



# **North Central Texas Council of Governments**

**NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS  
METROPOLITAN PLANNING ORGANIZATION**

**REQUEST FOR PROPOSALS  
MCKINNEY AVENUE TRANSIT AUTHORITY AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY STUDY**

**December 6, 2024**

**REQUEST FOR PROPOSALS  
FOR THE  
MCKINNEY AVENUE TRANSIT AUTHORITY AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY STUDY**

**INTRODUCTION**

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from qualified firms(s) to assist NCTCOG and the McKinney Avenue Transit Authority (MATA) to create a plan to implement modifications to improve accessibility on MATA's transit system, the M-Line in central Dallas.

**NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS**

The North Central Texas Council of Governments (NCTCOG) is a voluntary association of, by, and for local governments, and was established to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions.

Since 1974, NCTCOG has served as the Metropolitan Planning Organization (MPO) for transportation in the Dallas-Fort Worth (DFW) Metropolitan Area. NCTCOG's Transportation Department is responsible for regional transportation planning for all modes of transportation. The Department provides technical support and staff assistance to the Regional Transportation Council (RTC) and its technical committees, which compose the MPO policy-making structure. In addition, the Department provides technical assistance to the local transit providers of North Central Texas in planning, programming, coordinating, and implementing transportation decisions.

**PURPOSE AND NEED**

The North Central Texas Council of Governments (NCTCOG) is seeking an individual or firm to assist in identifying options to make the M-Line compliant with Texas Accessibility Standards (TAS) and Americans with Disabilities (ADA) standards. This would allow the agency to be eligible for federal funding for future operations and projects, thereby improving connectivity in its service area and the level of service currently being provided by MATA. The plan will also identify the financial impacts and various tradeoffs that will be associated with the modifications needed for TAS and ADA compliance, which should be considered. Dallas Area Rapid Transit (DART) and the City of Dallas will also be a part of the project oversight team. The selected consultant will

carry out tasks related to project management, stakeholder involvement, a comprehensive transit needs assessment, scenario development, and final report preparation.

## **PROJECT SUPPORT**

The project will be conducted under the guidance and supervision of a Project Review Committee. The responsibilities of the Project Review Committee will be to serve as the principal technical review committee for this project. NCTCOG shall serve as project manager to implement a mutually agreed upon scope of work, monitor the progress of consultant activities; and serve as a liaison between the consultant and other partners. The selected consultant will enter into a contract with NCTCOG for the agreed upon scope and budget. NCTCOG shall also serve as the contract manager and procurement administrator for the project.

## **SCOPE OF WORK**

The scope of work is summarized by the tasks outlined below. Proposers are encouraged to exercise creativity in responding to the project needs. Modifications to the tasks and task sequencing which will improve the effectiveness of the project effort, while containing costs, are encouraged. These tasks represent the anticipated responsibilities of the consultant team and will be further refined during final scope negotiations and project kick-off and will likely evolve as the project progresses.

## **TASK 1: PROJECT MANAGEMENT**

Task 1 outlines the oversight and administrative tasks required to support the plan development needs, such as: development of the project management plan, defining communication protocol, and defining needed project materials and meeting support.

After contract execution NCTCOG, MATA, the selected consultant team (Consultant), and the Project Advisory Committee shall conduct a project kick-off meeting to refine project work plan, review project management approach, and discuss data needs and sources.

The Project Advisory Committee will be comprised of staff from NCTCOG, MATA, DART, and the City of Dallas. The committee will provide comments and guidance to the NCTCOG project manager and the Consultant, review progress and deliverables, and assist with relevant information from their organizations throughout the project.

Throughout the life of the project, recurring conference calls or in-person meetings between the Consultant and NCTCOG and MATA staff will take place to discuss ongoing progress and issues.

Summary notes from the kickoff meeting and monthly conference calls will be drafted and distributed by the Consultant to appropriate staff.

**Task 1 Key Deliverables:**

- Project management plan (including budget/schedule/deliverable by task)
- Monthly progress reports and invoicing to include:
  - Estimated percentage of work completed and budget expended per task
  - Schedule activity report; Work activities anticipated for the following month for each task
  - Existing and anticipated issues / problems that may affect the budget, schedule or work products
  - An update of the project schedule with milestones, deliverables, and inter-dependent project elements

**TASK 2: STAKEHOLDER INVOLVEMENT**

Task 2 includes outreach, engagement, and active participation, which will be used throughout the plan development and adoption process. The project will employ an array of public engagement tools and resources, online surveys, meetings with stakeholders, and public feedback meetings, to solicit input for the Plan. The purpose is to promote understanding of accessibility modification options, their implications to current service, funding and implementation strategies, potential impacts on the community, as well as soliciting feedback on the development of key project elements. Geographic representation across MATA’s service area will be ensured throughout the stakeholder engagement process.

**Task 2.1: Stakeholder Engagement**

NCTCOG will assemble a Project Advisory Committee formed by key stakeholders to ensure local and regional needs are met. The Consultant shall work with the Project Advisory Committee to develop a vision that assists planners, transportation agency staff, and the City of Dallas in their assessment and implementation of an ADA-standard accessible trolley line with the goal of improving connectivity in MATA’s service area and expanding opportunities for additional funding and service improvements for the M-Line. Specific goals and objectives will be developed that guide the planning process, recommendations, and implementation.

The Project Advisory Committee should include accessibility experts from NCTCOG, MATA, DART, and the City of Dallas.

NCTCOG and the Consultant shall meet with the Project Advisory Committee regularly to review and seek input on analysis and deliverables during the plan development process. To facilitate stakeholder understanding of analyses and key findings, the Consultant is encouraged to use visualization tools to communicate the information. The Consultant should also conduct interviews with stakeholders to learn about the efforts their organizations are currently making towards the project goals, what role and responsibilities they will be taking with the project, and what additional considerations they would be interested in potentially adding to the project.

Additionally, the Consultant shall attend other stakeholder engagement activities with NCTCOG, as requested, with responsibilities including but not limited to meeting facilitation, preparing meeting materials (e.g. presentations), and meeting notes.

**Task 2.1 Key Deliverables:**

- Compiled notes and considerations from stakeholder interviews
- Regular committee meetings with stakeholders, with necessary meeting materials
- Meeting minutes within five working days of committee meeting
- Other stakeholder engagement activities as requested with necessary materials

**Task 2.2: MATA Accessibility Plan Webpage**

A dedicated MATA Accessibility Plan webpage will be developed and utilized as the primary source for providing information related to the Plan including but not limited to: general project information, FAQs, schedules, events, information, links to surveys, etc. The website will not be made public or solicit opinions until the Consultant and PAC identify viable scenarios for accessibility modifications. The Consultant will provide relevant materials for MATA, NCTCOG, and other stakeholders to include on their web pages.

**Task 2.2 Key Deliverables:**

- Webpage materials

**Task 2.3: Public Engagement and Meetings**

After identification of viable options for TAS /ADA compliant service, that include defined cost, available funding sources, and route and neighborhood impacts, the Project Advisory Committee will determine the need for public engagement and meetings. If implemented, requirements for this task will include targeted outreach to the impacted communities, including current riders, operators, and disability awareness and advocacy groups, which is essential in ensuring public opinions and concerns are considered and consensus is achieved when determining priorities and needs. Two public meetings will occur throughout the planning process. The initial public

meeting will request feedback about community priorities and goals, important considerations for accessibility modifications, level of comfort, modification preferences and concerns, and related topics that will inform the development of a draft plan. The second meeting will focus on obtaining feedback and recommendations related to the draft accessibility modification plan, policies, and priorities.

NCTCOG will lead scheduling, coordinating (including arranging meeting space and/or online meeting tools, and any associated costs), and publicizing meeting locations, printing, sign-in sheets, etc. The Consultant will lead the creation of presentation materials and handouts for online and/or in person meetings and will document the public comments received as part of the process. Both rounds of public meetings will be coordinated by NCTCOG staff with input from MATA and assisted by the Consultant.

**Task 2.3 Key Deliverables:**

- Public outreach support (facilitating discussion, preparing materials for outreach)
- Information suitable for posting on various MATA and NCTCOG public communication platforms including project websites and social media
- Report summarizing public involvement process, data collected, and analyses results

**TASK 3: COMPREHENSIVE TRANSIT NEEDS ASSESSMENT**

Task 3 provides an overview of critical compliance requirements for existing transportation services and planned improvements to inform the formation of proposed accessibility modifications. Associated transportation infrastructure, fleet attributes, and boarding user counts per location will be collected, organized, and mapped (when applicable). The Consultant will review and utilize current methods, or recommend alternative methods, for carrying out a ridership count sorted by boarding location to NCTCOG and MATA staff.

### **Task 3.1: Condition of Existing Transit Services and Planned Roadway Infrastructure Improvements**

The Consultant shall compile, review, and document data, plans, studies, and policies that are relevant to existing and planned transit services in the plan area, with broader understanding of transit service in adjacent areas and the region as context. As a large portion of MATA's service area is adjacent to or covered by existing transit service, including currently available "Accessible-Ride" services, interconnections and collaboration across the different transit systems will also be considered. The Consultant shall include current accessibility and other areas of non-compliance with current ADA standards present on the existing M-Line fleet and associated transit service infrastructure.

#### **Task 3.1 Key Deliverables:**

- Report summarizing the current state of transit services.
- Summary of key findings and recommendations from current overlapping services and previous studies/plans that inform the Report
- Documentation of existing conditions

### **Task 3.2: Evaluation of Accessibility Needs**

The Consultant will evaluate current accessibility barriers and needs present on the MATA M-Line and how making modifications will affect demand and usage in the service area. The evaluation should include a review of case studies on comparable heritage streetcar and trolley systems including any modifications and accommodations made to the system to comply with ADA regulations if applicable. Special consideration should be given to the comparable modification projects carried out by the Memphis Area Transit Authority, San Francisco (MUNI), and the New Orleans Regional Transit Authority (NORTA) as MATA and DART staff have identified these system modifications as potentially viable for the M-Line. Based on this evaluation, the Consultant shall document best practices for accessibility modifications and ADA compliance and which options are applicable and achievable by MATA.

#### **Task 3.2 Key Deliverables:**

- Research and analysis of TAS and ADA minimum compliance requirements
- Technical report of existing accessibility barriers
- Review of case studies on comparable US based heritage streetcar and trolley systems and their compliance programs

- Best practices for accessibility modifications and ADA compliance for heritage streetcars and trolleys

#### **TASK 4: SCENARIO DEVELOPMENT AND EVALUATION**

The Consultant will develop and evaluate multiple scenarios for accessibility modifications based on findings from Task 3 and makes recommendations for each scenario. The scenarios developed will also function as a menu of options for the Project Advisory Committee to consider and decide on which options most closely align with their areas' needs, desires, and available resources.

The Project Advisory Committee will have opportunities to shape proposed scenarios to build consensus around accessibility options and to facilitate understanding of key challenges related to implementing accessibility modifications. In developing scenarios, the Consultant should consider potential ridership impacts, existing street parking areas, sidewalk spacing, flow of pedestrian traffic, roadway rights-of-ways, and other infrastructure and funding constraints identified by the Project Advisory Committee. Additionally, the Project Advisory Committee may have preferences for which stops or vehicles should be prioritized in the modification process. The Consultant should carry out a comprehensive assessment of the existing fleet to determine which cars are suitable for accessibility modifications and which cars may not lend themselves to modification due to structural or historical considerations.

The Consultant shall work with the Project Advisory Committee to evaluate the multiple scenarios ranging from minimum improvement to maximum visionary transformation to allow stakeholders to understand opportunities, challenges, and trade-offs across all scenarios.

##### **Task 4 Key Deliverables:**

- Specifications to modify historic trolleys and heritage streetcars for ADA accessibility
- A comprehensive assessment of existing fleet to determine which cars are or are not suitable for modification
- Scenario infographics designed for public distribution and/or supporting graphics (high-quality), such as factsheets
- Workshop with Project Advisory Committee to evaluate options and tradeoffs
- Technical report for accessibility scenario development, including evaluation of all scenarios and recommendations



## **TASK 5: FUNDING PLAN**

Per the 2022 National Transit Database (NTD) report, the funding sources for MATA come from directly generated (e.g. local fares) and other local sources such as DART, which has held a site-specific shuttle agreement with MATA since 2002. The Consultant will review current and potential revenue sources and develop a conceptual funding plan for MATA to implement proposed recommendations. The Consultant and Project Advisory Committee should also coordinate to identify potential ongoing funding streams to provide for the upkeep and replacement of fixed wayside infrastructure that may be affected by this project. Preliminary cost estimates should be made by the Consultant with models set up for different funding structures that have been identified.

Potential funding sources to evaluate include conventional public funding sources as well as innovative sources, such as: tax increment financing, and potential local funding options. Funding sources shall be identified based on planned use: capital or operations and maintenance (O&M). If necessary, the Consultant shall identify actions or mechanisms needed to qualify for identified funding sources in North Texas.

In coordination with the Project Advisory Committee the Consultant shall evaluate current funding sources and potential funding opportunities at the local, state, and federal levels available to MATA to balance estimated expenses for each modification scenario with available revenue. Evaluation shall include analysis of recommended scenarios developed in Task 4 for financial viability, financial sustainability, and near-term implementation.

### **Task 5 Key Deliverables:**

- Technical report that identifies and evaluates funding sources, and recommends a prioritized funding strategy for recommended scenarios
- Preliminary cost estimates for vehicle upgrades, infrastructure changes, and any new associated O&M costs
- A sustainable O&M plan for each scenario

## **TASK 6: FINAL REPORT PREPARATION AND SUBMITTAL**

### **Task 6.1: Recommended Scenarios and Implementation Plan**

The Consultant will develop implementation strategies for accessibility modifications and projects in the recommended scenarios, as well as a conceptual timeline outlining next steps for service/project implementation. The plan will include recommended project priorities based on

feedback from the Project Advisory Committee and public comments. The Consultant will collaborate closely with MATA and NCTCOG to identify these priorities.

The Consultant will then identify the most effective scenarios for MATA and will prepare an implementation plan. The implementation plan will include prioritized projects, recommended modifications, an action plan, and funding strategy. The Implementation Plan may identify potential funding sources including both existing and new funding mechanisms.

A roadmap detailing roles and responsibilities of each relevant stakeholder will also be developed. The Consultant and Project Advisory Committee shall also identify ongoing maintenance requirements of the project elements located in the public right of way to assist stakeholders with determining the responsibilities for these requirements.

**Task 6.1 Key Deliverables:**

- Technical report with implementation strategies, recommended modifications, funding strategies, agency responsibilities, and a conceptual project implementation timeline
- Roadmap identifying the roles and responsibilities, including implementation related tasks, of each involved agency
- Factsheets designed for public and stakeholder distribution

**Task 6.2: Final Report**

The Consultant shall integrate the information produced in previous tasks into a draft full report, including an executive summary. The executive summary and full report should be highly illustrative and designed with the general public in mind, while remaining content-rich and usable for public entities. The Project Advisory Committee and other stakeholders will review the documents and provide comments for the Consultant to incorporate. As mentioned in Task 2.3, there will also be public engagement efforts to solicit feedback from the general public on the draft plan. The Consultant shall submit final documents, including electronic and hard copies to NCTCOG.

**Task 6.2 Key Deliverables:**

- Executive summary (Draft and Final)
- Full report (Draft and Final) in Microsoft Word file format and PDF
- Opinions of probable costs in Microsoft Excel file format
- Printed and electronic copies of the full final report
  - 4 copies for NCTCOG
  - 1 copy each for MATA, DART, and City of Dallas
- All data components used to develop the executive summary and full report

## **PROJECT SCHEDULE**

Proposers shall develop a schedule of tasks with completion deadlines and methodologies for the project. NCTCOG will select all the identified tasks or a subset of the tasks to be completed. NCTCOG and the selected firm will jointly determine a schedule for progress meetings in accordance with the final schedule for the scope of work. The timetable for completion of this project is approximately 18 months from the date the consultant firm is authorized to proceed. NCTCOG anticipates the contract will begin in early April 2025.

A budget of approximately \$400,000 is allocated to conduct this project.

## **CONSULTANT SELECTION CRITERIA**

The Consultant Selection Committee (CSC) will review all proposals and select a consultant it considers qualified to undertake the project. The following criteria will be used to evaluate the proposals:

1. Project Understanding	30 percent
2. Scope of Services	25 percent
3. Project Manager/Staff Qualifications	20 percent
4. Knowledge of the Dallas/Fort Worth Area	10 percent
5. Firm Qualifications/Consultant References	10 percent
6. Project Schedule	5 percent

If the CSC determines that interviews will be required before a final decision can be made, the interviews will take place **the week of February 3, 2025**. Proposers should be willing and able to attend these interviews in person or via web conference, if necessary. Consultants who are invited to an interview will be notified by the close of business on **Friday, January 31, 2025**, that an interview has been scheduled. Costs for developing the proposal and costs attributed to interviews (and subsequent negotiations) are at the proposer's own expense and will not be reimbursed by NCTCOG.

## **CONTRACT AWARD**

Following final negotiations of the work plan and costs satisfactory to NCTCOG, the consultant will be asked to execute a contract with NCTCOG. If applicable, a Notice to Proceed will be issued upon execution of the contract. NCTCOG reserves the right to reject any and all proposals,

to contract for any or all portions of the project with the selected consultant, or to hire multiple firms.

The successful responder(s) to this Request for Proposals is expected to provide qualified personnel to accomplish each portion of the work in this study. NCTCOG will maintain the right to request the removal of any personnel found, in its opinion, during the course of work on this project, to be unqualified to perform the work.

### **DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION**

The Disadvantaged Business Enterprise participation must meet the **32** percentage (32%) goal identified for this type of procurement. Proposers should also include an Affirmative Action Plan is included in the proposal. Failure on the part of the majority contractor to meet this goal or show meaningful good faith efforts may be grounds for finding the proposal nonresponsive.

### **QUESTIONS AND ANSWERS**

All questions regarding the RFP shall be directed in writing by e-mail to [TransRFPs@nctcog.org](mailto:TransRFPs@nctcog.org) by the close of business on **Friday, December 13, 2024**. All questions and responses will be posted on the NCTCOG website at [www.nctcog.org/rfp](http://www.nctcog.org/rfp) by the close of business on **Wednesday, December 18, 2024**. NCTCOG reserves the right to respond to inquiries as it deems necessary.

### **OVERALL PROCUREMENT SCHEDULE**

This RFP shall be used to accept, review, and score proposals based on the following schedule with the intent of awarding a Cost-Plus and Fixed Fee contract. The following represents the schedule of procurement activities leading to contract award:

Issue Request for Proposals	Friday, December 6, 2024
Last Day to Submit Questions	Friday, December 13, 2024
NCTCOG Q&A Posted to Website	Wednesday, December 18, 2024
Proposals Due & Proposal Public Opening	Friday, January 17, 2025
Consultant Selection Committee	week of January 27, 2025
Interviews (if needed)	week of February 3, 2025
NCTCOG Committee Approval	Thursday, March 27, 2025
Execute Contracts	Early April 2025

NCTCOG reserves the right to make changes to the above-mentioned schedule. All such changes shall be made by an amendment to the RFP and shall be posted on NCTCOG's website at [www.nctcog.org/rfp](http://www.nctcog.org/rfp). It is the responsibility of the consultant to frequently check this website for information concerning amendments to the RFP.

\*Public opening of the proposals will be done via Microsoft Teams on **Friday, January 17, 2025**, at **5:05 pm**. A link to the Microsoft Teams meeting is below. Microsoft Teams is integrated with audio so you will only need to use the conference call number (below) if you are unable to access the Microsoft Teams App. The Teams App is available for download [HERE](#).

**Public Opening of Proposals via Microsoft Teams:**

[Join the Meeting](#)

Meeting ID: 253 458 015 955

Passcode: 45nC2qR9

**Dial in by phone**

[+1 903-508-4574,,488526278#](#)

Phone conference ID: 488 526 278#

## INSTRUCTIONS FOR PROPOSALS ARCHITECTURAL/ENGINEERING SERVICES

The Sample Contract provided with this Request for Proposals contains federal requirements which must be included with Proposals. Appendices C through F contain compliance requirements and certification forms which must accompany the Proposals. **Failure to comply with the requirements may result in finding the proposal to be nonresponsive.**

Additional information is provided below:

1. Proposers may submit one hard copy or one flash drive of the proposal to **Gypsy Gavia**, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. **Proposals must be received by 5:00 p.m., Friday, January 17, 2025.** Proposals received after that time will not be considered and will be returned to the proposer unopened. Proposals containing original signatures and notary seals should be labeled "Original." The in-hand submittal will count as the official submittal. In addition to the in-hand submittal, NCTCOG is requesting electronic submission of proposal documents to [TransRFPs@nctcog.org](mailto:TransRFPs@nctcog.org). Electronic submissions only will not be evaluated.
2. The proposal should address the criteria identified in the Request for Proposals that will be used for consultant selection. Proposals should include, at a minimum, the following information.
  - **Proposal Formatting** – Proposals should be printed double-sided and include a footer containing consultant firm name, page number, and total pages in the proposal. (e.g., Planning firm 1 of 20). Proposals should be no more than 24 pages, with the cover letter and compliance requirements/required forms not counting towards the page limit.
  - **Cover Letter** -- A brief summary of the key points of the proposal and approach to accomplishing the work. Name and address of the firm, as well as the contact person's name, phone number, and email address should also be included.
  - **Project Understanding** - A general description of the approach to be used in accomplishing the work, including the project organization and management plan. Senior personnel who will work on the project, including subcontractor personnel, should be identified by name and by role in the project; e.g., project manager, principal in charge, project advisor, etc. The project manager in particular must be specified and a clear indication given as to his/her involvement in the project. If more than one firm will be involved, the proposal should clearly delineate the work to be accomplished by each firm and how the work will be coordinated and managed. Any special requirements or coordination needs should be clearly identified.
  - **Scope of Services and Schedule** - This section should respond to the Request for Proposals task descriptions for the project by describing clearly in detail what and how work in each task will be accomplished, the technical methodology to be used, and the planned work flow and schedule. A description should be included concerning quality control and how this will be maintained and accomplished during the course of this project.

- **Consultant Qualifications** - This section should identify the background and experience of the consulting firm(s) and individuals in similar types of work and the results of that experience, along with up-to-date references (name, current affiliation, and phone number), should be included. Knowledge of the Dallas-Fort Worth area should be specifically indicated.
  - **Compliance Requirements** - Appendices C through F of the Sample Contract contain compliance requirements and other certification forms which must accompany the Proposal.
  - **Affirmative Action Plan** - NCTCOG is required, under Title 49, Code of Federal Regulations, Part 21 to request from all contractors an Affirmative Action Plan for the contracting entity. Such a plan will be reviewed by NCTCOG to determine compliance with federal Equal Employment Opportunity requirements. You are requested, then, to submit a plan which should include, at a minimum, a policy statement and utilization analysis of your workforce. An indication of the number and percent of your employees who would be classified as minorities, including both women and ethnic minorities, should be provided. An indication of the number and percent in professional versus nonprofessional positions, or administration versus clerical positions, should also be provided.
  - **Entities that Boycott Israel (House Bill 89)**
    - If proposers are required to make a certification pursuant to Section 2271.002 of the Texas Government Code, proposers should include a certification statement that they do not and will not boycott Israel during the term of the contract resulting from this solicitation. If the proposer does not make that certification, proposer must indicate that in its response and state why the certification is not required.
  - **Prohibition on Firearm and Ammunition Industry Discrimination (S.B. 19)**
    - Pursuant to Chapter 2274, Government Code, as enacted by S.B. 19, 87<sup>th</sup> Legislature, NCTCOG is prohibited from using public funds to contract with entities who discriminate against firearm and ammunition industries. By signing this contract, the Consultant agrees that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the Contract.
  - **Prohibition on Boycotting Energy Companies (S.B. 13)**
    - Pursuant to Chapter 2274, Government Code, as enacted by S.B. 13, 87<sup>th</sup> Legislature, NCTCOG is prohibited from using public funds to contract with entities who boycott energy companies. By signing this contract, the Consultant verifies that it does not discriminate against energy companies and will not discriminate during the term of the Contract.
3. The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000(d) to 2000(d)(1) and Title 49, Code of Federal Regulations Part 26, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all proposers that it will

affirmatively assure that, in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

4. The NCTCOG Transportation Department maintains a Disadvantaged Business Enterprise (DBE) participation goal on the part of socially and economically disadvantaged individuals in DOT-assisted projects. The specific DBE goal requirement for this procurement is identified in the RFP and Appendix D to the Sample Contract and is determined by the type of services being procured. **Failure on the part of a majority contractor to meet this goal or to show meaningful good faith efforts may be grounds for finding the proposal nonresponsive.** To facilitate this goal, a list of DBEs is attached for consideration. In the event the proposer is a majority firm and the above stated goal for DBE participation is not met, the prime contractor shall be required to provide justification and documentation for not reaching the goal with disadvantaged subcontractors.
  - a. Joint ventures between majority and disadvantaged contractors are encouraged. Whenever a joint venture involves a disadvantaged firm(s), the proposer shall submit with the proposal the names, scope of work, and the anticipated percentage of work of each proposed DBE subcontractor and joint venture. The Affidavit of Intended Entrepreneurship, included as Attachment D.2 of the Sample Contract, is intended for this purpose. **Please submit the original notarized affidavit with the Proposal.** NCTCOG shall reserve the right to approve all substitutions of subcontracts.
  - b. For the purposes of this policy, a Disadvantaged Business Enterprise is defined as: A business enterprise that is owned and controlled by one or more socially and/or economically disadvantaged persons. "Owned and controlled" is specified as a business which is (1) a sole proprietorship legitimately owned by an individual who is a disadvantaged person or (2) a partnership or joint venture controlled by disadvantaged persons and in which at least 51 percent of the voting interest and 51 percent of the beneficial ownership interests legitimately are held by disadvantaged persons. Such persons include individuals who are Women, Black, Hispanic, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. **DBE Certificates issued through the Texas Unified Certification Program are required.**
  - c. The contractor shall maintain for three years such records as are necessary to determine compliance with their DBE obligations and shall submit regular reports to enable the North Central Texas Council of Governments to monitor this compliance.
5. The NCTCOG Executive Board encourages the use of local firms. However, all proposals, regardless of firm locale, will be evaluated using the consultant selection criteria contained in the Request for Proposals.
6. A consultant selection committee will review the proposals and select a firm it considers qualified to undertake the project. The selection of the proposal will be based on the technical proposal and/or interviews but will be subject to negotiation of conditions of cost



satisfactory to NCTCOG. NCTCOG reserves the right to reject any or all proposals and to contract for any or all portions of the project with the selected consultant.

7. The Texas Legislature has adopted House Bill 1295. In short, the law states a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to our agency at the time of a signed contract. As part of contract development, the consultant will be asked to complete the disclosure of interested parties electronically and submit through the Texas Ethics Commission website. NCTCOG will provide a specific contract number associated with the award for inclusion in the submittal. Once submitted, the consultant will be requested to return an e-mail confirmation of submittal to NCTCOG.
  - For more information about the process, please visit the following website for a Frequently Asked Questions:  
[https://www.ethics.state.tx.us/resources/FAQs/FAQ\\_Form1295.php](https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php)
8. Procurement information shall be a public record to the extent provided by the Texas Open Records Act and the Freedom of Information Act and shall be available to the public as provided therein. If a proposal contains information that the proposer considers proprietary and does not want disclosed to the public or used for any purpose other than the evaluation of the offer, all such information must be indicated with the following suggested language:

*The information contained on pages \_\_\_\_\_ shall not be duplicated or used in whole or in part, for any purpose other than to evaluate the proposal; provided that if a contract is awarded to this office as a result of or in connection with the submission of such information, NCTCOG has the right to duplicate, use or disclose this information to the extent provided in the contract.*

9. **Conflict of Interest Disclosure Requirement**  
Pursuant to Chapter 176 of the Local Government Code, any person or agent of a person who contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity (i.e. NCTCOG) must disclose in the Questionnaire Form CIQ (“Questionnaire”) the person’s affiliation or business relationship that might cause a conflict of interest with the local governmental entity. By law, the Questionnaire must be filed with NCTCOG no later than seven days after the date the person begins contract discussions or negotiations with the NCTCOG, or submits an application or response to a request for proposals or bids, correspondence or another writing related to a potential agreement with the NCTCOG.

Updated Questionnaires must be filed in conformance with Chapter 176.

A copy of the Questionnaire Form CIQ is enclosed with the submittal documents. The form is also available at <https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf>.

If you have any questions about compliance, please consult your own legal counsel.

Compliance is the individual responsibility of each person or agent of a person who is subject to the filing requirement. An offense under Chapter 176 is a Class C misdemeanor. If the consultant has no Conflict of Interest, please include the following statement: [\[insert firm name\]](#) has reviewed and confirmed there are no Conflicts of Interest for the prime or subconsultants with the North Central Texas Council of Governments or any associated local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A).