



Baltimore
Metropolitan
Council

REQUEST FOR PROPOSAL

Project Scope:

Conformity Credit Study

Proposal Due Date:

Monday, January 5, 2009, 2:00 p.m.

Contract Type:

Fixed Price, Partial Payments based on Task Completion

Submit Proposals to:

Baltimore Metropolitan Council
ATTN: Sara Tomlinson
2700 Lighthouse Point East, Suite 310
Baltimore, MD 21224
E-mail: stomlinson@baltometro.org
Fax: (410) 732-8248
Phone: (410) 732-0500 Ext. 1035

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INTRODUCTION

BMC – Who We Are and What We Do

The Baltimore Metropolitan Council (BMC) is a private nonprofit organization committed to identifying regional interests and developing collaborative strategies through plans and programs which will improve the quality of life and economic vitality throughout the region. Our Board of Directors includes the Mayor of Baltimore City, the County Executives of Anne Arundel, Baltimore, Harford and Howard counties, and a Carroll County Commissioner.

The work of BMC staff includes transportation forecasting and analysis, economic and demographic research, computer mapping applications, air and water quality programs, cooperative purchasing, and rideshare coordination. In addition, BMC staff provide technical support to the Baltimore Regional Transportation Board (BRTB).

The BRTB is the designated Metropolitan Planning Organization (MPO) for the Baltimore region. It consists of representatives from Baltimore City, Anne Arundel County, Baltimore County, Carroll County, Harford County, and Howard County, plus the City of Annapolis, the Maryland Department of Transportation, the Maryland Department of the Environment, and the Maryland Department of Planning.

Sara Tomlinson will serve as the Project Manager for this project. Ms. Tomlinson will be responsible for coordinating the work of the Consultant for this project and assisting the Consultant in activities deemed appropriate.

Purpose and Background of Project

The Baltimore region is nonattainment for the National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}) and 8-hour ozone. The annual standard for PM_{2.5} is set at 15.0 micrograms per cubic meter. Regions with design values of 15.1 or greater, calculated from local monitoring data, are in violation of the standard. This is the case with the Baltimore region. The region also violates the 1997 eight-hour standard for ground-level ozone, which is 0.08 parts per million. The federal standards were established to protect public health and welfare. When regions do not attain a standard, the health of the public is at risk.

Through the Interagency Consultation Group, the BRTB seeks an understanding of methods used by MPOs around the country (and accepted by EPA) to calculate conformity credits for emission reduction projects and to achieve a wider perspective on what types of projects are being credited. Within the past four or five years, a number of new guidance documents have been issued by the EPA regarding methods for crediting various emission reduction project types for transportation conformity determinations, specifically diesel retrofit projects, SmartWay technologies, truck and locomotive idling, and Best Workplaces for Commuters-type programs. In addition, the scope of project types able to receive credits has expanded with SAFETEA-LU legislation.

When emission reduction strategies are implemented in the Baltimore region, they will reduce the level of harmful air pollution that the 2.6 million people are exposed to, and as a result, reduce health impacts caused by air pollution. Ground-level ozone can impair lung function in the short term and can cause permanent lung damage in the long term. Particulate matter causes a variety of respiratory and heart problems. Results of this review will serve to better inform the Baltimore MPO of best practices and possibly to refine their methods for tracking and crediting projects. Reducing mobile source emissions is critical to the quality of air we breathe in the region, and therefore it should be properly accounted for in the conformity process.

This Request for Proposals (RFP) solicits proposals from qualified consultants (and consultant teams) to perform a review of methods that are being used by MPO's around the country to evaluate conformity credits for emission reduction projects.

Scope and Objectives of Project

For this project, the Consultant will perform a review of methods that are being used by MPO's around the country to evaluate conformity credits for emission reduction projects. This information can be used in the future to better inform the Baltimore MPO of best practices in this regard and possibly to refine their methods for tracking and crediting projects for conformity determinations. This research can also inform other MPOs nationwide of good practices they may emulate. The Consultant will need to: (1) research MPO conformity credit methods; (2) perform follow-up telephone interviews for best practice MPO case studies; (3) provide an analysis and summary of MPO research findings; (4) provide a summary of MPO best practices for conformity credit projects; and, (5) create recommendations for Baltimore region methods.

WORK PROGRAM**General**

This Request for Proposals (RFP) solicits proposals from qualified consultants (or consultant teams) to perform a review of methods that are being used by MPO's around the country to evaluate conformity credits for emission reduction projects. The Consultant shall develop a proposed work plan, subject to the BMC's approval, including the scope of work and methodology, staffing and qualifications, estimation of person hours and costs, and a project schedule for designated tasks. The tentative project schedule should include allowances for the periods of time required for BMC's review and may be adjusted, as the tasks require. BMC reserves the right to change the order of the project tasks depending on the status of relevant activities. The contract executed pursuant to this RFP will require the Consultant to complete all services by June 30, 2009.

The services to be provided by the Consultant under this contract include, at a minimum, the following:

Task 1 – Research of MPO Conformity Credit Methods

The Consultant shall secure transportation conformity documentation of at least twenty five (25) MPOs around the country. Once this is done, the consultant shall research this documentation in order to generate information on what types of projects MPOs are taking conformity credit for, and how they are calculating these credits. Examples of questions that could be further explored through this research include the following:

- 1) Are other MPO's assuming a participation level in commuter and outreach programs based on estimates from other metropolitan areas, or are they basing these factors on actual surveyed data from their own region?
 - a. What metropolitan area has their participation rates frequently referenced, and what are their assumptions?
- 2) Do any MPOs take conformity credit for signal timing projects? How is this calculated? What typical assumptions are made?
- 3) Do any MPOs take credit for reductions from transportation management associations? What methods are used?
- 4) Do any MPOs bundle credits from a large group of low emission-reducing projects?
- 5) Do any MPOs take credit for diesel retrofit projects?
 - a. Do they use the NMIM model or another EPA-approved method?
 - b. What is their experience with the NMIM model?
- 6) Do any MPOs take credit for nonroad diesel retrofit projects?
- 7) Do MPOs typically separate out CMAQ and non-CMAQ funded projects for conformity credit?
 - a. For CMAQ funded projects, are the emission reductions listed in the annual report used as a reference for conformity credit for those projects?

- 8) Do any MPO's use the EPA COMMUTER model to calculate credits from commuter programs, or are they using different models or methods?
- 9) Do any MPO's take credit for purchases of diesel hybrid electric transit buses? If so, what pollutants do they take credit for reducing, and how is this calculated?

Task 2 – Follow-up Telephone Interviews for Best Practice MPO Case Studies

The Consultant shall perform follow-up interviews with at least five (5) MPOs determined by the consultant as using best practices for tracking emission reduction projects.

Task 3 – Analysis and Summary of MPO Research

The Consultant shall provide a summary analysis of the research results.

Task 4 – Summary of MPO Best Practices for Conformity Credit Projects

The Consultant shall write at least five (5) case studies on best practices performed by five different MPOs regarding the tracking of emission reductions eventually used for conformity credits.

Task 5 – Recommendations for Baltimore Region Methods

The Consultant shall prepare recommendations resulting from this review which can possibly help the Baltimore MPO to refine their methods for tracking and crediting projects.

Consultant Qualifications

The BMC is seeking consultant(s) who have experience and familiarity with the following:

- Air quality activities and responsibilities of metropolitan planning organizations.
- Emission mitigation strategies for mobile source emissions.
- EPA's Transportation Conformity Rule and related guidance.
- Federal guidance for taking conformity credits on regional transportation conformity analyses.

PROPOSAL CONTENT

The proposal shall consist of two separate parts: (1) 3 copies of a Technical Proposal; and, (2) 1 copy of a Cost Proposal (in a sealed envelope). The proposals shall meet, at a minimum, the following requirements.

Technical Proposal

The Technical Proposal should contain the following:

- *Cover Letter* – signed by an executive with authority to commit the proposing firm and stating the period for which the proposal is valid.
- *Work Program* – A discussion of each task to be undertaken, how it will be performed and the products to be produced. Proposers may add or subdivide the tasks as necessary to fully describe their approach to the work. An overall schedule of work should be developed.
- *Experience and Qualification* – Please list your qualifications with regard to the selection criteria identified in this RFP. Your summary should contain: (a) the information on projects of similar nature that you or your firm has completed, including brief descriptions, dates, and names of contact persons. Please include links to relevant work if possible, and (b) the resumes of proposed project manager and key team personnel.
- *Project Management* – Designation of a project manager and the responsibilities of the manager. Note that the resulting contract will require commitment of the specified staff. An outline showing estimated hours by each staff member by task shall be provided.
- *DBE Participation* – The program for assuring the maximum opportunity for participation by Disadvantaged Business Enterprises (DBEs) in accord with BMC's goals shall be presented. See the section of MANDATORY STATEMENTS for statement of DBE participation goals.

- *Other Information* – Any other material that the proposer wishes to provide.

Cost Proposal

The Cost Proposal should be composed of two parts: Project Budget and Affidavits and Certifications.

Project Budget. The current budget identified to complete this effort is described below. When submitting your cost proposal, please address the items listed below.

- The maximum amount of funding available is \$30,000. Regarding this budgeted amount, the following questions should be answered:
 1. Is this amount sufficient to complete the tasks outlined in this RFP?
 2. If the answer to question #1 is yes, what will be the cost for you to complete this project?
 3. If the answer to question #1 is no, state your proposed total cost, and also identify those tasks which you will be able to complete for the above-mentioned sum which will produce a useable product.
- Provide your price quote as a fixed price in United States dollars. The price quote shall include the number of labor hours and cost by staff member and total hours and cost estimated for each task. Direct costs shall be itemized by category (e.g., travel, per diem, printing and reproduction, etc.) for the entire project. The contract type is anticipated as fixed price with partial payments paid based on task completion.

Affidavits and Certifications – An original signed copy of Proposal Affidavit attached at the end of this RFP shall be included in the Cost Proposal.

Proposals not meeting the above requirements will be rejected.

SUBMISSION OF PROPOSAL

All respondents shall submit their proposal to:

Baltimore Metropolitan Council
Attn: Sara Tomlinson
2700 Lighthouse Point, Suite 310
Baltimore, MD 21224-4774

The proposal must be received by BMC no later than 2:00 p.m. Eastern Standard Time on **Monday, January 5, 2009**. Allow adequate time for mail or other carrier delivery. Proposals arriving after the deadline will not be accepted. Please direct any questions to Sara Tomlinson by telephone (410) 732-0500, ext. 1035, fax (410) 732-8248, or e-mail: stomlinson@baltometro.org.

The BMC will not pay for the development and submission of proposals in response to this RFP. The BMC reserves the right to reject any proposals without cost or detriment to the BMC.

The Consultant shall not make changes in the specifics put forth in a proposal, including staff participation, without the prior written consent of the BMC.

TENTATIVE SCHEDULE

RFP Issued:	Monday, December 15, 2008
Proposals Due:	Monday, January 5, 2009, 2:00 p.m.
Consultant Selection:	Friday, January 9, 2009
Start of Work:	January 15, 2009
Completion of Work:	June 30, 2009

Task Schedule

- Kickoff meeting – Consultant meets with BMC staff to initiate project and to propose research and analysis methods. (January 2009).
- Telephone Interviews – As a follow-up to the MPO research, the consultant performs telephone interviews for best practice MPO case studies. (February/March 2009).
- Progress meeting – Consultant meets with Project Steering Committee and/or BMC staff to provide a progress report on research and interview results (March/April 2009).
- Draft Report – Consultant provides draft report of research and interview results (April 2009).
- Report Presentation at Interagency Consultation Group and/or BRTB meeting (May 2009).
- Final Report – Consultant provides final report of research and interview results (early June 2009).

CONSULTANT SELECTION CRITERIA

All proposals will be evaluated on the basis of technical merit and proposed cost. This is not a low-bid procurement. BMC staff will conduct the evaluation of proposals. Technical merit includes work program and approach, as well as staff experience and qualifications. The contract executed shall not exceed \$30,000 in value. Teaming is permissible but the contract will be with a single prime contractor.

The BMC reserves the right to negotiate with one or more respondents selected on the basis of the initial technical merit and proposed cost. Respondents may be asked to make personal appearances to provide additional information on proposals.

MANDATORY STATEMENTS**Public Information Act Notice**

Respondents should give specific attention to the identification of those portions of their proposals they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed.

Disadvantaged Business Enterprise Notice

Disadvantaged business enterprises (DBEs) are encouraged to respond to this solicitation. It is the intent of the BMC that certified minority business enterprises and sub-contractors be given the opportunity to submit proposals to this RFP and will not be subject to discrimination on the basis of race, color, sex, or national origin in consideration for an award.

Disadvantaged Business Enterprise Subcontract Participation Goal

The Baltimore Metropolitan Council hereby notifies all respondents that in regard to any contracts entered into pursuant to this advertisement, MBEs and WBEs will be afforded full opportunity to submit expressions of interest in response to this notice and will not be subject to discrimination on the basis of race, color, sex or national origin, in consideration for an award.

It is the goal of the BMC that certified businesses participate in all federal-aid contracts. A DBE subcontract participation goal of ten percent of the total contract amount has been established for this procurement. Proposers must make a good faith effort to meet this goal. All offers submitted in response to this RFP must include a statement specifying the Maryland Department of Transportation (MDOT) has certified the DBE or DBEs utilized to meet this requirement. If the DBE has not been certified by MDOT but has been certified by other state transportation agencies receiving federal funding, the name of the agency should be included in the proposal. The BMC reserves the option to accept this certification in lieu of MDOT certification.

Required Terms and Conditions

The following terms and conditions are required in contracts executed by the BMC.

- Parties to the Contract
- Scope of the Contract
- Compensation and Method of Payment
- Non-Hiring of Employees
- Disputes
- Maryland Law Prevails
- Non-Discrimination in Employment
- Contingent Fee Prohibition
- Multi-Year Contracts Contingent Upon Appropriations
- Termination for Default
- Termination for Convenience
- Delays and Extensions of Time
- Liquidated Damages
- Suspension of Work
- Retention of Records
- Compliance with Laws
- Truth in Negotiation Certification
- Contract Affidavit
- Insurance Coverage

PROPOSAL AFFIDAVIT**A. (ANTI-BRIBERY AFFIRMATION). I HEREBY CERTIFY THAT**

(1) I am the (title) _____ and the duly authorized representative of (vendor) _____ and that I possess the legal authority to make this Affidavit on behalf of myself and the vendor for which I am acting.

(2) Except as described in paragraph 3 below, neither I, nor to the best of my knowledge, information, and belief, the above vendor, nor any of its officers, directors, or partners, nor any of its employees directly involved in obtaining contracts with the State or any county, bi-county, multicounty agency or subdivision of the State has been convicted of, or has pleaded nolo contendere to a charge of, or has during the course of an official investigation or other proceeding, admitted in writing or under oath acts or omissions committed after July 1, 1977, which constitute bribery, attempted bribery, or conspiracy to bribe under the provisions of Article 27 of the Annotated Code of Maryland or under the laws of any state or federal government.

(3) State "none" or, as appropriate, list any conviction, plea or admission described in paragraph 2 above, with the date; court official, or administrative body; and the sentence or disposition, if any:
_____.

(4) I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer, and may be furnished to the Attorney General pursuant to Sections 16-201, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland. I acknowledge that if the representations set forth in this Affidavit are not true and correct, the Council may terminate any contract awarded and take any other appropriate action.

B. (NON-COLLUSION AFFIRMATION). I HEREBY FURTHER AFFIRM THAT neither I nor, to the best of my knowledge, information and belief, the above firm nor any of its other representatives I here represent have:

(1) Agreed, conspired, connived or colluded to produce a deceptive show of competition in the compilation of the bid or offer being submitted herewith;

(2) In any manner, directly, or indirectly, entered into any agreement, participated in any collusion to fix the bid price or price proposal of the bidder or respondent herein or any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the within bid or offer is submitted.

C. (PROCUREMENT AFFIRMATION). I HEREBY FURTHER AFFIRM THAT

(1) Neither the above business nor, to the best of my knowledge, information, and belief, any officer, controlling stockholders, partner, principal, or other person substantially involved in the contracting activities of the business has in the past five (5) years: (a) been convicted under state or federal statute of a criminal offense incident to obtaining or attempting to obtain or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property; (b) been found civilly liable under state or federal antitrust statutes for acts or omissions in connection with the submission of bids or proposals for a public or private contract; (c) been convicted of any violation of a state or federal antitrust statute; (d) been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organizations Act, 18 USC Section 1961 et seq.; or (e) the Mail Fraud Act, 18 USC Section 1341 et seq., for acts arising out of the submissions that would constitute grounds for conviction or liability under any statute described above. Also, the undersigned vendor was not founded or established or is not operated in a manner designed to evade the application or defeat the purpose of the Debarment Regulations, COMAR 21.08; is not currently suspended or debarred pursuant to COMAR 21.08 or by the action of any other public entity; and is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business.

(2)

(a) If the affirmation described in subsection (1) cannot be given and debarment proceedings have not been instituted against the business pursuant to COMAR 21.08, indicate the reasons why the affirmation cannot be given, including any conviction or admission described in subsection (1), above, with the date, court and sentence or disposition, if any; the name(s) of the person(s) involved, and their current positions and responsibilities with the business; the activity specified in COMAR 21.08 in which each person was involved; and the details of the person's participation in the activity, including the name(s) of an entity involved and the person's positions and responsibilities with the entity. (Attach additional sheets as necessary.)

(b) If the affirmation described in subsection (1) cannot be given, and debarment proceedings have been instituted against the business pursuant to COMAR 21.08, indicate the status of such proceedings.

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland or any unit of the State of Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland in respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above firm in respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

(Date)

(Affidavit)