the RFP should include enough detail to allow potential respondents to prepare a detailed approach to the work that can be compared to other submittals for comparison and evaluation. A more detailed scope of work will also allow for a detailed cost proposal that can serve as the basis for contract negotiations, or for cost comparison if cost is one of the evaluation criteria.

As a minimum, the RFP generally includes the following:

- Description of the project(s);
- Detailed scope of work for contract with expected deliverables;
- Schedule of work (including contract begin and end dates);
- Method of payment and cost proposal requirements;
- Proposal format and required items to be submitted (see list below);
- Evaluation criteria and weighting;
- DBE contract goal (for federally-assisted contracts);
- Schedule for procurement process;
- TAM contact information for inquiries and submittals;
- TAM sample contract; and
- Protest procedures and dispute resolution process.

The RFP specifies the content of the proposal, the number of copies required, the deadline for inquiries or requests for clarification, the submittal due date, mailing address, and a physical address where the submittals may be hand delivered if different from the mailing address. Two to four weeks should typically be allowed between the time the RFP is published and the time that the proposals must be submitted. More time may be required for complex contracts or scopes of work.

Items typically required in a proposal include:

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- Name of consultant project manager and the individual authorized to negotiate the contract on behalf of the prime consulting firm;
- A detailed work plan including deliverables;
- Organizational chart for project team (listing subconsultants);
- Staffing Plan identifying key team members (Key team members identified in the original technical proposal/cost proposal shall not change or be different than in the executed contract without approval by TAM);
- Schedule for work and deliverables;
- Qualifications and recent relevant experience of key personnel proposed for the contract, including consultant project manager;
- Qualifications/experience of the firm;
- Consultant DBE Commitment document (for federally-assisted contracts);
- Staff resumes;
- References;
- Exceptions to the TAM sample contract language; and
- Cost Proposal, if requested (in separate sealed envelope).

The project manager is responsible for developing the technical criteria and their relative importance which are used to evaluate and rank the consultant qualifications. The criteria and relative weights must be included in the RFP, and the same criteria and relative weights must be used in the evaluation sheets.

The project manager shall review the current requirements for each of the fund sources in the contract funding plan prior to the issuance of the RFP to ensure compliance with applicable fund-specific requirements.

7. Evaluating Statements of Qualifications and Proposals

The first step in the evaluation process is to determine that each submittal contains all forms, qualifications and other information required by the RFQ or RFP. Submittals that do not satisfy all the SOQ or proposal requirements may be considered nonresponsive and rejected without evaluation. Documentation of when each SOQ or proposal is received must be maintained in the project files. Submittals should be time and date stamped upon receipt by TAM. Late submittals, submittals to the wrong location, or submittals with inadequate copies are considered nonresponsive and shall be rejected. Submittal of additional information after the due date shall not be allowed.

The evaluation panel shall review the submittals received in response to the RFQ or RFP and shall score them using the evaluation criteria established for the procurement. The scoring shall be used to develop a shortlist of the most qualified respondents. The short list should include a minimum of the top three ranked teams unless there is a significant gap between the scoring for the second and third ranked teams, or only two responses are received. The same evaluation panel, if possible, should participate in the interviews of the shortlisted respondents and shall develop the final ranking of the most qualified respondents.

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If less than three responses are received for an RFQ or RFP, the project manager shall decide whether or not the evaluation should proceed or if additional outreach should be performed and a new submittal deadline established. If two responses are received, the justification for proceeding with the evaluation should be well-documented in the procurement file. If only one response is received, TAM shall acknowledge the receipt of only one response before the contract is awarded. (Note: Any procurement process for which less than three responses are received may require an exception from the fund-specific procurement requirements related to funding from other agencies.)

The project manager shall gather the scoring sheets from the members of the evaluation panel and prepare a scoring summary to accompany the procurement recommendation. The individual scoring sheets and summary shall be included in the procurement file.

8. Contract Negotiations

The first-ranked consultant is asked to provide a cost proposal to perform the work described in the draft contract and to be discussed at the first negotiation meeting. The work is to be performed according to the conditions described in the draft contract using the payment method described therein. Alternatively, if time is of the essence and it can be justified, sealed cost proposals may be requested from all of the consultants on the shortlist, or with the submittal of the proposal (in a separate sealed envelope).

If the contract involves more than one project, the consultant must provide a separate cost proposal for each project in addition to a summary cost proposal for the total contract. If the contract involves milestones, the consultant must furnish a separate cost subtotal for each milestone with a summary cost proposal showing the total costs for all milestones. If the contract involves subconsultants, the prime consultant's cost proposal must incorporate a separate cost proposal from each subconsultant. Each subconsultant's cost proposal must follow the same format as the prime consultant's cost proposal.

After the top-ranked consultant submits a sealed cost proposal, TAM reviews the cost proposal and enters into negotiations. The goal of negotiation is to agree on a final contract that delivers the services or products needed by TAM at a fair and reasonable cost. The independent cost estimate, developed by TAM in advance of requesting a cost proposal from the top-ranked consultant, is an important basis and tool for negotiations.

Items typically negotiated include:

- Work plan;
- Schedule and deadlines (for deliverables and final duration of contract);
- Products to be delivered;
- Classification, wage rates, and experience level of personnel to be assigned; and
- Other Direct Cost items; and
- Profit or fee.

Negotiations should commence with the most qualified consultant. If agreement on a fair and reasonable price cannot be reached, negotiations should then be formally terminated.

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Negotiations then proceed to the next most qualified consultant, and so on. Each consultant's cost proposal must remain sealed until negotiations commence with that particular consultant. At the completion of successful cost negotiations, all remaining sealed envelopes containing cost proposals shall be returned to the consultants.

9. Procurement Recommendation

The procurement process is intended to lead to a recommendation for the award of a contract, but in some cases the award of a contract may not be recommended. If contract negotiations do not result in an agreed upon contract scope, schedule and cost, or if no responsive submittals are received in response to the RFQ or RFP, award of a contract may not be recommended.

Recommendations to award a contract shall be approved by the TAM Board, unless the authority to approve the award of a contract, or contracts, has been delegated by the TAM Board.

Administration of the contract following award is not addressed in this Planning, Programs and Projects Consultant Procurement Manual.

Appendices

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Sample Procurement Strategy Summary
 (Copy in Procurement File)

Procurement File Reference No. _____

Project Title: _____ **Project No.** _____

Contract Description: _____

Contract Estimate (\$ x 1,000) (Attach Cost Estimate Detail): \$ _____

Anticipated Funding (\$ x 1,000) (List amounts for all fund sources for contract)
 (Contracts with funding through Local Assistance must comply with applicable Local Assistance policies and procedures and be specifically identified below.)

\$ _____	Source 1	\$ _____	Source 2
\$ _____	Source 3	\$ _____	Source 4
\$ _____	Source 5	\$ _____	Source 6

Type of Contract: _____ Architectural & Engineering Consultant
 _____ Non-Architectural & Engineering Consultant
 _____ Purchase Agreement

Type of Procurement Process: _____ One-Step RFP
 _____ One-Step RFQ
 _____ Two-Step RFQ/RFP
 _____ Small Purchase (less than \$150,000 contract total)

Procurement Schedule:

Activity	Target	Actual
Issue RFQ		
RFQ Pre-Submittal Meeting		
RFQ's Due		
RFQ Evaluation Complete		
Issue RFP		
RFP Pre-Submittal Meeting		
RFP's Due		
RFP Evaluation Complete		
Negotiations Complete		
Board Approve Contract		

Project Manager/Contract Administrator: _____

Attachments