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May 16, 2014
Addendum No. 1
to

**REQUEST FOR QUALIFICATIONS
ON-CALL CONSULTANT ASSISTANCE FOR
CUSTOMER INFORMATION SERVICES**

dated April 22, 2014

Dear Consultant:

This letter is Addendum No. 1 to the Request for Qualifications for On-Call Consultant Assistance For Customer Information Services, dated April 22, 2014 ("RFQ"). Where text is revised, deleted text is shown in strike-through format; added text is *italicized*. The RFQ is revised as follows:

<u>Addendum Item</u>	<u>Reference</u>	<u>Change</u>
1.	RFQ, Section III, MINIMUM QUALIFICATIONS, page 5	<ul style="list-style-type: none"> The firm has been regularly engaged <i>for at least five (5) years</i> in the business of providing public awareness, customer communication (including print, online/website, and other advertising), strategic planning, customer education, outreach and other information services <i>directly connected to the services described in each work category for which the firm is submitting qualifications for at least five (5) years;</i> The firm has <i>demonstrates</i> successfully completed <i>completion of</i> at least three (3) projects in the past five (5) years substantially similar to any of the five work categories (A through E) requested by MTC, as described in <i>Appendix A, Summary of Anticipated Work, for which the firm is submitting qualifications;</i> The lead staff identified in the possible work categories must individually have held a similar role in at least three (3) <i>similar</i> projects within five (5) years prior to the date of this RFQ.

2.	RFQ Section V, FORM OF STATEMENT OF QUALIFICATIONS, subsection 4. Qualifications and Experience, page 7	(Not to exceed 15 pages for the first category, with five (5) additional pages for each subsequent category for which qualifications are submitted. Full resumes may be submitted as a separate attachment without page limits.)
3.	RFQ Section V, FORM OF STATEMENT OF QUALIFICATIONS, subsection 6. Work Samples, page 7	Five (5) Descriptions or samples of five examples of successful past examples of any other work product similar in nature to any of the categories described in Appendix A, Summary of Anticipated Work for which qualifications are submitted.
4.	RFQ at Appendix C; Standard Professional Services Agreement, Article 10.1, Personally Identifiable Information (PII)*	CONSULTANT agrees to comply with the special provisions related to the access and protection of personally identifiable information set forth in Attachment F H, Special Conditions Regarding Personally Identifiable Information, attached hereto and incorporated herein by this reference. Attachment H, is added to Appendix C as attached hereto. *Note that 10.1 will apply only to contracts with scopes involving PII.
5.	RFQ at Appendix C-1, Insurance Requirements, Errors and Omissions Professional Liability Insurance, page 19	<u>Errors and Omissions Professional Liability Insurance</u> for errors and omissions and the resulting damages, including, but not limited to, economic loss to MTC and having minimum limits of \$5 1,000,000 per claim.

The remaining provisions of the RFQ remain unchanged. In the event of a conflict between this Addendum and the previous version(s), this Addendum takes precedence.

Questions and Answers as attached to this Addendum.

Any questions concerning this Addendum to the RFQ should be directed to Sylvia Cox, Project Manager, at (510) 817-5617 or scox@mtc.ca.gov.

Sincerely,



Andrew B. Fremier
 Deputy Executive Director, Operations

SH:AP

ATTACHMENT H

Special Conditions Relating to Personally Identifiable Information

Where access to personally identifiable information (“PII”) is required in the performance of a contract or access to PII is not required but physical access to facilities or computer systems is required and such access presents the potential for incidental access and/or inadvertent disclosure of PII, language substantially in conformance with the following clauses shall be inserted in the contract terms and conditions.

CONSULTANT will have access to personally identifiable information (“PII”) in connection with the performance of the Agreement. PII is any information that is collected or maintained by MTC or CONSULTANT that identifies or describes a person or can be directly linked to a specific individual, including that individual’s account. Examples of PII include **[insert a few types of PII, tailored to the contract]** name, address, phone or fax number, signature, date of birth, or credit card information, bank account number, or travel pattern data. The following special conditions related to the confidentiality and use of PII apply to this Agreement:

1. Right to Audit

CONSULTANT shall permit MTC and its authorized representatives to audit and inspect: (i) CONSULTANT’s facilities where PII is stored or maintained; (ii) any computerized systems used to share, disseminate or otherwise exchange PII; and (iii) CONSULTANT’s security practices and procedures, data protection, business continuity and recovery facilities, resources, plans and procedures. The audit and inspection rights hereunder shall be for the purpose of verifying CONSULTANT’s compliance with this Agreement, and all applicable laws.

2. General Confidentiality of Data

All PII made available to or independently obtained by CONSULTANT in connection with this Agreement shall be protected by CONSULTANT from unauthorized use and disclosure through the observance of the same or more effective procedural requirements as are applicable to MTC. This includes, but is not limited to, the secure transport, transmission and storage of PII used or acquired in the performance of this Agreement.

CONSULTANT agrees to properly secure and maintain any computer systems (hardware and software applications) that it will use in the performance of this Agreement. This includes ensuring all security patches, upgrades, and anti-virus updates are applied as appropriate to secure PII that may be used, transmitted, or stored on such systems in the performance of this Agreement.

Notwithstanding anything to the contrary in Article 14. Records, of this Agreement, CONSULTANT agrees to retain PII for no longer than **[Project Manager should insert time-frame which should be no longer than necessary for Consultant to carry out its contractual responsibilities under the Agreement. Time-frame shall be no longer than the completion date of the Agreement.]**. At the conclusion of this retention period, CONSULTANT agrees to use Department of Defense (“DOD”) approved software to wipe any disks containing PII. Hard drives and computers shall be reformatted and reimaged in an equivalently secure fashion. CONSULTANT agrees to destroy hard-copy documents containing PII by means of a cross-cut shredding machine. At the conclusion of the performance period of this Agreement,

CONSULTANT shall submit a certification to the MTC Project Manager as follows: “All PII whether in electronic or hard-copy format, has been destroyed in accordance with the requirements contained in Section 2. General Confidentiality of Data of the Attachment G Special Conditions Relating to Personally Identifiable Information.”

3. Compliance with Statutes and Regulations

CONSULTANT agrees to comply with the information handling and confidentiality requirements outlined in the California Information Practices Act (Civil Code sections 1798 *et.seq.*) **[FOR FASTRAK® PROGRAM PII ADD THE FOLLOWING:** and in the California Streets and Highways Code Section 31490]. In addition, CONSULTANT warrants and certifies that in the performance of this Agreement, it will comply with all applicable statutes, rules, regulations and orders of the United States, the State of California and MTC relating to the handling and confidentiality of PII and agrees to indemnify MTC against any loss, cost, damage or liability by reason of CONSULTANT’s violation of this provision.

4. Subconsultants

MTC approval in writing is required prior to any disclosure by CONSULTANT of PII to a subconsultant or prior to any work being done by a subconsultant that entails receipt of PII. Once approved, CONSULTANT agrees to require such subconsultant to sign an agreement in substantially identical terms as this attachment, binding the subconsultant to comply with its provisions.

5. Consultant Guarantees

CONSULTANT shall not, except as authorized or required by its duties by law, reveal or divulge to any person or entity any PII which becomes known to it during the term of this Agreement.

CONSULTANT shall keep all PII entrusted to it completely secret and shall not use or attempt to use any such information in any manner which may injure or cause loss, either directly or indirectly, to MTC.

CONSULTANT shall comply, and shall cause its employees, representatives, agents and subcontractors to comply, with such directions as MTC may make to ensure the safeguarding or confidentiality of all its resources.

If requested by MTC, CONSULTANT shall sign an information security and confidentiality agreement provided by MTC and attest that its employees, representatives, agents, and subcontractors involved in the performance of this Agreement shall be bound by terms of a confidentiality agreement with CONSULTANT substantially the same in its terms.

6. Notice of Security Breach

CONSULTANT shall immediately notify MTC when it discovers that there may have been a breach in security which has or may have resulted in compromise to PII. For purposes of this

section, immediately is defined as within two hours of discovery. The MTC contact for such notification is as follows:

Privacy Officer
privacyofficer@mtc.ca.gov
(510) 817-5700

May 16, 2014

**METROPOLITAN TRANSPORTATION COMMISSION
OPERATIONAL PROGRAMS CUSTOMER INFORMATION SERVICES RFQ**

**Proposers' Conference May 06, 2014
and Requests for Clarifications and Exceptions**

Questions and Answers

- Q1: Is attendance at the pre-bid conference scheduled for May 6, 2014 mandatory?**
A1: No.
- Q2: If we don't attend the proposers' conference, can we still submit our questions via email provided they are submitted before the deadline?**
A2: Yes. Questions submitted before the deadline of Friday, May 9, 2014 at 2 pm to Sylvia Cox have been addressed.
- Q3: Will the sign in sheet from the Proposers' Conference be available?**
A3: The Proposers Conference sign in sheet is available at <http://bids.mtc.ca.gov/procurements/163>.
- Q4: Can the due date for the submission of the Statements of Qualifications (SOQs) be extended?**
A4: No.
- Q5: Can the SOQ be dropped off earlier than the May 27, 2014 deadline?**
A5: Yes. It can be mailed in or handed to the Receptionist on the 3rd floor, but must be received prior to but no later than 12 pm on May 27, 2014.
- Q6: Do bidders have to be registered with the MTC or other agency prior to submitting a Statement of Qualifications?**
A6: No, there is no registration required to submit an SOQ.
- Q7: Do companies submitting SOQs have to bid on all five (5) categories listed in Appendix A?**
A7: No.
- Q8: If you qualify for a portion of the activities in a Category, but not all of them – can you still submit?**
A8: Yes. Evaluations will be based on how well the firm's qualifications match the Category using the evaluation criteria listed in Section VI. QUALIFICATIONS EVALUATION.
- Q9: Is there an advantage to being able to apply for all the categories?**
A9: No. Each Category will be scored independently of the other Categories.
- Q10: Is there a disadvantage to applying to all Categories?**
A10: There is no preference. Each Category will only be evaluated independently.

Q11: How many contractors will be selected per Category?

A11: There is no predetermined number for any Category.

Q12: Can full resumes be submitted electronically as a separate file on the USB flashdrive or CD?

A12: Yes. Full resumes are optional. Electronic submittal is preferred if provided. Also, please see RFQ, Section V, FORM OF STATEMENT OF QUALIFICATIONS, subsection 4, Qualifications and Experience, page 7, regarding the requirement of “short resumes.”

Q13: Should hard copies of the forms be included in the submittal?

A13: Hard copies of the forms with original signatures should be submitted with the original copy only. The forms are not required as part of the submittal of the six (6) hard copies.

Q14: What should be on the electronic submittal via USB flashdrive or CD?

A14: The USB flashdrive or CD should contain the 1 pdf file of the full SOQ and 1 pdf file of the forms. Full resumes are optional.

Q15: Is there a requirement for the hard copy submittal to be stapled or bound?

A15: No.

Q16: Is the intent of the RFQ to line up consultants to provide staff augmentation assistance or to establish a consulting bench of firms to bid on discrete consulting projects over a period of time?

A16: The intent of the RFQ is to establish a bench of firms to draw from for discrete scopes of work that fall under the categories listed in Appendix A. At the discretion of the project manager, a contract or task order for specific scopes of work will be issued on a time and materials or deliverable basis.

Q17: 511 is not specifically listed in the RFQ, is it included?

A17: All operational programs under the umbrella of MTC, BATA, BAIFA, including 511, could use this bench.

Q18: What kind of panel will be evaluating the RFQ? Will it consist of internal staff or include external parties?

A18: The evaluation panel will consist of MTC, BATA, and BAIFA staff.

Q19: Are there any small business preferences?

A19: No.

Q20: Is a conflict of interest statement required of subconsultants?

A20: No.

Q21: Is a signed insurance provisions document required of subconsultants?

A21: No.

Q22: What are the required or preferred qualifications?

A22: Please see RFQ, Section III, MINIMUM QUALIFICATIONS. Please also see RFQ, Addendum No. 1, Item 1, for revisions to the Minimum Qualifications.

Q23: In Section V, Item 4. Qualifications and Experience, it states that there is a page limit of fifteen (15) pages. Does this mean fifteen (15) pages for each Category being proposed on or fifteen (15) pages absolute no matter how many Categories being proposed on?

A23: Please see RFQ, Addendum No. 1, Item 3, for revision to Section V, subsection 4, Qualification and Experience, regarding page limits. For example, if proposing on two categories, the total combined page limit would be 20 pages which could be divided between the two categories at the firm's discretion.

Q24: Is it preferred to have each Category being proposed on described discretely, at the cost of be duplicative?

A24: There is no preference on how the proposer submits their qualifications as long as it meets the requirements listed in the RFQ. Proposers should clearly demonstrate their qualifications for each Category in which they are interested, including an affirmative statement regarding Minimum Qualifications for each such Category.

Q25: If applying to multiple categories, should there be separate submittals for each?

A25: The intent is not to overburden the firm in preparing multiple submittals. One submittal that clearly describes how qualifications for each Category are met will suffice. Only one submittal of insurance requirements would be needed.

Q26: Should we provide a detailed description of subconsultant firm qualifications in addition to resumes?

A26: Statements should clearly explain how the firm meets the MQs. If subconsultant firms are being relied on to meet the MQs, a description of how they meet the MQs should be included.

Q27: Transportation experience is not required. Would a firm with transportation experience be evaluated more favorably?

A27: Please see RFQ, Section VI, QUALIFICATIONS EVALUATION, page 8, for the evaluation criteria.

Q28: What is expected for the hourly rate?

A28: Hourly rates for the lead staff should be provided. Under a fixed fee contract or task order, the hourly rates would be used to back the cost of the deliverable. Under a contract or task order that is based on time and materials, the hourly rates would be used for the time component.

Q29: Should hourly rates be specific to persons or categories of work assignments? Do you want us to use categorical rates (i.e. marketing coordinator vs. marketing specialist; media buyer vs. media planner) or functional rates (layout brochure, design website, photography, etc.)?

A29: The lead staff and all key personnel should be identified by name, position, and hourly rate.

Q30: Under Section V, Item 6. Work Samples, it states that descriptions of five (5) examples are required. What would that look like for the categories or tasks that are visual in nature?

A30: Where a Category or task is visual in nature, a work sample that is also visual would be appropriate. For example, for Category C: Creative Development, it would be appropriate to use print or advertisement materials as work samples. Please see RFQ, Addendum No. 1, item 3.

Q31: What format would you want visual work samples in – electronic or hard copies? If hard copies, what size paper?

A31: All work samples must be hard copy and included in the SOQ submittal. A page size is not specified in the RFQ.

Q32: Should five (5) work samples be provided for subconsultants?

A32: Five (5) work samples total per Category is required. It may consist of work samples from the firm and its subconsultants combined.

Q33: Should three (3) similar projects be provided for subconsultants? If applying for more than one Category of work listed in Appendix A, should we provide three (3) similar projects for each Category of work provided by subconsultants?

A33: A minimum of three (3) similar projects is required per Category. The three (3) projects may be performed by the firm and/or its subcontractors. Also, please see RFQ, Addendum No. 1, item 1.

Q34: Can we provide web links to work samples rather than reproducing them in the response document? It is not easily given to reproduction in an 8 1/2 by 11 page format.

A34: Screenshots of the samples must be provided in a hard copy format to be included in the SOQ. Links and videos may be provided as additional information to fully demonstrate the work sample, but are not guaranteed to be used in the evaluation process.

Q35: Surveys are listed as a task under Category A and under Category E. Is that correct?

A35: Yes. Surveys may be expected to be performed by a firm with market research experience as well as by a firm with outreach and community based service experience. It would depend on the project manager to decide which firm would be the best fit for the scope of work.

Q36: Are we to infer that references do not have to be included with the Statement of Qualifications, but if a bidder is short-listed then at that time it must submit references which will then be contacted?

A36: Please see RFQ, Section V. FORM OF STATEMENT OF QUALIFICATIONS, subsection 5, Similar Projects, regarding contacts and references.

Q37: Will MTC plan to do procurements that will supercede this bench?

A37: It is possible, but unknown at this time.

Q38: What is the likelihood that someone on the bench will get work?

A38: Please see RFQ, Letter of Invitation, Section III. Scope of Work, Method of Payment, and Term, page 2, paragraph 3.

Q39: How will you issue contracts from the bench? Will the firm need to prepare a cost proposal?

A39: Please see RFQ, Letter of Invitation, Section III. Scope of Work, Method of Payment, and Term, page 2; Section VIII. Evaluation, page 3; and RFQ Section IV, SCOPE OF WORK, METHOD OF PAYMENT, AND TERM, page 6.

Q40: How many times have you selected a bench? For this type of work?

A40: There are approximately fifteen (15) benches agency wide. This is the first time that a bench has been proposed for communications needs with a combination of all operational programs.

Q41: What was the utilization of the Clipper bench?

A41: Neither MTC or other agencies identified in the RFQ maintain a comprehensive document that would provide that information in summary. Past agency committee agendas available online may indicate selection of the consultants for the Clipper bench and subsequent contracts approved. BATA, MTC, and BAIFA all have different committees approving contracts.

Q42: Will there be other procurements for the same scope of work annually?

A42: MTC does not anticipate another Request for Qualifications with an identical preliminary scope of work within the next three (3) years.

Q43: How will this “Customer Information Services” procurement fit in with these other recent procurements: 2010 Clipper Consultant Assistance Program bench; 2011 Clipper Customer Communication, Customer Education, Public Awareness and Strategic Marketing Services bench; 2011 FasTrak Public Awareness & Customer Communication Services RFP, and 2013 BAIFA Express Lane Program Management Consultant RFP?

A43: The current RFQ will allow MTC, the Bay Area Toll Authority (BATA), and the Bay Area Infrastructure Financing Authority (BAIFA) to accomplish tasks under the RFQ’s *Appendix A, Summary of Anticipate Work*, for each agency’s operational programs. The other procurement efforts identified are for scopes addressing the needs of the Clipper, FasTrak and Express Lanes programs in particular.

Q44: Can you provide a list of what task orders (including scope and dollar amounts) were issued for each of these procurements – and to whom?

A44: Neither MTC nor the other agencies participating in the RFQ maintain a comprehensive list of task orders under the identified procurement efforts.

Q45: What is the anticipated budget for the operational programs? Would budgets include media purchases?

A45: No budget has been approved at this time. Media purchases would have to be part of an approved budget.

Q46: MTC is requiring that the consultants carry errors and omissions professional liability insurance. E&O is typically applicable to design consultants (like architects and engineers), not communications firms. E&O insurance is very costly. Would MTC consider waiving this requirement?

A46: Errors and Omissions Professional Liability Insurance is required for all professional services under the RFQ’s *Appendix A, Summary of Anticipated Work*.

Q47: Can the Employee Dishonesty/Crime Insurance coverage requirement be lowered or removed from the insurance requirements in *Appendix C, Standard Professional Services Agreement at Attachment E and Appendix C-1, Insurance Requirements*, for resulting contracts that are for marketing/advertising services?

A47: If Employee Dishonesty/Crime Insurance coverage is not applicable to the scope of work in a contract resulting from the RFQ, that coverage requirement will be removed at the time of contracting.

Q48: Can the cyber risk coverage requirement be removed from the insurance requirements in *Appendix C, Standard Professional Services Agreement at Attachment E and Appendix C-1, Insurance Requirements*?

A48: If cyber risk coverage is not applicable to the scope of work in a contract resulting from the RFQ, that coverage requirement will be removed at the time of contracting.

Q49: Can the umbrella insurance coverage requirement be lowered or removed from the insurance requirements in *Appendix C, Standard Professional Services Agreement at Attachment E and Appendix C-1, Insurance Requirements*?

A49: The umbrella coverage requirement cannot be lowered or removed.

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