



RFP No. BPS 028

PROFESSIONAL, TECHNICAL AND EXPERT SERVICES

**City of Portland, Oregon
July 27, 2012**

REQUEST FOR PROPOSALS

for

UPDATED TRANSPORTATION PERFORMANCE STANDARDS

PROPOSALS DUE: August 17, 2012 by 4:00 p.m.

Envelope(s) shall be sealed and marked with RFP # and Project Title.

SUBMITTAL INFORMATION: Refer to PART II, SECTION B.3 (PROPOSAL SUBMISSION)

Submit the Proposal to:

City of Portland
Joan Hamilton
Bureau of Planning and Sustainability
1900 SW 4th Avenue, Suite 7100
Portland, OR 97201

Refer questions to:

Rodney Jennings

Phone: (503) 823-7794

Fax: (503) 823-7609

Email: Rodney.jennings@portlandoregon.gov

GENERAL INSTRUCTIONS AND CONDITIONS

DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS – The City of Portland seeks to extend contracting opportunities to Minority Business Enterprises, Women Business Enterprises and Emerging Small Businesses (M/W/ESBs) in order to promote their economic growth and to provide additional competition for City contracts. Therefore, the City has established an overall 20% utilization goal in awarding PTE contracts to ESBs. No goal is set for the use of M/WBE firms, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

CITY SUSTAINABILITY OBJECTIVES – The City has a history of striving to be more sustainable in its operations and planning. Starting with the City's Sustainable City Principles (1994) the City has established a variety of policies to guide its work on sustainability, including: the Sustainable Procurement Policy, Green Building Policy, Climate Action Plan, and the Stormwater Management Manual (to view these and related City policies, go to the Portland Policy Documents Website: <http://www.portlandonline.com/auditor/index.cfm?c=26818>). As applicable to City procurement, these policies guide the City to buy products and services that reduce the City's negative environmental and social impacts, while maintaining fiscal health in the short and long term. As such, the City seeks to do business with firms that will actively contribute to the City's sustainability objectives.

ENVIRONMENTAL CLAIMS – Upon request, the vendor must provide and make publicly available verifiable evidence supporting every environmental claim made about the products or services provided to the City. Environmental claims for which verifiable evidence must be provided include any claim provided on products, product packaging, product or service sales literature and websites, and information provided to respond to this solicitation.

INVESTIGATION – The Proposer shall make all investigations necessary to be informed regarding the service(s) to be performed under this request for proposal.

SPECIAL CONDITIONS – Where special conditions are written in the Request for Proposal, these special conditions shall take precedence over any conditions listed under the Professional, Technical and Expert Service "General Instructions and Conditions".

CLARIFICATION OF REQUEST FOR PROPOSAL – Proposers who request a clarification of the RFP requirements must submit questions in writing to the person(s) shown in the REFER QUESTIONS TO section on the cover of this RFP, or present them verbally at a scheduled pre-submittal meeting, if one has been scheduled. The City must receive written questions no later than the date stated herein. The City will issue a response in the form of an addendum to the RFP if a substantive clarification is in order.

Oral instructions or information concerning the Request for Proposal given out by City bureaus, employees or agents to prospective Proposers shall not bind the City.

ADDENDUM – Any change to this RFP shall be made by written addendum issued no later than 72 hours prior to the proposal due date. The City is not responsible for any explanation, clarification or approval made or given in any manner except by addendum.

COST OF PROPOSAL – This Request for Proposal does not commit the City to pay any costs incurred by any Proposer in the submission of a proposal or in making necessary studies or designs for the preparation thereof, or for procuring or contracting for the services to be furnished under the Request for Proposal.

CANCELLATION – The City reserves the right to modify, revise or cancel this RFP. Receipt and evaluation of proposals or the completion of interviews do not obligate the City to award a contract.

LATE PROPOSALS – Proposals received after the scheduled closing time for filing will be rejected as non-responsive and returned to the Proposer unopened.

REJECTION OF PROPOSALS – The City reserves the right to reject any or all responses to the Request for Proposal if found in the City's best interest to do so. In the City's discretion, litigation between the City and a Proposer may be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the Proposer's proposal may have been

scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers who are concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.

CITY OF PORTLAND BUSINESS LICENSE – Successful Proposer shall obtain a current City of Portland Business License prior to initiation of contract and commencement of the work.

WORKERS' COMPENSATION INSURANCE – Successful Proposer shall be covered by Workers' Compensation Insurance or shall provide evidence that State law does not require such coverage.

CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER – Successful Proposers must be certified as Equal Employment Opportunity Affirmative Action Employers as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

EQUAL BENEFITS PROGRAM – Successful Proposers must provide benefits to their employees with domestic partners equivalent to those provided to employees with spouses as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

LOCAL CONTRACTING – If the final evaluation scores are otherwise equal, the City prefers goods or services that have been manufactured or produced by a Local Business. The City desires to employ local businesses in the purchase, lease, or sale of any personal property, public improvements or services. The City wants the residents of the State of Oregon and SW Washington to benefit from optimizing local commerce and services, and the local employment opportunities they generate. [City of Portland [Resolution #36260](#)]

CONFLICT OF INTEREST – A Proposer filing a proposal thereby certifies that no officer, agent or employee of the City who has a pecuniary interest in this Request for Proposal has participated in the contract negotiations on the part of the City, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Proposer of the same request for proposals, and that the Proposer is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

PUBLIC RECORDS – Any information provided to the City pursuant to this RFP shall be public record and subject to public disclosure pursuant to Oregon public records laws (ORS 192.410 to 192.505). Any portion of a proposal that the proposer claims as exempt from disclosure must meet the requirements of ORS 192.501(2) and ORS 192.502(4) and/or ORS 646.461 et seq. The fact that a proposer marks and segregates certain information as exempt from disclosure does not mean that the information is necessarily exempt. The City will make an independent determination regarding exemptions applicable to information that has been properly marked and redacted. Information that has not been properly marked and redacted may be disclosed in response to a public records request. When exempt information is mixed with nonexempt information, the nonexempt information must be disclosed.

If the City refuses to release the records, the proposer agrees to provide information sufficient to sustain its position to the District Attorney of Multnomah County, who currently considers such appeals. If the District Attorney orders that the records be disclosed, the City will notify the proposer in order for the proposer to take all appropriate legal action. The proposer further agrees to hold harmless, defend, and indemnify the city for all costs, expenses, and attorney fees that may be imposed on the City as a result of appealing any decision regarding the proposer's records.

The Chief Procurement Officer has the authority to waive minor irregularities and discrepancies that will not affect the competitiveness or fairness of the solicitation and selection process.

These Professional, Technical and Expert Services Request for Proposal "General Instructions and Conditions" are not to be construed as exclusive remedies or as a limitation upon rights or remedies that may be or may become available under ORS Chapter 279.

PART I

CONTRACT REQUIREMENTS

SECTION A

GENERAL INFORMATION

1. INTRODUCTION

To create and enhance a vibrant city, the City of Portland Bureau of Planning and Sustainability (BPS) combines the disciplines of planning and sustainability to advance Portland's diverse and distinct neighborhoods, promote a prosperous and low-carbon economy, and help ensure that people and the natural environment are healthy and integrated into the cityscape.

BPS provides a forum for community engagement and education, and is a catalyst for action. With a city full of partners, BPS develops creative and practical solutions on issues as far ranging as comprehensive neighborhood and environmental planning, urban design, waste reduction and recycling, energy efficiency and solar technologies. This innovative, interdisciplinary approach strengthens Portland's position as an international model of sustainable development practices and commerce.

2. BACKGROUND

The purpose of this project will be to develop and adopt standards that will be used to measure the performance of the City of Portland's transportation system. The City of Portland has existing performance standards in its Transportation System Plan (TSP) that are based on level of service (LOS) measures for motor vehicles. These include intersection based LOS measures that are used as a basis for determining the adequacy of transportation services in development review applications and volume-to-capacity (v/c) measures that are used in project and system planning. The existing LOS standards and measures, which focus only on motor vehicle levels of service, do not reflect the City of Portland's current practice which emphasizes and promotes a multimodal approach to transportation planning and providing transportation services. There is a need to adopt a new approach to measuring system performance that supports a multi-modal transportation system while considering community interests and also meeting the performance standards requirements mandated by the State of Oregon and the Metro regional government for state and regional facilities.

Portland's current policy uses motor vehicle performance measures to determine the adequacy of transportation services. At the same time, the City has goals to increase the proportion of total trips using modes that are alternatives to the automobile, including pedestrian, bicycle, and transit (bus, streetcar, light rail), and has made a significant investment in facilities benefitting these other modes. The performance standards are used by the City to determine the impacts different land uses will have on the transportation system. The performance standards only measure vehicle performance and there is a concern that they do not give credit to the benefits of facilities and land use patterns that encourage the use of other modes. Recognizing this need for more broadly based performance standards, in 2005 the City initiated a project with a consultant to investigate other performance measures and examine their potential for use in Portland. The final product of this project was a 2007 memo, **January 24, 2007 Draft Memorandum - Portland Level-of-service Policy Prototype, DKS Associates**, which outlined potential changes to the City's performance standard policy. The ideas outlined in this memo should be viewed as the stepping off point for this project. See Exhibit A, Part 1, Section C.1. Attachments.

In the last five years, the need for new measures of transportation performance in Portland has grown. In this period, the City has adopted the Climate Action Plan which lays out ambitious goals for increased walking, biking and transit usage along with compatible land uses to achieve this higher mode split. The City has also adopted the Portland Plan, which also includes ambitious mode split goals. The City is beginning

the process to update Portland’s Comprehensive Plan and Transportation System Plan (TSP). The TSP, which is an element of the Comprehensive Plan, is the home of the existing vehicle level of service based performance standards. An updated transportation performance standard should be in place as the transportation demand for new land use patterns are analyzed in the Comprehensive Plan update.

Portland’s current performance measures are also partly based on state and regional requirements, including the Transportation Planning Rule (OAR 660-012), the Oregon Highway Plan and the Regional Transportation Plan. All three mandates have been recently amended to allow alternative performance standards which are not necessarily based on volume to capacity ratios. Changes to Portland’s performance measures policy will need to reflect changes to state and regional policy.

3. SCOPE OF WORK

The City of Portland, Bureau of Planning and Sustainability is seeking proposals from individuals, firms, teams or consultants, hereafter called “Proposer(s),” with demonstrated experience in transportation analysis and proposes to engage the successful Proposer for the services to implement a performance measures policy to replace the existing motor vehicle level of service policy in Portland’s Transportation System Plan. This work will require 1) review of 2007 project memo, regulatory changes since 2007 and current rules; 2) review of other approaches and options; 3) coordination of technical advisory group; 4) development of recommendations and draft policy language; 5) development of implementation workplan; 6) project management and coordination; and g) outreach and review.

4. PROJECT FUNDING

The anticipated cost for the services described herein is \$75,000. The Proposer’s proposal shall include the Proposer’s true estimated cost to perform the work irrespective of the City’s budgeted funds for this work.

5. TIMELINE FOR SELECTION The following are approximate dates proposed as a timeline for this project:

Written proposals due at 4:00 p.m.	August 17, 2012
Interviews, if deemed necessary	September 3, 2012
Notice to proceed – work begins	September 10, 2012

The City reserves the right to make adjustments to the above noted schedule as necessary.

SECTION B

WORK REQUIREMENTS

1. TECHNICAL OR REQUIRED SERVICES

The successful Proposer shall perform the tasks listed below for this project, and shall be expected to work closely with designated City personnel to accomplish these goals:

a. Task 1: Review rules/regulations; update existing analysis

Reevaluate the performance standards proposed in the 2007 project memo, Exhibit A. This would include conducting a review of new approaches, techniques and advancements in measuring and evaluating mobility performance that have been developed in the period since 2007, such as new performance measures for the pedestrian, bicycle and transit modes adopted in the Highway Capacity Manual.

Review related state and regional regulatory changes that have occurred since 2007 and determine their implications for local Portland policy. These include recent Transportation Planning Rule modifications regarding multimodal mixed use areas; the 2035 Metro Regional Transportation Plan mobility corridors concept; recent amendments to the mobility standards in the Oregon Highway Plan and other changes to mobility performance standards being considered or studied by the Oregon Department of Transportation (ODOT).

b. Task 2: Explore options & implications; including emerging policies and other cities/models

Develop and explore a range of alternative performance measures and their implications based on the conclusions of the 2007 project, the investigation of new techniques and approaches, and regulatory changes.

Alternatives should include multimodal measures that include pedestrian, bicycle and transit. Alternatives should be assessed based on their applicability and usefulness for measuring performance in the contexts of system-wide planning, project planning, and development review. Different alternatives that are tailored to the unique needs of the system planning, project planning and/or development review planning functions each are a possibility. The assessment should also consider the idea of applying different standards based on geographic contexts. For example, it might be appropriate to apply different standards in an industrial area with heavy freight traffic and a different standard in areas with dense mixed use development. This geographic assessment should also consider how and where the new multimodal mixed use areas allowed by recent amendments to the Transportation Planning Rule might be applied in the City of Portland.

Develop criteria against which the potential alternative performance measures will be evaluated. The criteria will be based on input from a technical advisory group and the City project manager.

c. Task 3: Coordinate a Technical Advisory Group

Prepare meeting materials and agendas and lead discussions at meetings.

This group will be composed of City staff from the Bureau of Transportation and the Bureau of Planning and Sustainability and possible outside agencies such as ODOT and/or Metro. Formation of a Technical Advisory Group (TAG), including selecting and inviting members, will be coordinated by the City through the City's project manager. The City will also provide meeting space and schedule meetings.

d. Task 4: Develop recommendations and draft policy language

Recommend one or more preferred alternative measures. The preferred alternative(s) will include policy language that can be adopted into the Transportation System Plan, code language that can be adopted into the city's public improvement and/or development codes as necessary, and language to update the city's administrative rule at <http://www.portlandonline.com/auditor/index.cfm?c=31913&a=41049> that implements the current performance measures policy.

e. Task 5: Create Workplan for implementation

Develop a work plan for initial implementation of the preferred alternative. This will include a guidance document that lays out how the policy would be applied in the contexts of system-wide, project, and development review planning where the impacts of a specific development proposal will be assessed.

f. Task 6: Conduct Outreach.

Outreach will consist of a presentation to the Portland Comprehensive Plan Networks Policy Expert Group (PEG). The consultant will be expected to prepare the presentation, present it to the PEG, hold a discussion with the PEG, and provide a written record and response to the comments and concerns raised by PEG members.

- 2. WORK PERFORMED BY THE CITY** The City has assigned a project manager to oversee the successful Proposer's work and provide support as needed. Specific duties the City will perform include:
- Contract management;
 - Coordination with the Comprehensive Plan and Transportation System plan updates;
 - Formation of the TAG, including selecting and inviting TAG members and scheduling TAG meetings;
 - Meeting facilities for periodic meeting with the TAG.
- 3. DELIVERABLES AND SCHEDULE** The Deliverables and Schedule listed below are approximate and subject to change at the City's discretion.
- Memo reviewing new approaches, techniques and advancements in measuring and evaluating the performance of transportation system in providing service to multiple modes that have been developed since the completion of earlier City of Portland research completed in 2007, and reviewing applicable and anticipated State and Regional policy related to performance standards and their implications for the City of Portland in developing a new local policy. (Due September 30, 2012)
 - Memo that develops and explores a range of alternative performance measures and their implications. Alternatives should include multimodal measures that include pedestrian, bicycle and transit. Alternatives should be assessed based on their applicability and usefulness for measuring performance in the contexts of system-wide planning, project planning, and development review. Different alternatives that are tailored to the unique needs of the system planning, project planning and/or development review planning functions each are a possibility. The assessment should also consider the idea of applying different standards based on geographic contexts. For example, it might be appropriate to apply a standard favoring motor vehicle movement in an industrial area with heavy freight traffic and a standard favoring the movement of other modes in areas with dense mixed use development. This geographic assessment should also consider how and where the new multimodal mixed use areas allowed by recent amendments to the Transportation Planning Rule might be applied in the City of Portland. (Due October 31, 2012)
 - Memo recommending a preferred alternative local multimodal performance measure. The preferred alternative will include policy language that can be adopted into the Transportation System Plan, code language that can be adopted into the city's public improvement and/or development codes as necessary, and language to update the city's administrative rule that implements the performance standard policy. (Due November 30, 2012)
 - Formal presentation of alternatives, including the preferred alternative to the Portland Comprehensive Plan Update Networks Policy Expert Group (PEG). This task will also include a facilitated discussion. (Due mid-December 2012).
 - Memo that develops a work plan for initial implementation of the preferred alternative. This will include a guidance document that lays out how the policy would be applied in the contexts of system-wide, project, and in development review planning where the impacts of a specific development proposal will be assessed. (Due January 31, 2012)
- 4. PLACE OF PERFORMANCE** Contract performance will take place primarily at the successful Proposer's facility. On occasion and as appropriate, work will be performed at City facilities, a third-party location or any combination thereof.
- 5. PERIOD OF PERFORMANCE** The City anticipates having the successful Proposer begin work immediately upon contract execution with submittal of final deliverables to the City occurring by January 31, 2013
- Proposals containing earlier completion of the deliverables are acceptable.
- 6. PUBLIC SAFETY** Public safety may require limiting access to public work sites, public facilities, and public

offices, sometimes without advance notice. The Proposer shall anticipate delays in such places and include the cost of delay in the proposed cost. The successful Proposer's employees and agents shall carry sufficient identification to show by whom they are employed and display it upon request to security personnel. City project managers have discretion to require the successful Proposer's employees and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.

7. INSURANCE

The successful Proposer(s) shall obtain and maintain in full force, and at its own expense, throughout the duration of the contract and any warranty or extension periods, the required insurances identified below. The City reserves the right to require additional insurance coverage as required by statutory or legal changes to the maximum liability that may be imposed on Oregon cities during the term of the contract. Successful Proposer shall provide evidence that any or all subcontractors performing work or providing goods or services under the contract have the same types and amounts of insurance coverage as required herein or that the subcontractor is included under the Successful Proposers policy

Workers' Compensation Insurance: Successful Proposer shall comply with the workers' compensation law, ORS Chapter 656 and as it may be amended. Unless exempt under ORS Chapter 656, The Successful Proposer and any/all subcontractors shall maintain coverage for all subject workers for the entire term of the contract including any contract extensions.

Commercial General Liability Insurance: Successful Proposer shall have Commercial General Liability (CGL) insurance covering bodily injury, personal injury, property damage, including coverage for independent successful Proposer's protection (required if any work will be subcontracted), premises/operations, contractual liability, products and completed operations, in per occurrence limit of not less than \$1,000,000, and aggregate limit of not less than \$2,000,000.

Automobile Liability Insurance: Successful Proposer shall have automobile liability insurance with coverage of not less than \$1,000,000 each accident. The insurance shall include coverage for any auto or all owned, scheduled, hired and non-owned auto. This coverage may be combined with the commercial general liability insurance policy.

Professional Liability & Errors & Omissions Insurance: Successful Proposer shall have Professional Liability and/or Errors & Omissions insurance to cover damages caused by negligent acts, errors or omissions related to the professional services, and performance of duties and responsibilities of the Successful Proposer under this contract in an amount with a combined single limit of not less than \$1,000,000 per occurrence and aggregate of \$3,000,000 for all claims per occurrence. In lieu of an occurrence based policy, Successful Proposer may have claims-made policy in an amount not less than \$1,000,000 per claim and \$3,000,000 annual aggregate, if the Successful Proposer obtains *an unlimited* extended reporting period or tail coverage. Successful Proposer shall provide proof of insurance through satisfactory certificate(s) of insurance to the City.

Additional Insurance: As required by Federal Law or State Statute or City Code such as Bailees Insurance, Maritime Coverage, or other coverage as required by law,

Additional Insured: The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, shall be without prejudice to coverage otherwise existing, and shall name the City of Portland and its bureaus/divisions, officers, agents and employees as Additional Insureds, with respect to the Successful Proposer's activities to be performed, or products or services to be provided. Coverage shall be primary and non-contributory with any other insurance and self-insurance. Notwithstanding the naming of additional insureds, the insurance shall protect each additional insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as

set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured.

Continuous Coverage; Notice of Cancellation: The Successful Proposer agrees to maintain continuous, uninterrupted coverage for the duration of the Contract. There shall be no termination, cancellation, material change, potential exhaustion of aggregate limits or non renewal of coverage without thirty (30) days written notice from Successful Proposer to the City. If the insurance is canceled or terminated prior to completion of the Contract, Successful Proposer shall immediately notify the City and provide a new policy with the same terms. Any failure to comply with this clause shall constitute a material breach of Contract and shall be grounds for immediate termination of this Contract.

Certificate(s) of Insurance: Successful Proposer shall provide proof of insurance through acceptable certificate(s) of insurance to the City prior to the award of the Contract if required by the procurement documents (e.g., request for proposal), or at execution of Contract and prior to any commencement of work or delivery of goods or services under the Contract. The Certificate(s) will specify all of the parties who are endorsed on the policy as Additional Insureds (or Loss Payees). The insurance coverage required under this Contract shall be obtained from insurance companies acceptable to the City of Portland. The Successful Proposer shall pay for all deductibles and premium. The City reserves the right to require, at any time, complete, certified copies of required insurance policies, including endorsements evidencing the coverage the required.

SECTION C

1. INDEX

ATTACHMENTS

Exhibit A January 24, 2007 Draft Memorandum - Portland Level-of-Service Policy Prototype, DKS Associates,

PART II

PROPOSAL PREPARATION AND SUBMITTAL

SECTION A

PRE-SUBMITTAL MEETING/CLARIFICATION

1. PRE-SUBMITTAL MEETING

There will be no pre-submittal meeting or site visit scheduled for this project.

2. RFP CLARIFICATION

Questions and requests for clarification regarding this Request for Proposal must be directed in writing, via email or fax, to the person listed below. The deadline for submitting such questions/clarifications is seven (7) days prior to the proposal due date. An addendum will be issued no later than 72 hours prior to the proposal due date to all recorded holders of the RFP if a substantive clarification is in order.

Rodney Jennings
Bureau of Planning & Sustainability
1120 SW 5th, Suite 800
Portland, Oregon, 97204

E-mail: rodnejennings@portlandoregon.gov
Phone: (503) 823-7794
Fax: (503) 823-7609

SECTION B

PROPOSAL SUBMISSION

1. PROPOSALS DUE

Sealed proposals must be received no later than the date and time, and at the location, specified on the cover of this solicitation. The outside of the envelope shall plainly identify the subject of the proposal, the RFP number and the name and address of the Proposer. It is the Proposer's responsibility to ensure that proposals are received prior to the specified closing date and time, and at the location specified. Proposals received after the specified closing date and/or time shall not be considered and will be returned to the Proposer unopened. The City shall not be responsible for the proper identification and handling of any proposals submitted to an incorrect location.

2. PROPOSAL

Proposals must be clear, succinct and not exceed **fifteen (15) pages**. Section dividers, title page, and table of contents do not count in the overall page count of the proposal. Proposers who submit more than the pages indicated may not have the additional pages of the proposal read or considered. **Exclusions to the page limitations include resumes, supporting documentation or other attachment materials.**

For purposes of review and in the interest of the City's Sustainable Paper Use Policy and sustainable business practices in general, the City requests the use of submittal materials (i.e. paper, envelopes, etc.) that contain post-consumer recycled content and are readily recyclable. Submittals shall NOT include 3-ring binders or any plastic binding, folders, or indexing materials. Reusable binding posts, clips or rings and recycled content paper envelopes or folders are examples of acceptable bindings. Submittals shall be printed on both sides of a single sheet of paper wherever applicable; if sheets are printed on both sides, it is considered to be two pages. Color is acceptable, but content should not be lost by black-and-white printing or copying.

All submittals will be evaluated on the completeness and quality of the content. Only those Proposers providing complete information as required will be considered for evaluation. The ability to follow these instructions demonstrates attention to detail.

3. PROPOSAL SUBMISSION

For purposes of this proposal submission, the proposer shall submit: **one (1) original**

printed copy and **five (5)** additional printed copies. If the proposer requests redactions please submit an unprotected MS Word format document with redactions highlighted on a USB flash drive or CD. If no redactions are requested please state that in the Cover Letter portion of your submittal. The entire proposal submittal must be received at the place and on or before the time and date specified on the cover page of this RFP document.

REDACTION FOR PUBLIC RECORDS: Any portion of a proposal that the proposer claims as exempt from disclosure must meet the requirements of ORS 192.501(2), ORS 192.502(4) and/or ORS 646.461 et seq. Proposers are required to submit a redacted copy of their proposal and all attachments. "Redaction" means the careful editing of a document to obscure confidential references; a revised or edited document thereby obscuring the exempt information but otherwise leaving the formatted document fully intact. **The redacted copy must be a complete copy of the submitted proposal, in which all information the Proposer deems to be exempt from public disclosure has been identified.**

When preparing a redaction of your proposal submission, a proposer must plainly mark, but leave readable, the redactions by highlighting the specific areas your firm asserts are exempt from public disclosure. In addition, a summary page identifying the pages where redactions occur shall be included with the proposal submission (summary is not included in page limitations). **If a proposer fails to submit a redacted copy of their proposal as required, the City may release the proposer's original proposal without redaction.** If the entire proposal is marked as constituting a "trade secret" or being "confidential", at the City's sole discretion, such a proposal may be rejected as non-responsive.

Unless expressly provided otherwise in this RFP or in a separate written communication, the City does not agree to withhold from public disclosure any information submitted in confidence by a proposer unless the information is otherwise exempt under Oregon law. The City agrees not to disclose proposals until the City has completed its evaluation of all proposals and publicly announces the results.

Please refer to the GENERAL INSTRUCTIONS AND CONDITIONS for more information about confidential information within public records.

4. ORGANIZATION OF PROPOSAL

For evaluation purposes, Proposers must provide all information as requested in this Request for Proposal (RFP). Responses must follow the format outlined in this RFP. Additional materials in other formats or pages beyond the stated page limit(s) may not be considered. The City may reject as non-responsive, at its sole discretion, any proposal or any part thereof, which is incomplete, inadequate in its response, or departs in any substantive way from the required format. Proposal responses shall be organized in the following manner:

1. Cover Letter
2. Project Team
3. Proposer's Capabilities
4. Project Approach and Understanding
5. Diversity in Employment and Contracting Requirements
6. Proposed Cost
7. Supporting Information

SECTION C

EVALUATION CRITERIA

1. COVER LETTER

By submitting a response, the Proposer is accepting the General Instructions and Conditions of this Request for Proposal (reference second page of the RFP) and the Standard Contract Provisions of the Professional, Technical and Expert Services contract. The Cover Letter must include the following:

- RFP number and project title
- full legal name of proposing business entity

- name(s) of the person(s) authorized to represent the Proposer in any negotiations
- name(s) of the person(s) authorized to sign any contract that may result
- contact person's name, mailing or street addresses, phone and fax numbers and email address
- statement that no redactions are requested, if applicable

A legal representative of the Proposer, authorized to bind the Proposer in contractual matters must sign the Cover Letter.

BUSINESS COMPLIANCE

The successful Proposer(s) must be in compliance with the laws regarding conducting business in the City of Portland before an award may be made. The Proposer shall be responsible for the following:

Certification as an EEO Affirmative Action Employer

The successful Proposer(s) must be certified as Equal Employment Opportunity Employers as prescribed by Chapter 3.100 of the Code of the City of Portland prior to contract award. Details of certification requirements are available from Procurement Services, 1120 SW Fifth Avenue, Room 750, Portland, Oregon 97204, (503) 823-6855, website: <http://www.portlandonline.com>. To apply for certification go to our website at: www.ebidexchange.com/cityofportland.

Non-Discrimination in Employee Benefits (Equal Benefits)

The successful Proposer(s) must be in compliance with the City's Equal Benefits Program as prescribed by Chapter 3.100 of the Code of the City of Portland prior to contract award. Details of compliance requirements are available from Procurement Services, 1120 SW Fifth Avenue, Room 750, Portland, Oregon 97204, (503) 823-6855, website: www.portlandonline.com. To apply for certification go to our website at: www.ebidexchange.com/cityofportland.

Business License

The successful Proposer(s) must be in compliance with the City of Portland Business License requirements as prescribed by Chapter 7.02 of the Code of the City of Portland prior to contract award. Details of compliance requirements are available from the Revenue Bureau License and Tax Division, 111 SW Columbia Street, Suite 600, Portland, Oregon 97201, (503) 823-5157, website: <http://www.portlandonline.com/omf/index.cfm?c=29320>

If your firm currently has a business license, is in compliance with the Equal Benefits Program, and is EEO certified, include in the Cover Letter your firm's City of Portland Business License number, a statement that your firm's Equal Benefits Application has been approved as well as your Equal Employment Opportunity (EEO) expiration date.

2. PROJECT TEAM

Describe the following qualities and capabilities of the project team:

- Approximate number of people to be assigned to the project.
- Extent of company's principal member's involvement.
- Team qualifications and experience on similar or related projects:
 - qualifications and relevant experience of prime consultant
 - qualifications and relevant experience of sub-consultants, if any
 - project manager's experience with similar projects
- Names of key members who will be performing the work on this project, and:
 - their responsibilities on this project
 - current assignments and location
 - experience on similar or related projects
 - unique qualifications
 - percentage of their time that will be devoted to the project

3. PROPOSER'S CAPABILITIES

- Describe similar projects performed within the last three (3) years, which best characterize firm's capabilities, work quality and cost control.
- Describe similar projects with other government agencies.
- Describe firm's resources available to perform the work for the duration of the project and other on-going projects.

4. PROJECT APPROACH AND UNDERSTANDING

- Describe the proposed work tasks and activities, the methodology that will be used to accomplish them, and identify the team members who will work on each task.
- Describe the proposed work products that will result from each task or activity.
- Identify points of input and review with City staff.
- Identify the time frame estimated to complete each task.

5. DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS

The City is committed to increasing contracting opportunities for State of Oregon certified minority, women and emerging small business (M/W/ESB) enterprises. The City values, supports and nurtures diversity, and encourages any firm contracting with the City to do the same, maximizing M/W/ESB business participation with regard to all City contracts. As such, the City has established an overall 20% utilization goal in awarding PTE contracts to State of Oregon certified emerging small business (ESB) enterprises. No goal is set for the use of minority (MBE) and women business (WBE) enterprises, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts. The City has assigned at least 15% of the total points available on this solicitation to this criterion to determine the award of this contract.

All Proposers shall address the following in their proposals:

- a. Indicate if your firm is currently certified in the State of Oregon as an MBE, WBE and/or ESB, or if your firm has applied for certification with the State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB). Provide a copy of the State of Oregon certification letter confirming receipt of application, or a copy of the approval letter certifying your firm as a State of Oregon M/W/ESB (a copy of this letter does not affect the page-limit identified under Part II, Section B.2 of this document).
- b. Identify your current diversity of workforce and describe your firm's commitments to providing equal employment opportunities. Include in your response:
 - Number of total employees and description of type of work performed.
 - Number of minorities and women within your current workforce, broken out by ethnicity and positions held.
 - Any underutilization of minorities or women within your workforce and your firm's efforts to remedy such underutilization.
 - Any plans to provide innovative mentoring, technical training or professional development opportunities to minorities and women in your workforce in relation to this project, or plans to employ minorities and women to work on this project.
 - Description of the process your firm uses to recruit minorities and women.
- c. Have you subcontracted or partnered with State of Oregon certified M/W/ESB firms on any project within the last 12 months? If so, please describe the history of the firm's subcontracting and partnering with certified M/W/ESB firms. Include in your response:
 - List of State of Oregon certified M/W/ESB firms with which your firm has had a contractual relationship during the last 12 months.
 - Any innovative or successful measures that your firm has undertaken to work with M/W/ESB firms on previous projects.
 - Any mentoring, technical or other business development services your firm has provided to previous or current M/W/ESB subconsultants or partners, or will provide in relation to this project.

- d. Are you subcontracting any element of your proposal? Describe your firm's plan for obtaining maximum utilization of State of Oregon certified M/W/ESB firms on this project. Include in your response:
- Subcontracting opportunities your firm has identified in the scope of this project.
 - Efforts made relating to outreach and recruitment of certified M/W/ESB firms. Did your firm advertise contracting opportunities in the *Daily Journal of Commerce*, *Skanner*, *Oregonian*, *Observer*, *El Hispanic News*, *Asian Reporter*, and/or other trade publications? Did your firm conduct any outreach meetings? Did your firm use the State's OMWESB certification list, or other source, as a basis for direct outreach? What were the actual results of any of the above efforts?
 - Any proposals received from certified M/W/ESB firms. If any such proposals were rejected, provide reasons for rejection.
 - Other efforts your firm used or proposes to use in relation to this project.
- e. If your firm will be utilizing State of Oregon certified M/W/ESB firms on this project, please list those firms and detail their role within your proposal.

The City expects thoughtful consideration of all of the above Diversity in Employment and Contracting criteria in the preparation of proposals, and will enforce all diversity in workforce and M/W/ESB commitments submitted by the successful Proposer.

6. PROPOSED COST

This statement shall specify the number of hours and the current rate for each staff member who will work on each task. The proposal shall include the Proposer's true estimated cost to perform the work irrespective of the City's anticipated cost.

PART III

PROPOSAL EVALUATION

SECTION A

PROPOSAL REVIEW AND SELECTION

1. EVALUATION CRITERIA SCORING

Each proposal shall be evaluated on the following evaluation criteria, weighting and maximum points, as follows:

	Criteria	Maximum Score
a.	Cover Letter	0
b.	Project Team	20
c.	Proposer's Capabilities	20
d.	Project Approach and Understanding	25
e.	Diversity in Employment and Contracting	15
f.	Proposed Cost	20
	Total Points Available	100

2. PROPOSAL REVIEW

An evaluation review committee will be appointed to evaluate the proposals received. For the purpose of scoring proposals, each committee member will evaluate each proposal in accordance with the criteria and point factors listed above. The evaluation committee may seek outside expertise, including but not limited to input from technical advisors, to assist in the evaluation process.

The successful Proposer shall be selected by the following process:

- a. An evaluation committee will be appointed to evaluate submitted written proposals.
- b. The committee will score the written proposals based on the information submitted according to the evaluation criteria and point factors.
- c. The committee will require a minimum of five (5) working days to evaluate and score the written proposals.
- d. A short list of Proposers, based on the highest scores, may be selected for oral interviews if deemed necessary. The City reserves the right to increase or decrease the number of Proposers on the short list depending on the scoring and whether the Proposers have a reasonable chance of being awarded a contract.
- e. If oral interviews are determined to be necessary, the scores from the written proposals will be considered preliminary. Final scores, based on the same evaluation criteria, will be determined following the oral interviews.

All communications shall be through the contact(s) referenced in Part II, Section A.2 of the RFP. At the City's sole discretion, communications with members of the evaluation committee, other City staff or elected City officials for the purpose of unfairly influencing the outcome of this RFP may be cause for the Proposer's proposal to be rejected and disqualified from further consideration.

NOTE: In the City's discretion, litigation between the City and a Proposer may be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the Proposer's proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers who are concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.

3. CLARIFYING PROPOSAL DURING EVALUATION

At any point during the evaluation process, the City is permitted, but is not required, to seek clarification of a proposal. However, a request for clarification does not permit changes to a proposal.

SECTION B

CONTRACT AWARD

1. CONSULTANT SELECTION

The City will attempt to reach a final agreement with the highest scoring Proposer. However, the City may, in its sole discretion, terminate negotiations and reject the proposal if it appears agreement cannot be reached. The City may then attempt to reach a final agreement with the second highest scoring Proposer and may continue on, in the same manner, with remaining proposers until an agreement is reached. A consultant selection process will be carried out under Portland City Code Chapter 5.68.

2. CONTRACT DEVELOPMENT

The proposal and all responses provided by the successful Proposer may become a part of the final contract. Any information included as part of this contract shall be a public record and not exempt from disclosure, including items redacted from the proposal. The form of contract shall be the City's Contract for PTE Services.

3. AWARD REVIEW AND PROTESTS

REVIEW:

Following the Notice of Intent to Award, the public may view proposal documents. However, any proprietary information so designated by the Proposer as a trade secret or confidential and meeting the requirements of ORS 192.501, 192.502 and/or ORS 646.461 et seq., will not be disclosed unless the Multnomah County District Attorney determines that disclosure is required. At this time, Proposers not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.

PROTESTS:

Protests may be submitted to the Chief Procurement Officer only for formal solicitations resulting in contract(s) individually valued at or above the Formal Solicitation Process Dollar Threshold (reference www.portlandonline.com/omf/index.cfm?c=44169&a=74585), and only from those Proposers who would receive the contract if their protest was successful.

Protests must be in writing and received by the Chief Procurement Officer within seven (7) calendar days, UNLESS OTHERWISE NOTED, following the date the City's Notice of Intent to Award, Notice to Short List, or notification for non-responsiveness was issued. The protest must specifically state the reason for the protest and show how its proposal or the successful proposal was mis-scored or show how the selection process deviated from that described in the solicitation document. No contract will be awarded until the protest has been resolved

Protests must be timely and must include all legal and factual information regarding the protest, and a statement of the form of relief requested. Protests received later than specified or from other than the Proposer who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

The Chief Procurement Officer may waive any procedural irregularities that had no material effect on the selection of the proposed contractor, invalidate the proposed award, amend the award decision, request the evaluation committee re-evaluate any proposal or require the bureau to cancel the solicitation and begin again to solicit new proposals. In the event the matter is returned to the evaluation committee, the Chief Procurement Officer shall issue a notice canceling the Notice of Intent to Award.

Decisions of the Chief Procurement Officer are final and conclude the administrative appeals process.

The proposal and all responses provided by the successful Proposer may become a part of the final contract. Any information included as part of this contract shall be a public record

and not exempt from disclosure, including items redacted from the proposal. The form of contract shall be the City's Contract for PTE Services.

DRAFT Memorandum

TO: Jeanne Harrison – City of Portland
FROM: Carl Springer, P.E., Alan Snook, and Brandy Sularz
DATE: January 24, 2007
SUBJECT: Portland Level-of-service Policy Prototype

P05092-003
Task 5

The purpose of this memorandum is to outline a specific level-of-service prototype for further review and analysis by City staff. Two previous memorandums outlined a series of stakeholder interviews and background information about the existing level-of-service policy in the City of Portland, outlined the need for a revised policy and discussed three potential components that may guide the development of a new or revised policy. The three primary concepts identified include: geographic districts, analytical and modal balancing. After further discussion with City staff, the components were modified and formulated into a more specific prototype that is outlined in this memorandum.

Three options were considered for the task of updating the City of Portland's level-of-service policy including:

- No-action
- Change the policy citywide
- Change the policy for geographic districts and/or corridors

All of these options include modal balancing and analytical methods for determining compliance with policy.

No-action Alternative

The no-action alternative will allow the City's policy to remain unchanged. The level-of-service standard will remain LOS D for signalized intersections and LOS E for stop-controlled intersections.

Change the LOS policy Citywide

One alternative includes a policy change that would relax the LOS for all signalized intersections to LOS E (or possibly F). This would accommodate the numerous intersections that are currently failing in high density locations, such as the downtown central city or other regional town centers. The policy for unsignalized intersections would remain at LOS E

Change the LOS policy for Geographic Districts

The creation of special geographic districts allow areas of the City that are developing in accordance with other City policies (such as increased density developments) to have relaxed standards or to be exempt from Citywide LOS standards. The Metro RTP identifies and classifies special areas and districts that have relaxed LOS service standards, including: regional centers, town centers, the central city, industrial areas and station communities. Additionally, station areas throughout the Portland metropolitan area are defined and have relaxed LOS standards as outlined in the RTP. Based on discussion with City staff, the most appropriate geographic districts include regional centers, town centers and station areas identified in the 2040 Growth Concept Map¹. Regional center and town center boundaries have already been established and could be used as-is or with further refinements to accommodate specialized needs on a location by location basis. Station areas have also been identified with their geographic limits in place. Whether these boundaries for regional centers, town centers and/or station areas designations are used or other geographic boundaries are selected, the areas need to be documented and clearly defined so developers and development review staff have a clear understanding of where the LOS standard is applied. The implementation of geographic districts is only beneficial if it remains a quantitative evaluation tool for the development review process.

In addition to geographic districts, corridors such as main streets, established buffers (i.e. 500 feet on either side of main streets), or pedestrian districts also represent areas that may have relaxed level-of-service standards or modified trip reduction rates.

MODAL BALANCING

Typical level-of-service policies are generally driven by motor-vehicle related standards and performance measures. Within the City of Portland, alternative modes of travel, including pedestrian, bicycle and transit compose a large percentage of total trips. The inclusion of modal components and performance standards that evaluate the transportation system as a whole, integrated system provides an additional level of analysis that was determined to be a critical element based on discussions with City staff. The concept of modal balancing presents an additional evaluation criteria that allows the level-of-service policy to measure the overall functionality of the transportation system and approve development that may otherwise (i.e. under the existing policy) be denied. A series of modal mitigation for pedestrian, bicycle, and transit modes have been developed for inclusion in the prototype policy.

PROTOTYPE LOS POLICY

A variety of stakeholders (primarily City staff) participated in the discussions that ultimately contributed to the LOS prototype discussed in this section. Numerous different departments presented conflicting needs and a variety of corresponding potential solutions. Generally, the desired outcome of the revised LOS policy includes a clear, concise, quantitative standard for level-of-service that is easy for the developers to understand and equally easy for the development review staff to enforce. A streamlined policy/standard is

¹ 2040 Growth Concept Map (Metro RTP)

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mutually beneficial for the City as well as the developers. The prototype flowchart for the revised LOS policy for the City of Portland is shown in Figure 1. The flowchart represents a potential solution that encompasses the general needs presented by the City staff. The prototype solution outlines a simple phase and a more complex phase that is conducive to a phased implementation. A point system has also been assigned to the flowchart and could be applied as necessary from the beginning or with further phased implementation.

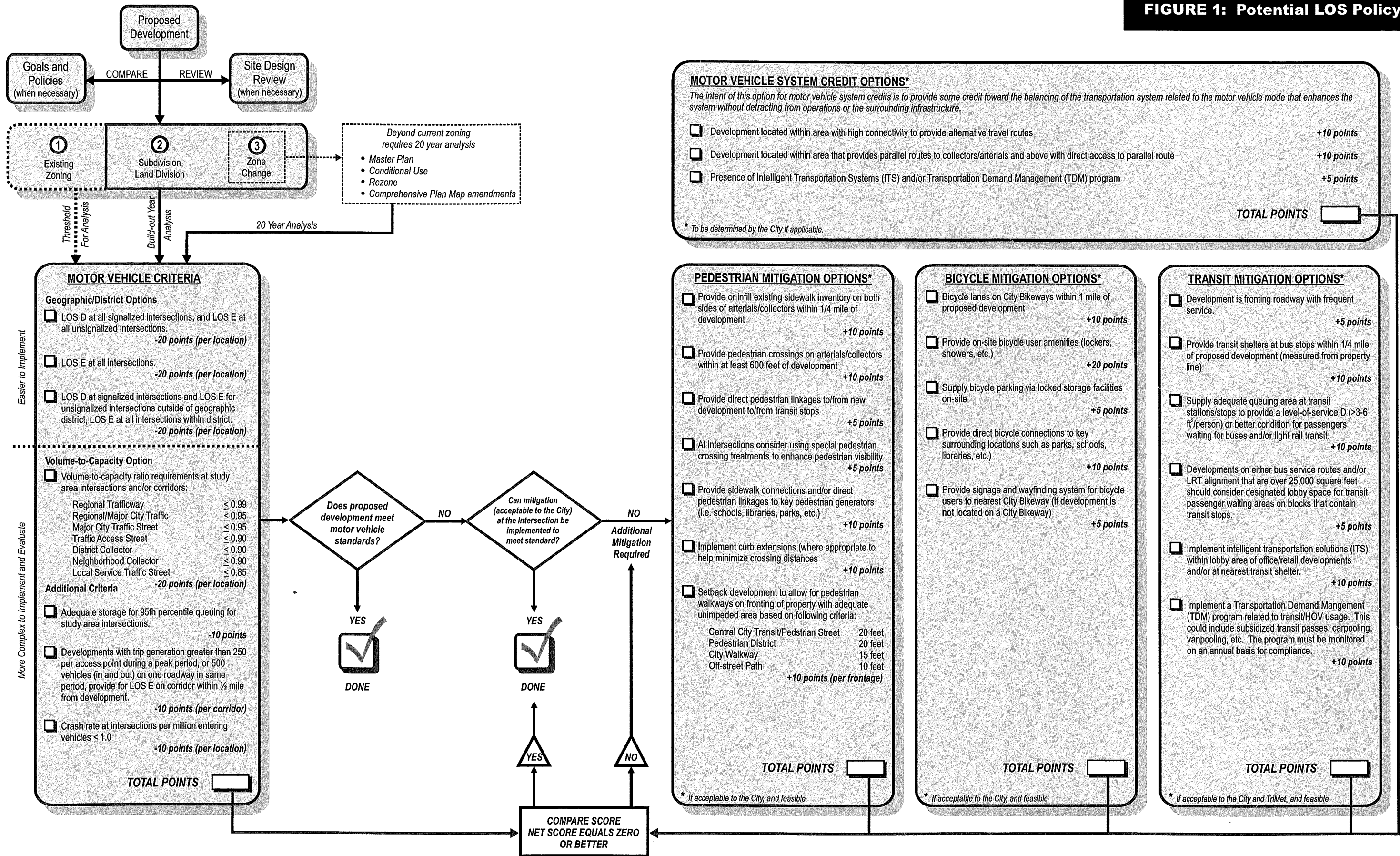
The prototype flowchart represents a page that could be handed to each developer that requires some level of transportation analysis. This may include the following:

- Existing zoning (where threshold criteria has been developed)
- Subdivision and Land divisions (for Build-out Year analysis)
- Zone changes (for 20 year analysis)

The flowchart defines motor vehicle criteria and level-of-service policies in a checklist format. The first phase (simple phase) outlines different possibilities for lower level-of-service standards. The more complex phase includes further evaluation criteria that could be applied to measure the impacts of the development on the surrounding transportation system. The criteria on the left side of the flowchart represents negative points and represents the existing and future outstanding deficiencies that could deny the approval of development.

The right side of the flowchart includes potential mitigation options for motor-vehicles, pedestrian, bicycle and transit. These mitigation options represent positive points that can be selected (by the developer) to balance out the deficiencies. Ultimately, the goal is to arrive at zero or a positive value, which would justify the approval of the development.

FIGURE 1: Potential LOS Policy



RECOMMENDATIONS

As discussed in the previous section, the implementation of the revised level-of-service policy may occur in different phases. The options for a revised LOS policy that were developed and recommended were selected based on discussions with City staff and stakeholders. Each alternative could be implemented as is (simple phase) or with the point system (complex phase). The alternatives include:

- Retain the current policy
 - Retain the current policy and implement point system
- Allow lower LOS standards Citywide
 - Allow lower LOS standards Citywide and implement point system
- Allow lower LOS standards in geographic areas
 - Allow lower LOS standards in geographic areas and implement point system

Currently, only developments undergoing zone changes require traffic impact studies. Changing the traffic impact study requirement to include all developments, including existing zoning and subdivisions could contribute to an increase in modal projects being implemented. This would allow for the potential for more non-motorized improvements throughout the transportation network.

Within the motor-vehicle component, numerous options are presented for evaluating the performance of the system. It is recommended to utilize one of the geographic analysis methods in combination with the additional evaluation criteria. Retaining the existing LOS standard outside of regional and town centers (LOS D) and modifying the LOS standard to E for signalized intersections within regional and town centers is recommended. While this does not represent a drastic change from the current standard, the inclusion of an additional evaluation measure (such as a volume-to-capacity ratio standard) would affect the outcome and provide a stricter policy.

The revised policy allows flexibility for both the developers and the City staff to work towards a balanced transportation system by creating beneficial elements to the pedestrian, bicycle and transit network in lieu of motor vehicle deficiencies. This would help to create a more modally balanced transportation system without being auto dominated.

FURTHER STUDY/RECOMMENDATIONS

Throughout the development process for a revised LOS policy, some additional items were identified for further study. The key areas of further study are related to the thresholds and criteria for transportation studies, trip reduction potential and funding strategy issues related to mitigation.

The level of effort for development input relates to the amount of effort in information gathering and analysis for development review. For example, currently if a proposed development meets current zoning, very little work is necessary for transportation analysis (if any). Under the new structure, existing zoning would be included for analysis and may require less of a level of transportation analysis to determine impacts than a subdivision or zone change. However, depending on the size of the development (and nature of the land

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use) it may require more detail. It is recommended that the level of effort required for each of the three proposed development types be outlined and documented for the transportation analysis. Additional thresholds and criteria should also be developed that can be applied to the existing zoning development that would indicate areas (specific development types) that would require transportation analysis.

Trip reduction potential represents another component of the revised LOS policy that needs further analysis and discussion to determine the appropriate values to be applied to developments and how it will be applied to developments. The two options include the use of geographic districts or corridor buffers (e.g. 400 feet on either side of street) to determine trip reduction potential. Currently, standard trip reductions are used and applied. There could be potential modifications to the existing trip reduction policy based on the selection of geographic districts and how the revised LOS policy point system is applied.

After the analysis is complete and mitigation measures are developed and agreed upon, a funding strategy is necessary to implement mitigation. The funding strategy should determine how the mitigation measures are paid for and implemented, either by the developer, by the City or some combination of the two. While this is not included within this level of effort, it is an important detail to consider because it is a critical component of the process and will impact how mitigation measures can be identified, funded and built.