



# Request for Proposals

PROJECT 21T03

## BALTIMORE REGION TRANSIT GOVERNANCE AND FUNDING STUDY

ISSUE DATE

**August 25, 2020**

DUE DATE

**September 29, 2020 (2:00 PM)**

### Submit Qualifications to:

Baltimore Metropolitan Council  
ATTN: Don Halligan  
1500 Whetstone Way, Suite 300  
Baltimore, MD 21230

Contact for More Information: Don Halligan  
E-mail: [dhalligan@baltometro.org](mailto:dhalligan@baltometro.org)

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# Introduction

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. BMC’s Board of Directors includes the Mayor of Baltimore City, Executives of Anne Arundel, Baltimore, Harford and Howard counties, a Carroll County Commissioner, a Queen Anne’s County Commissioner, a Delegate and Senator from the State of Maryland, and a gubernatorial appointee.

The Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization (MPO) for the Baltimore region. The members consist of designated representatives from Baltimore City, Anne Arundel County, Baltimore County, Carroll County, Harford County, and Howard County, Queen Anne’s County, the City of Annapolis, plus the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the MDOT Maryland Transit Administration, and Harford Transit. The Baltimore Metropolitan Council (BMC) staff provides technical support to the BRTB.



The work of BMC staff includes transportation forecasting and analysis, economic and demographic research, computer mapping applications, air and water quality programs, multimodal planning, cooperative purchasing, workforce development, housing and rideshare coordination.

# Purpose

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BMC is soliciting proposals from a qualified consultant, or consultant team with broad national and specialized local experience in transit governance and funding structures and analysis and with the ability to clearly document and communicate the complex issues associated with any potential modification to the current provision of transit in the Baltimore region.

Baltimore's public transportation system is one of just a few in the country that is governed and operated by a state agency rather than a regional authority or local transportation department. Maryland Department of Transportation (MDOT) Maryland Transit Administration (MTA) (also know as MDOT MTA) is part of the executive branch of the state with the MDOT Secretary reporting to the governor, with no local oversight. The primary source of funding for MDOT MTA is the state Transportation Trust Fund. The City of Baltimore and surrounding counties do not contribute financially to MDOT MTA's services, although they do provide funding for other local bus services. The local bus services are also supported through the Locally Operated Transit Systems (LOTs) program, which is administered by MDOT MTA.

The purpose of this study is to analyze and develop potential transit governance and funding structure scenarios for the Baltimore Region, including scenarios to enhance and balance local jurisdiction engagement and contributions to achieve regional and local public transit performance goals. These scenarios will be developed and considered in the context of public transit funding structures in the State of Maryland.

# Scope of Work

The proposed Scope of Work shall address the following components:

BMC proposes that the consultant (or consultant team) take the lead in researching, writing and presenting information on the topics provided in the following outline. Consultants can choose to address each of these topics as they are written in this outline or propose to alter/add or modify as part of their proposal. The consultant (team) will be supported by BMC, MDOT and jurisdictional staff. The consultant should build in time for review of each section by staff of BMC and BRTB members prior to presentation and/or publication and include meetings with BMC and BRTB staff and presentations. All publications and presentations should be digital and ready for web publishing.

The proposed outline of the study consists of seven sections, which should be written in a Chapter format and presented to the Baltimore Regional Transportation Board at each of their monthly meetings starting in December 2020 and ending with the June 2021 meeting (seven months). The consultant should also propose unique online (due to current and potential future COVID restrictions) public involvement opportunities spread throughout the development of the study. These opportunities could take the form of surveys, online public comment periods or any other items deemed appropriate. There will be opportunities for public comment at each of the regularly scheduled BRTB meetings.

Below is the proposed outline of the seven sections of the study (again consultants can alter in their proposal):

## Section 1 – Study Purpose and Approach

Brief description of the purpose of the study including broad goals and outline of the proposed work program and schedule. This first section and presentation will allow for dissemination and feedback on the proposed work program and schedule. This section will ultimately be modified in the final report to an Executive Summary of the actual product.

## Section 2 – History of MDOT MTA and the LOTs Systems

Brief description of the formation and history of the MDOT MTA system including a description of the service area, modes and appropriate statistics such as breadth of service and ridership, revenue and non-revenue service, including historical trends. These should include statistics broken down by jurisdiction or service area. Included in this section is a similar review of the Locally Operated Systems (LOTs) in the Baltimore region.

## Section 3 – Review of Current Structure

Review of the current decision making process for transit in the region. This should include a review of the current MDOT and MDOT MTA operating/capital processes that are intertwined with the State Transportation Trust Fund. This review should also include a review of the role of the Maryland General Assembly and the BRTB. The study should also review the decision making processes for the region's Locally Operated Transit Systems (LOTs).

This section should provide a broad overview of relevant Maryland State Law and Code to indicate the relevant sections of Maryland state laws and codes would need to be revised to enable restructuring. The section must also describe the MDOT MTA role as the current Federal Transit Administration designated grant recipient for Federal transportation funds for the region and the State of Maryland, and MDOT MTA's role as oversight for the LOTs.

## Section 4 – Financial Review

This section will include a detailed review of the historical, current budgets and revenue sources and projected future financial spending and needs for MDOT MTA and LOTs in the region. This review should cover both operating and capital spending and needs with projections extending for five and ten year horizon years. The review should include a discussion of the 2019 MDOT MTA Capital Needs Inventory and broad projections of potential costs for implementing recommendations from the Regional Transit Plan for Central Maryland. The data should be presented by MDOT MTA mode and by individual LOTs agency. BMC and BRTB agency staff and appropriate project partners will assist with this review.

## **Section 5 – Review of Peer Agencies/Regions**

Review peer agencies, specifically ones that include state and local involvement. Included in this review should be governance and funding structure, financial sources and uses including operating and capital with appropriate operating statistics. The review should also include project selection/authority processes including a review of equity/social justice considerations and the interplay with local jurisdictions. The review should not be limited to individual agencies and should include peer regional processes. The section should also review various oversight process for the LOTs.

## **Section 6 – Review of Transit Funding Measures**

Conduct a national review of recent transit funding measures including successes and failures. The review should be comprehensive in terms of funding mechanisms and program/project structure and discuss key challenges and considerations of their potential applicability to the Baltimore region. The review should include the packaging surrounding the measure, including broad funding and individual project related financing or other mechanisms. Peer agencies and regions examples should be reported.

## **Section 7 – Options for Governance and Funding**

Drawing on all of the previous work, this section will review at least four potential options for Baltimore regional transit governance and funding models. The options should include a specific discussion of the potential roles for MDOT, MDOT MTA, BRTB, local jurisdictions and the General Assembly. Each option should include a discussion about potential required changes to the State Operating Budget and Capital programming processes. The options should discuss how each could address the funding needs previously identified and the future of the LOTs under each option. Finally, there should be a detailed roadmap to implementation for each option including a discussion of challenges and opportunities. This section should also discuss the pros and cons of the existing system versus the options. It is not anticipated that there will be a final recommended option from the study.

## **Consultant Qualifications**

BMC is seeking a firm, or team, with broad national and specialized local experience in transit governance and funding structures and analysis with the ability to clearly document and communicate the complex issues associated with any potential modification to the current provision of transit in the Baltimore region.

# Proposal Content and Requirements

The proposal should consist of two separate parts: (1) a Technical Proposal; and (2) a Cost Proposal. Each offeror shall submit by email a digital copy of their technical proposal and cost proposal saved in separate pdf files. Proposals shall meet, at a minimum, the following requirements.

## Technical Proposal

The Technical Qualifications should contain the following:

- *Cover Letter* – signed by an executive with authority to commit the offeror and stating the period for which the proposal is valid. (1 page maximum)
- *Work Program* – Offerors shall address each of these topics as they are written in the Scope of Services or propose to alter/add or modify as part of their proposal. Offerors shall provide a discussion of how the work will be performed, and the products to be provided including the written chapters, the presentations and any proposed public involvement. An overall schedule of work should be developed. Offerors should include, but are not limited to, the identified tasks. Offerors are encouraged to suggest modifications that would facilitate a successful work program. (12 page maximum)
- *Experience and Qualification* – The offeror shall list its qualifications with regard to the selection criteria identified in this RFP. The summary should contain: (a) information on projects of similar nature that offeror has completed, including brief descriptions, dates, and names of contact persons. In project descriptions, identify the roles of the identified project manager and key personnel. Please include links to relevant work if possible, and (b) the resumes of proposed project manager and key team personnel. (8 pages maximum)
- *Project Management* – Designation of a project manager and the responsibilities of the manager and key personnel. Provide a summary of qualifications of the project

manager and key staff for each firm. Note that the resulting contract will require commitment of the specified personnel. (5 pages maximum)

- *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 offeror wishes to provide. Please limit to relevant information. (4 pages maximum)

All documents will be formatted with a 12-point font size and made to print double-sided, if possible.

## Cost Proposal

The Cost Proposal should be composed of two parts: (1) Project Budget; and (2) Affidavits and Certifications.

- *Project Budget* – Proposers shall provide a 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* – A signed copy of the Proposal Affidavit attached at the end of this RFP shall be included in the Cost Proposal.

BMC reserves the right to reject proposals that do not meet the Technical and Cost Proposal requirements.

# Submission Of Proposals

All offerors shall submit by email one (1) digital pdf copy of the Technical and Cost Proposals in separate pdf files to: [dhalligan@baltometro.org](mailto:dhalligan@baltometro.org).

The proposal must be received by BMC no later than 2:00 PM Eastern Standard Time on September 29, 2020. Proposals arriving after the deadline will not be accepted. Please direct any questions to Don Halligan by e-mail: [dhalligan@baltometro.org](mailto:dhalligan@baltometro.org).

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

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

The BMC Staff member listed above shall be the sole point of contact for any offeror during the procurement process.

BMC reserves the right to waive minor irregularities, to negotiate in any manner necessary to best serve the public interest, and to make a whole award, multiple awards, a partial award, or no award. BMC reserves the right to cancel this RFP, in whole or in part, any time before the closing date.

# Tentative Schedule

RFP Issued	August 25, 2020
Pre-Proposal Meeting	September 10, 2020 2:00 PM (Gotomeeting information to be published on the BMC website calender)
Proposal Question Due	September 18, 2020 4:00 PM (by email to dhalligan@baltometro.org)
Answer to Questions Posted	September 23, 2020 (on the BMC website)
Proposals Due	Tuesday, September 29, 2020, 2:00 PM (by email to dhalligan@baltometro.org)
Consultant Selection	October 2020
Start of Work	October 2020
Completion of Work	June 30, 2021

# Consultant Selection Criteria

All proposals will be evaluated on the basis of technical merit (including areas required within the Technical proposal such as work program, team and personnel experience, project management, adherence to RFP and DBE integration) and proposed cost. This is not a low-bid procurement. The FY 2021 UPWP budgeted \$300,000 for the consultant part of this task but proposals will be considered outside of this range if the proposed work program will provide a greatly superior product. BMC staff and/or appropriate project partners will conduct the evaluation of proposals. Technical merit includes work program and approach, as well as staff experience and qualifications. Teaming is permissible but the offeror will be with a single prime contractor.

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

## “Sample” Form Contract

BMC’s form contract is available on BMC’s website and is incorporated into this solicitation.

[https://www.baltometro.org/sites/default/files/bmc\\_documents/RFP/sample-rfp-contract\\_fy2019.pdf](https://www.baltometro.org/sites/default/files/bmc_documents/RFP/sample-rfp-contract_fy2019.pdf)

By the act of submitting a proposal, the offeror expressly acknowledges that he/she/it accepts the terms and conditions as stated in the form contract unless exceptions are submitted in writing with the proposal. BMC reserves the right to amend the terms of the form contract as it sees fit during contract negotiation.

The offeror’s acceptance of, or deviations from, the form contract terms and conditions are considered during the evaluation and subsequent award

If the offeror submits an exception that alters BMC’s risk, liability, exposure in, or the intent of this procurement, BMC reserves the right in its sole and absolute discretion to deem the offeror non-responsive.

## Confidentiality

Offerors must specifically identify any portions of their proposals deemed to contain confidential information, proprietary information or trade secrets. Those portions must be readily separable from the balance of the proposal. Such designations will not be conclusive, and offerors may be required to justify why such material should not, upon written request, be disclosed by BMC under the Public Information Act, State Government Article, Title 10, Sub-Title 6, of the Annotated Code of Maryland, as

amended. BMC may disclose such information if required by law, court order or subpoena.

# Maryland Registration/Qualification Requirements

BMC requires vendors to register or qualify to do business with Maryland Department of Assessments and Taxation (SDAT) in accordance with the Annotated Code of Maryland, Corporations and Associations Article: §2-102 Formation generally, §7-202 Registration to do interstate and foreign\* business, and/or §7-203 Qualification to do intrastate business.

For information on registering or qualifying a corporation, LLC, LLP or LP, call SDAT at 410-767-1340. Sole Proprietors and General Partnerships should call 410-767-4991 or you may download the SDAT forms at <https://dat.state.md.us/Pages/sdatforms.aspx>

The successful offeror may be required to submit a Good Standing Certificate (also known as "Certificate of Status") issued by SDAT within 10 days of being notified of potential award.

(\*Note: "a corporation, association, or joint-stock company organized under the laws of the United States, another state of the United States, a territory, possession, or district of the United States, or a foreign country," Md. Code Ann., Corporations & Associations, §1-101.)

# Mandatory Statements

## Public Information Act Notice

Offerors 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 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.

All selected contractors will be required to abide by the DBE Program of the Baltimore Regional Transportation Board (BRTB). The DBE Program may be found on BMC's website.

## Disadvantaged Business Enterprise Subcontract Participation Goal

The Baltimore Metropolitan Council hereby notifies all offerors 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 BMC that certified businesses participate in all competitively bid federal-aid contracts. A DBE subcontract participation goal of 31.7 percent of the total contract amount has been established for this procurement. Offerors must make a good faith effort to meet this goal in order to receive appropriate consideration. The offeror can demonstrate that it has made a good faith effort by meeting the goal or by documenting

good faith efforts to do so in its proposal. Determination of good faith efforts will be made at the discretion of appropriate BMC staff. 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. BMC reserves the option to accept this certification in lieu of MDOT certification.

# PROPOSAL AFFIDAVIT

## A. (ANTI-BRIBERY AFFIRMATION). I HEREBY CERTIFY THAT

(1) I am the (title) \_\_\_\_\_ and the duly authorized representative of (offeror) \_\_\_\_\_ and that I possess the legal authority to make this Affidavit on behalf of myself and the offeror 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 offeror, 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 offeror 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 offeror 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.)

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(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.

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**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.**

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(Date)

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(Affidavit)

