



March 7, 2024

AFFILIATED AGENCIES

*Orange County
Transit District*

*Local Transportation
Authority*

*Service Authority for
Freeway Emergencies*

*Consolidated Transportation
Service Agency*

*Congestion Management
Agency*

*Service Authority for
Abandoned Vehicles*

**SUBJECT: Request for Proposals (RFP) 4-2046
“Disadvantaged Business Enterprise (DBE) Consulting
Services”**

Gentlemen/Ladies:

This letter shall serve as Addendum No. 3 to the above RFP issued by the Orange County Transportation Authority (OCTA). Offerors are reminded that the proposal submittal date is at or before **2:00 p.m., March 20, 2024**.

Offerors are advised of the following:

1. Written questions submitted by March 4, 2024 and OCTA's responses are presented as Attachment A to this Addendum No. 3.
2. The Scope of Work has been revised and the changes are highlighted in Exhibit A, Revised Scope of Work No. 1, attached to this Addendum No. 3.
3. The Price Summary Sheet has been revised and is presented as Exhibit B, Revised Price Summary Sheet No. 1, attached to this Addendum No. 3.

Offerors are reminded to acknowledge receipt of this Addendum No. 3 in their transmittal letter and Exhibit B, “Revised Price Summary Sheet No. 1.” All changes addressed in this Addendum No. 3 shall be incorporated into the final Agreement.

Questions regarding this Addendum No. 3 should be directed to the undersigned at lmartinez1@octa.net.

Sincerely,

Luis Martinez

Luis Martinez
Senior Contract Administrator
Contracts Administration and Materials Management



OCTA's Responses to Written Questions

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1. **Q** – What is the anticipated number of contracts per year (active and being monitored) at any given time?

A – The total number of contracts varies each year, currently the total number of open federal funded contracts is sixty-eight (68).

2. **Q** – What is the anticipated number of upcoming procurement solicitations?

A – The total number of solicitations varies by year, but it is rarely more than fifteen (15) federalized solicitations per year.

3. **Q** – How often does OCTA hold pre-proposal meetings (i.e., once a week, twice a week, etc.)?

A – There is no set number of pre-proposal meetings per week. The number varies depending on the number of procurements that have pre-proposal meetings scheduled.

4. **Q** – In regards to the Electronic Compliance Monitoring Software, does the data being captured by the consultant's monitoring software need to be able to sync with OCTA's current compliance monitoring system?

A – Yes, The current OCTA data must be imported into the Consultant's monitoring software to ensure a seamless turnover. Please review Page 5 of Exhibit A, Revised Scope of Work No. 1, No. 7 Electronic Compliance Monitoring Software.

5. **Q** – In regards to the Electronic Compliance Monitoring Software, does OCTA want to be able to access the system?

A – Yes. Please review Page 5 of Exhibit A, Revised Scope of Work No. 1, No. 7 Electronic Compliance Monitoring Software.

6. **Q** – In regards Electronic Compliance Monitoring Software, who will own the data being captured by the compliance monitoring system consulting firm or OCTA?

A – The data will be owned by OCTA; however, all the information is public record.

7. **Q** – In regards Electronic Compliance Monitoring Software, does OCTA want any other programs such as SBE to be tracked within the system?

A – OCTA does not currently have a Small Business Enterprise (SBE) program but if it's implemented in the future, tracking the data would need to be an option.

8. **Q** – When was the last update to the Disadvantaged Business Enterprise (DBE) program?

A – OCTA updated its DBE Program and submitted revisions to the Federal Transit Administration (FTA) in November 2022.

9. Q – When was the last submission of the DBE goal package?

A – OCTA is currently calculating its 2025/27 Triennial Goal to be submitted prior to the execution of the new contract resulting from this RFP.

10. Q – Did OCTA meet the stated goal during the last three (3)-year period?

A – No.

11. Q – Can OCTA review the ten (10)-year duration of the contract. This will constrain competition for this work. We suggest a five (5)-year duration tied to the three (3)-year goal submission.

A – No.

12. Q – Can the scope include more activities related to addressing barriers for DBE participation?

A – OCTA is not anticipating expanding the scope of work in this area but enhancements may be provided on DBE participation.

13. Q – Is there an incumbent that is currently performing this work and if so, can you provide details?

A – Yes. Padilla & Associates, Inc.

14. Q – The evaluation criteria indicates an analysis of cost and pricing data. What will this entail and what type of supporting documentation is needed?

A – The hourly rates provided for the designated job categories will be used for cost analysis purposes. Please refer to Exhibit B, Revised Price Summary Sheet No. 1.

15. Q – Is the type of contract time and material versus time and expense?

A – The contract type for this project is time-and-expense, as outlined in Section I, Instructions to Offerors, Section K, Contract Type, on Page 6 of the RFP.

16. Q – What training activities are anticipated directly with small businesses and DBEs?

A – Most of the training activities are related to working with OCTA and improving its bids and proposals.

17. Q – What work is anticipated to be performed on-site?

A – On-site work is directly related to on-site commercially useful function (CUF) audits and desk monitoring of DBE contracts. There will also be occasional in-person meetings and outreach events.

18. Q – Please confirm that you expect the selected consultant to provide a secure software solution.

A – Yes.

19. Q – Is there a preferred secure software solution?

A – No.

20. Q – What is the current secure software solution being used?

A – Enhanced Compliance Application Tool (ECAT).

21. Q – Is the cost of this secure software solution a direct charge to the contract?

A – The annual cost to utilize the Electronic Compliance Monitoring Software is considered Other Direct Cost (ODC) as stated on Exhibit B, Revised Price Summary Sheet No. 1.

22. Q – Is the current information transferable to the selected consultant?

A – Yes, the data can be exported in Excel format and imported into the new system.

23. Q – How will hours be assigned to the work?

A – OCTA does not assign a specific number of hours to the deliverables. The scope of services is on an as-needed basis.

24. Q – Will the assignments be task orders or yearly budgets?

A – Neither.

25. Q – Are there position descriptions for the job functions noted in the Price Summary Sheet?

A – No.

26. Q – In Section II, Proposal Format and Content, it mentions that proposals must be double-spaced. Are proposers required to submit resumes in double-spaced format or is it acceptable to leave resumes single-spaced?

A – Resumes are not required to be double-spaced format.

27. Q – With the exception of on-site commercially useful function (CUF) audits and desk monitoring of DBE contracts and participating in the pre-bid/pre-proposal meetings, is the balance of work expected to be conducted virtually, in person or hybrid?

A – The balance of work would be hybrid.

28. Q – With the exception of on-site commercially useful function (CUF) audits and desk monitoring of DBE contracts and participating in the pre-bid/pre-proposal meetings, if the balance of work is expected to be conducted hybrid, which tasks do you anticipate would be in person?

A – The majority would be remote except for occasional in-person meetings and any outreach events.

29. Q – Is there currently a vendor providing DBE Consulting Services as specified in this RFP?

A – Yes. Refer to Question No. 13.

30. Q – If there is currently a vendor providing DBE Consulting Services, what is the name of the vendor and how long have they been under contract for these services?

A – Padilla & Associates, Inc. They have been under the current contract since September 1, 2019.

31. Q – How many active DBE contracts does OCTA currently oversee?

A – See response to Question No. 1.

32. Q – Was the 2010 disparity study conducted by BBC Research & Consulting the last one overseen by OCTA?

A – OCTA currently utilizes the California Department of Transportation (Caltrans) disparity study.

33. Q – During the pre-proposal meeting, it was mentioned that OCTA utilizes the Caltrans Disparity Study as opposed to crafting their own. Please confirm.

A – See response to Question No. 32.

34. Q – Given that this contract is designated for performance “as-needed,” how far in advance does OCTA provide the vendor with a notice of need

A – OCTA works with the consultant to develop a list of deliverables each year and provides advance notice of need whenever possible.

35. Q – Are you able to provide deliverable dates for certain items such as the annual written program, manual and forms?

A – See response to Question No. 34.

36. Q – Does OCTA prefer the use of specific software or databases associated with this contract?

A – No, there is no preference. OCTA currently utilizes standard Microsoft Software, PDF, ECAT, and the Caltrans CUCP database.

37. Q – Are you able to provide additional key action dates related to this RFP between 4/11/2024 (interview) and 9/1/2024 (potential contract authorization date)?

A – There are no key action dates for Offerors after the conclusion of the interviews on April 11, 2024.

38. Q – Are you able to provide additional information associated with the specific items that should be included in Other Direct Costs?

A – No.

39. Q – How many DBEs are currently registered on OCTA CAMM NET?

A – The number of actively registered CAMM NET vendors who said yes to being a CUCP DBE and filled in a CUCP ID number is 1173.

40. Q – Is it expected that the contractor will use OCTA's training platforms or their own?

A – OCTA historically provides their conference rooms and/or hold these training events virtually.

41. Q – Will OCTA provide marketing related to training opportunities or is the contractor expected to do this?

A – OCTA will work with the consultant to market these opportunities.

42. Q – The RFP states, "Consultant shall provide a secure software solution that automates compliance monitoring, with utilization reporting, prompt payment enforcement and contractor compliance communications" Please confirm, will OCTA allow the vendor to utilize their ECAT or is the vendor responsible for providing an additional software solution?

A – Consultant shall provide OCTA and OCTA's vendors access to a user-friendly, secure software portal for electronic compliance monitoring. Please review Page 5 of Exhibit A, Revised Scope of Work No. 1, No. 7 Electronic Compliance Monitoring Software.

43. Q – The RFP states "Consultant shall assist OCTA in achieving the following objectives:

- Monitor contract performance to ensure DBE participation at the level stated in contract for both OCTA-directed and subrecipient contracts.
- Assist in the development of DBE firms through training and outreach activities.

Please advise - approximately how many DBEs does OCTA anticipate this would simultaneously involve?

A – OCTA does not have an anticipated number of DBEs for this objective.

44. Q – Will the consultants be required to work on-site and if so, what is the anticipated schedule

A – No. However, it is anticipated that there will be meetings and outreach events on-site and in-person.

45. Q – Who is the incumbent?

A – Padilla & Associates, Inc.

46. Q – What is the anticipated number of training and outreach activities for this contract?

A – Currently, OCTA is anticipating a minimum of two (2) to three (3) large in-person outreach events and one (1) to two (2) virtual training events. OCTA has successfully implemented a video training platform that is popular with vendors and may expand on this internally.

47. Q – What is the total number of FTA funded projects included in this contract?

A – There is no definitive total number of FTA contracts anticipated throughout the duration of the new contract.

48. Q – Does OCTA have a current Electronic Compliance Monitoring Software?

A – No, OCTA has access to the current consultant's Electronic Compliance Monitoring Software to monitor OCTA's DBE program

49. Q – Is OCTA looking to replace the current system or expecting the consultant to take over the maintenance and operation of the current system?

A – Please see response to Question No. 42.

50. Q – For the price/cost summary sheet, is the consultant required to fill all positions listed for Principal, Project Manager, Senior DBE Analyst, and DBE Analyst?

A – Yes.

51. Q – Do consultants need to submit estimated travel costs in the direct cost chart?

A – Please provide travel costs under Schedule II. Other Direct Costs in Exhibit B, Revised Price Summary Sheet No. 2.

REVISED SCOPE OF WORK NO. 1

**DISADVANTAGED BUSINESS ENTERPRISE COMPLIANCE PROGRAM
CONSULTING SERVICES**

BACKGROUND

The Orange County Transportation Authority (OCTA) has established a Disadvantaged Business Enterprise (DBE) program as a condition of receiving federal assistance, pursuant to Section 1101 of the Fixing America's Surface Transportation Act; 49 Code of Federal Regulations (CFR) Part 26 issued by the United States Department of Transportation (USDOT); and the Federal Transit Administration (FTA) Master Agreement. OCTA is committed to fully comply with Title 49 CFR, Part 26 and to ensure that the DBE program will apply to all OCTA's USDOT-funded contracts.

Purpose

OCTA's Contracts Administration and Materials Management (CAMP) Department is responsible for the administration of the DBE program.

Consultant shall assist OCTA in achieving the following objectives:

- Implement policies and procedures to ensure DBE firms have maximum opportunities to participate in all procurement activities.
- Ensure nondiscrimination in the award and administration of the USDOT-funded contracts.
- Help remove barriers which impede the participation of DBEs in the USDOT-funded contracts.
- Monitor contract performance to ensure DBE participation at the level stated in contract for both OCTA-directed and subrecipient contracts.
- Assist in the development of DBE firms through training and outreach activities.

SCOPE OF SERVICES

Scope of services, on an as-needed basis, shall include the following activities:

1. Annual review and update of OCTA's DBE written program, manual and forms.

Consultant shall provide the following services:

- Review OCTA's written DBE program annually.
- Update the DBE program as-needed based on changes in the federal regulations, and/or program or organizational changes.
- Update procurement solicitation and contract templates with the correct DBE provisions. Make changes throughout the year to the templates as necessary.

Deliverables:

- Electronic copy of the revised DBE program.
- Written summary explaining the changes made to the program.
- Electronic copy of DBE solicitation and contract templates.

2. Preparation of triennial DBE goal for FTA-funded projects

Consultant shall provide the following services:

- Review and identify potential DBE contracting opportunities for all FTA-funded projects. CAMM will provide a list of FTA-funded projects budgeted each year for this analysis.
- Develop the overall triennial goal to ensure timely submission to the FTA.
- Prepare all documentation and all necessary protocols to ensure public participation and consultation in the proposed goal.
- Review progress toward this DBE goal annually and prepare an analysis of over-compliance, compliance or non-compliance to ensure timely submission to the FTA.

Deliverables:

- Electronic copy of Overall Triennial DBE Goal and Methodology for FTA-funded projects, including a draft of the transmittal letters to the FTA, public notices, public consultation plan, community outreach notice and lists of community organizations.
- All supporting documentation used to calculate the annual DBE goal.
- Non-compliance report and analysis, if necessary. If goal results exceed the triennial goal percent, a report detailing how the goal will be narrowly tailored for the upcoming year.

3. Assess and review contract-specific DBE goals for all USDOT-funded projects

Consultant shall provide the following services:

- Determine the availability of DBE participation for individual projects by reviewing the scopes of work/specifications and identifying potential contracting opportunities for DBE firms.
- Develop contract-specific goals based on the availability of ready, willing and able DBE firms.
- Develop appropriate forms to be used to report project-specific goals to OCTA.
- Review and verify DBE participation forms submitted by the proposing firm to determine responsibility to the DBE requirement.
- Review and verify the Good Faith Efforts submitted by proposing firms who did not meet the DBE goal to determine responsibility to the DBE requirement.
- Assist OCTA in setting up Reconsideration Hearings. Prepare appropriate documentation for Hearing reviewers.

Deliverables:

- Contract specific forms identifying DBE goal participation.
- Report describing the review and findings of DBE participation by proposing firms on contract specific goals.
- Report describing the review and findings of Good Faith Efforts by proposing firms who did not meet the contract specific goals.
- Reconsideration hearing documentation.

4. Provide pre-bid / pre-proposal assistance

Consultant, when requested, shall participate in the pre-bid / pre-proposal process for federally-funded procurements. Consultant, if requested, shall assist prime contractors in meeting DBE availability. The services shall include but are not limited to:

- Review scopes of work and/or specifications to determine possible areas of work or materials for DBE subcontractors.
- Prepare a list of eligible DBE firms to distribute to prime contractors at the pre-bid/pre-proposal meetings.
- Participate in the pre-bid/pre-proposal meetings to present and discuss the DBE requirements. Meetings are conducted onsite at the OCTA headquarters building located at 600 South Main Street, Orange, California 92868.
- Provide DBE-related materials for the pre-bid/pre-proposal meeting.
- Provide DBE-related assistance as needed.

5. Provide contract compliance services and reporting

Consultant shall provide the following:

- Conduct on-site commercially useful function (CUF) audits and desk monitoring of all contracts with DBE race conscious and race neutral goals to ensure that the DBEs are performing the work stated in the contract and that there are no improprieties.
- ~~Assist in development of subrecipient monitoring plan for DBE compliance, including all necessary documentation to be used in monitoring subrecipient contracts.~~
- Utilize subrecipient monitoring plan and documentation developed to monitor subrecipient contracts for DBE compliance.
- ~~Provide the ability for firms to report on-line~~ Maintain online monthly utilization and payments information.
- ~~Assist OCTA in moving toward on-line reporting for firms to submit their monthly utilization and payments information.~~
- Review the semi-annual Uniform Report of DBE Awards or Commitments and Payments report prior to submission to the FTA.
- Prepare any DBE reports required by Caltrans under their Local Assistance Program.

Deliverables:

- Electronic copy of all CUF and desk top audits.
- ~~Electronic copies of all subrecipient plans and documentation developed.~~
- Access to an on-line program to be used by firms to submit their monthly reporting information.

6. Prepare and Conduct Training

Consultant shall conduct training for OCTA staff and OCTA's vendor community on various DBE topics ~~on an as needed basis:~~

- On an annual basis, meet with the CAMM Director ~~or designee~~ to discuss potential training for the OCTA staff and vendor community.
- ~~Prepare Update~~ all necessary training materials, including PowerPoints and training handouts.
- Assist OCTA in advertising and scheduling the DBE training to the vendor community.
- Conduct the training sessions and provide feedback obtained from people attending the training sessions.

Deliverables:

- Electronic copy of PowerPoint training handouts and feedback forms.
- Analysis of feedback comments received and recommendations for future training opportunities.

7. Electronic Compliance Monitoring Software

The Consultant must provide OCTA and OCTA's vendors access to a secure web-hosted/cloud-based software solution for compliance monitoring, real-time DBE reporting, real-time verification of payments, encompassing multi-tier subcontractor payments, and prompt payment tracking/enforcement. Any development cost for such software is not billable to OCTA, however annual licensing fees are billable under other direct costs.

- Open and Closed FTA/FHWA Contract Database with the ability to monitor amendments, change orders, and contract task orders.
- Prime Electronic Monthly Form 103 self-reporting.
- Online self-verification of payments by the subcontractor/subconsultant regardless of tier.
- Electronic Generation of 9-F and 17-F reports for FHWA funded projects.
- Electronic Generation of FTA Semi-Annual Reports.
- Automated requests to Add/Substitute/Terminate subcontractors/subconsultants to ensure DBE firms are credited properly towards project goals.
- DBE anticipate work schedule and/or CUF monitoring/tracking.
- Real-time integration with certification records.
- Realtime DBE Commitment and Attainment Data.

Deliverables:

- User-friendly, secure software portal for electronic compliance monitoring. Ensure seamless import of OCTA's current database into the new system.

Limitation On Governmental Decisions:

Nothing contained in this scope of work permits Consultant's personnel to authorize or direct any actions, votes, appoint any person, obligate, or commit OCTA to any course of action or enter into any contractual agreement on behalf of OCTA. In addition, Consultant's personnel shall not provide information, an opinion, or a recommendation for the purpose of affecting a decision without significant intervening substantive review by OCTA personnel, counsel, and management.

**REVISED PRICE SUMMARY SHEET NO. 1
SCHEDULE OF FEES**

SCHEDULE I --- HOURLY RATE SCHEDULE

Enter below the proposed price for the services described in the Scope of Work, Exhibit A. Prices shall be fully-burdened rates to include all overhead costs, general, administrative and profits.

Initial Term: 09/1/2024 – 08/31/2028

Key Personnel:

		Fully-Burdened Hourly Rate(s)			
		Year 1	Year 2	Year 3	Year 4
Job Function	Name	9/1/24 – 8/31/25	9/1/25 – 8/31/26	9/1/26 – 8/31/27	9/1/27 – 8/31/28
Principal		\$ _____	\$ _____	\$ _____	\$ _____
Project Manager		\$ _____	\$ _____	\$ _____	\$ _____
Senior DBE Analyst		\$ _____	\$ _____	\$ _____	\$ _____
DBE Analyst		\$ _____	\$ _____	\$ _____	\$ _____

Note: For cost analysis purposes, please provide hourly rates for the above designated job category.

Other Labor Charges:

	Fully-Burdened Hourly Rate(s)			
	Year 1	Year 2	Year 3	Year 4
Job Function	9/1/24 – 8/31/25	9/1/25 – 8/31/26	9/1/26 – 8/31/27	9/1/27 – 8/31/28
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____

**ADDENDUM NO. 3 TO
RFP 4-2046
EXHIBIT B**

First Option Term: 09/1/2028 – 08/31/2031

Key Personnel:

		Fully-Burdened Hourly Rate(s)		
		Year 5	Year 6	Year 7
Job Function	Name	9/1/28 – 8/31/29	9/1/29 – 8/31/30	9/1/30 – 8/31/31
Principal		\$ _____	\$ _____	\$ _____
Project Manager		\$ _____	\$ _____	\$ _____
Senior DBE Analyst		\$ _____	\$ _____	\$ _____
DBE Analyst		\$ _____	\$ _____	\$ _____

Other Labor Charges:

	Fully-Burdened Hourly Rate(s)		
	Year 5	Year 6	Year 7
Job Function	9/1/28 – 8/31/29	9/1/29 – 8/31/30	9/1/30 – 8/31/31
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____

Second Option Term: 09/1/2031 – 08/31/2034

Key Personnel:

		Fully-Burdened Hourly Rate(s)		
		Year 8	Year 9	Year 10
Job Function	Name	9/1/31 – 8/31/32	9/1/32 – 8/31/33	9/1/33 – 8/31/34
Principal		\$ _____	\$ _____	\$ _____
Project Manager		\$ _____	\$ _____	\$ _____
Senior DBE Analyst		\$ _____	\$ _____	\$ _____
DBE Analyst		\$ _____	\$ _____	\$ _____

Other Labor Charges:

	Fully-Burdened Hourly Rate(s)		
	Year 8	Year 9	Year 10
Job Function	9/1/31 – 8/31/32	9/1/32 – 8/31/33	9/1/33 – 8/31/34
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____

SCHEDULE II ---- OTHER DIRECT COSTS SCHEDULE

Type of ODC		Quantity	Unit Rate	Budget Amount
1.	Electronic Compliance Monitoring Software		\$ _____	\$ _____
2.				
3.				
4.				
5.				
6.				
7.				
8.				
<i>Additional ODC required and authorized by the Authority but not included in this Agreement will be reimbursed either (a) "At Cost" OR (b) up to the applicable Current Rate listed in this Schedule II, whichever is less. Supporting documentation must accompany invoice.</i>				

1. I acknowledge receipt of RFP 4-2046 and Addenda No.(s) _____
2. This offer shall remain firm for _____ days from the date of proposal
(Minimum 120)

COMPANY NAME _____

ADDRESS _____

TELEPHONE _____

E-MAIL: _____

SIGNATURE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

SIGNATURE'S NAME AND TITLE _____

DATE SIGNED _____