

EXHIBIT 5a(i)(3)

8-21-2011 Response to the DOT

August 21, 2011

Mr. Dominick J. Gatto, PE
Director, Office of Program Management and Oversight
U. S. Department of Transportation
Federal Transit Administration, Region V
200 West Adams Street, Suite 320
Chicago, Illinois 60606-2789

Re: Procurement System Review Final Report

Dear Mr. Gatto:

It has been our pleasure to work with the FTA Region V and your contractors in the Procurement System Review. We welcome the opportunity to open our files and undergo a thorough review so that we can improve and build upon our current operation. As requested, Metra Staff has reviewed the Procurement System Review Final Report dated July 21, 2011. Attached please find Metra's response to 7 of the 24 elements found to be deficient in the Final Report. We believe that the attached information will be sufficient to close out those elements. We are also attaching a redlined working draft of updated procedures addressing those elements for your review and comment. Please bear in mind that these are still considered to be in draft form and may be modified further to address the other areas we are still investigating. Because of the extensive nature of the Final Report and the amount of senior level staff needed to respond to this serious endeavor, Metra requests additional time to submit responses to the remaining elements. Below is a brief explanation of our efforts so far in attempting to address the Final Report.

An ad hoc committee of senior Metra officials from multiple departments has been formed to review the report and prepare a response. They have been meeting regularly for extensive periods of time to review the deficiencies, gather pertinent documents, and either draft explanations of Metra's process or work on implementing changes to address the findings. They have also engaged outside consultants to help redraft Metra procedures to address the report recommendations. Since July 1, there have been no fewer than 13 multiple-hour committee meetings, and this does not include the hours each individual spent on their own drafting, revising, and researching our responses. Their primary focus so far has been the issues involving LTK Engineering Services (LTK), Terry Ford, Nippon Sharyo (Nippon), and Engineering and Management Specialist, Inc (EMS). To date, they have made significant progress towards producing a binder with a detailed response to certain elements of the Report related to those specific contracts and addressing deficiencies. While the Final Report indicated that the FTA will be conducting a separate assessment of these contracts, the committee placed an initial emphasis on those issues raised concerning eligibility of funding. By placing an emphasis on

these four important contracts, the committee was also able to begin its review of the deficiencies in certain focused areas that also covered other contracts.

We hope that the serious progress we are making demonstrates our commitment to fully addressing the deficiencies. We suggest that Metra provide the Region submittals and updates every 30 to 45 days so that Metra can show the Region our progress and the Region can provide Metra with additional consultation and feedback on which items are closed and which need additional work.

We look forward to your positive response.

Sincerely,



Lynnette H. Ciavarella
Senior Division Director
Strategic Capital Planning/Grants Development

cc: without attachments

Lisa Joiner, FTA

Alexander Clifford, Metra

Theresa Barnett, Metra

Eric Fernandes, Metra

Paul Kisielius, Metra

David Simmons, Metra

7. Independent Cost Estimates

Basic Requirement: Chapter VI, Section 6 of FTA C 4220.1F requires that: "... in connection with every procurement action ... grantees must make independent estimates before receiving bids or proposals." Establishing a cost estimate in advance of the offer using a method independent from the perspective of offerors ensures a clear basis for analysis of cost or price, and provides essential procurement and financial planning information. Independent cost estimates are made by qualified engineering and functional staff who have first-hand knowledge of the commodity or service being purchased. The cost estimate is developed based on product knowledge, experience, and market status, and is used in performing price and cost analysis.

Discussion: Of the fifty-five (55) procurements reviewed, ten (10) were found to be deficient in this area. While Metra does include an estimate on their requisition, this process was not consistently followed. In addition, back-up documentation for the estimates listed on the requisition was not evident in the procurement files and Metra's policies and procedures do not require independent cost estimates for the sealed bid method of procurement.

Best Practices: Best Practices for obtaining independent cost estimates include:

- Estimates are received from design firm or in-house technical personnel for construction work,
- Published price lists or past pricing with inflation factors are analyzed, and
- Independent third-party staff member (not impacted by final procurement) develops these estimates.
- Use of a standard form, such as the template that appears in Appendix D is recommended.

Corrective Actions: Adherence to the requirement for independent cost estimates must be monitored and enforced consistently. To achieve compliance, Metra must respond within thirty (30) days from the date of the final report and provide detailed procedures, evidence of training and evidence of independent audit confirming that procedures are being followed consistently.

Metra's Response: As part of Metra's Pre-Award Activity, and listed on Metra's Checklist is, "Receiving an independent Cost Estimate of Contract/Purchase Order Valuation." Metra uses this checklist as part of our contract file administration.

Going forward emphasis will be placed upon the appropriate staff to improve supplying adequate supporting documentation.

Reviewing Contractor's Response: The proposed corrective action and response to the deficiency is not adequate. Evidence of the required independent cost estimate was not present in many of the reviewed procurement files. Copies of revised procedures and processes, evidence of training, and independent audit reports validating the use of compliant procedures must be provided to FTA within 30 days of the date of the final report.

Independent Cost Estimates (Element #7):

Metra's Revised Response: Metra's Procedures require cost estimates, as well as other supporting back-up records, to be kept in the file or with the department (see attached Architectural and Engineering Services Contracts (Brooks Method), Metra's Procedure PU-08-RC). The attached proposed **revised** Procedures reflect that **all** documentation (with the exception of drawings/plans/maps) needs to be kept in the **procurement** file.

The Senior Division Director, General Administration will conduct an Element-by-Element review with all of the appropriate members of the Procurement and Professional Services staff. The training sessions will review each deficiency and the appropriate corrective action(s) to be implemented. The review will include an analysis of the PSR findings, as well as the purpose and execution of the corrective action. The Senior Director will document when they were held, which Elements were discussed, and who attended the training session. This documentation will be held in the PSR final report file. In addition, Metra will pursue available training provided by FTA, NTL, or other existing sources. We will offer to host courses so that we may include as many Metra Procurement staff as possible. To the extent that existing training does not cover certain topics, we will be issuing an RFP for a consultant to develop specialized training.

Lastly, Audit will commence an independent audit within 120 days of the acceptance of final corrective actions by the FTA. The 120 days should provide adequate time for selecting a sample of procurement awards for our audit to confirm that Metra is following procedures and corrective actions consistently and to issue the report as recommended.

ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (BROOKS METHOD)

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for **Architectural & Engineering services** by Metra, regardless of the funding mechanism.

II. POLICY

Architectural & Engineering services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as architectural and engineering skills using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, Offerors' qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be solicited in a newspaper of general circulation and from Metra's vendor database of potential firms through direct mailings. No dollar value of any project will be directly or indirectly solicited in the initial Request for Proposals.

Requisitioner/User must mutually agree with DBE Administration on DBE requirements prior to involving the Professional Services/Contracts Division.

The process for an award of an Architectural & Engineering services contract will be described in the Request for Proposals (RFP). The RFP will include a clear and accurate description of the technical requirements of the Architectural & Engineering services to be acquired and a statement of work. The evaluation criteria, their relative value, and all other considerations to be used in making the award of an Architectural and Engineering services contract will be determined prior to solicitations. A list of criteria with their relative importance will be included in the RFP.

The evaluation of the proposals will be performed by a designated group that is specific for the solicitation. Any proposal which does not demonstrate the experience, expertise, and other factors necessary to assure achievement of the contract objectives may be eliminated from further consideration.

Contracts will be generally awarded on a maximum compensation basis. The contract will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the consultant is prohibited. The contract should not exceed five years including options, if any.

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II. POLICY (Continued)

An independent Cost Estimate will be submitted with the requisition before soliciting proposals in order to establish a base cost for budgetary purposes. Metra will also perform a Cost Analysis of the offer accepted by Metra before entering into a contract with an Architectural & Engineering firm in order to measure the cost reasonableness of a proposal.

Metra will detail the significant history of the procurement and retain these records. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of contractor selection or rejection using a criteria rating schedule for Offerors considered, and the basis for the contract price. Other supporting records are required to be kept in the contract file or with the evaluating department.

The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Any discussions during the solicitation, selection, and negotiation process will be conducted by the Professional Services/Contracts Division with the Requisitioning/User department with, normally, no less than the three highest ranked Offerors determined pursuant to the criteria outlined in the RFP. Attendance at pre-proposal conference by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat a proposal as non-responsive. Except in the case of Blanket RFPs, cost details from the highest ranking Offeror will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. Thereafter, Metra shall negotiate with the highest ranking Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second most highest ranking Offeror. There should be documentation of such negotiations in sufficient detail to enable an understanding of the basis of the final cost.

Based upon the completed evaluation, the award should be made to the responsible Offeror(s) whose proposal will be most advantageous to Metra.

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ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (BROOKS METHOD)

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for A & E services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

A & E services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the

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Requisitioner/User. Services which are not A & E services according to the Brooks Act, even though performed by an A & E firm, shall be considered professional services. (See PU-06-RC or PU-07-RC).

Each RFP will be submitted by the Requisitioner/User to the Professional Services/Contracts Division, together with a list of the specific Evaluation Criteria for the subject project, a statement of work, and an independent Cost Estimate prepared by the Requisitioner/User to establish a base cost for budgetary purposes. The initial RFP prepared by the Requisitioner/User will be reviewed by the Professional Services/Contracts Division who, after such review and in concert with the Requisitioner/User, will prepare the formal RFP. No dollar value of any project will be directly or indirectly solicited in the formal RFP. The formal RFP will be used by the Professional Services/Contracts Division for the solicitation of proposals from Offerors.

Proposals with respect to a given RFP will be solicited through the use of both advertisement in a newspaper of general circulation and direct mailings to Offerors selected from Metra's vendor database. The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, may coordinate the scheduling of a pre-proposal conference to clarify requirements and answer questions from potential Offerors. Attendance at such pre-proposal conference however, by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat an Offeror as non-responsive.

The evaluation of the proposals received with respect to a given RFP will be performed by the respective Evaluation Committee. Proposals with respect to an RFP will be first received by the Professional Services/Contracts Division and first opened, in the presence of a witness, on the respective proposal due date. The Professional Services/Contracts Division will perform an initial evaluation and complete a Responsibility Determination Form with respect to each proposal. Any potential Offeror which does not demonstrate the experience, expertise or other Evaluation Criteria necessary to assure achievement of the RFP objectives may be eliminated from further consideration. Proposals accepted by the Professional Services/Contracts Division for consideration will be forwarded to the Evaluation Committee for review.

Each proposal accepted for consideration will be evaluated by the Evaluation Committee, first individually by each member then collectively as a group, based on the Evaluation Criteria provided in the subject RFP. The Evaluation Committee shall make a preliminary evaluation of the submitted proposals to identify, normally, no less than the three highest ranked Offerors based on the subject Evaluation Criteria with which the Professional Services/Contracts Division shall engage in further contract negotiations and discussions.

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The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. No contract shall exceed five (5) years including options, if any.

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the

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basis for the contract price. All such information shall be maintained by the Professional Services/Contracts Division in the respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Once a contract has been executed, the Requisitioner/User and the Professional Services/Contracts Division will continuously monitor Consultant's compliance with the provisions of the contract. In the event of non-compliance by a Consultant, the Professional Services/Contracts Division will contact said Consultant and attempt to achieve rectification of the compliance deficiencies. If said Consultant is unresponsive, or such deficiencies are not remedied, the Professional Services/Contracts Division will take remedial actions with respect to the subject contract, including without limitation termination of the contract, as necessary. The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Upon completion of a project, the Requisitioner/User shall complete a Contract Completion Form and forward the completed form to the Professional Services/Contracts Division to be filed in the respective procurement file.

III. DEFINITIONS

Architectural & Engineering (A & E) Services: See Glossary.

Blue Folder: See Glossary.

Board Concurrence: See Exhibit IV.

Brooks Method: See Glossary.

Canvass: See Glossary.

Capital Funds/Capital Funding: See Glossary.

Checklist - RFP's: See Exhibit V.

Clarification: See Glossary.

Contact Person means the individual(s) with technical expertise and/or experience in the subject matter of the RFP, selected and designated by the Requisitioner/User, in

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15. Contract Term Limitation - Rolling Stock

Basic Requirement: Chapter IV, Section 2.e (10) of FTA C 4220.1F requires that grantees do not enter into any contract for rolling stock and replacement parts with a period of performance exceeding five (5) years inclusive of options.

Discussion: Of the fifty-five (55) procurements reviewed for this requirement, forty-five (45) were found to be not applicable, nine (9) were not deficient, and one (1) was found deficient. The contract for manufacturing engineering in the rehabilitation of 176 bi-level passenger railcars was for a six (6) year period of performance. There was no documentation to indicate that FTA had authorized the longer contract period.

Best Practices: Grantees are authorized to procure rolling stock or other supplies and services by a number of methods, including buying on an annual or on an as-needed basis, and also on a multi-year basis. FTA requirements should be incorporated into the procurement process to provide for the need to monitor contracts having the potential for more than a five year period of performance and to ensure that all procurements have closed-ended periods of performance. Grantees should also provide training in this area so that all involved in the purchasing process will be aware of this requirement. Grantees should establish a practice of regularly reviewing contracts for expiration (bid calendars serve as excellent tools for this purpose) and ensure that adequate time exists for re-procurement processes to comply with this requirement.

Corrective Action: All contracts for rolling stock and replacement parts must have a period of performance for placing orders that does not exceed five (5) years inclusive of options. Metra must respond within thirty (30) days from the date of the final report and provide detailed procedures, evidence of adequate training and evidence of independent audits confirming that procedures are being followed consistently.

Metra's Response: There was a single contract found to be deficient regarding this Element. It was a six (6) year contract for the "Kitting" of material purchased by Metra and delivered to the contractor for design & engineering of each kit, i.e., the contractor designed and engineered each kit for Metra. Metra then competitively bid out all material for the kits needed for the Car rehab program(s). Metra estimated the duration for kitting the car rehab material to last six (6) years.

Metra will modify the subject contract to conform within the five (5) year period.

Reviewing Contractor's Response: The Metra corrective action is not adequate. This is not the only element for which this procurement was deficient. The underlying procedure and approval process did not ensure that a contract for rolling stock exceeded 5 years was signed by Metra.

FTA will conduct a separate review of this contract to determine whether it is eligible for federal funds. The misuse of the Brooks Act for this procurement as well as the result of deficiencies in other elements of the PSR was egregious. In addition, proposals were reevaluated after presentations and this process was not communicated to prospective contractors. Evidence of training must be provided to FTA regarding the requirement to limit the ordering period of rolling stock to a maximum of five years. All of these actions must be completed within 30 days of the date of the final report.

Contract Term Limitation - Rolling Stock (Element #15):

Metra Revised Response: Please note that Metra's revised response for the A&E procurement for manufacturing engineering in the rehabilitation of 176 bi-level passenger railcars (Nippon Sharyo contract) referenced above will be handled in a separate review. Metra's response for this Element #15 is included below.

The Nippon Sharyo contract was issued for a term not-to-exceed six years (the projected life of the car rehab project). This is clearly a mistake and we are in the process of issuing a change order to reduce the term to 5 years (see attached). Metra's procedures clearly prohibit contracts that are federally funded to be more than five years (see attached Metra Procedure PU-08-RC), and it is a very rare occurrence that any Metra contract exceeds even three years. We have added this element on our revised IFB and RFP Checklists, (see attached), and this action is to be verified by the buyer/contract administrator.

The Senior Division Director, General Administration will conduct an Element-by-Element review with all of the appropriate members of the Procurement and Professional Services staff. The training sessions will review each deficiency and the appropriate corrective action(s) to be implemented. The review will include an analysis of the PSR findings, as well as the purpose and execution of the corrective action. The Senior Director will document when they were held, which Elements were discussed, and who attended the training session. This documentation will be held in the PSR final report file. In addition, Metra will pursue available training provided by FTA, NTI, or other existing sources. We will offer to host courses so that we may include as many Metra Procurement staff as possible. To the extent that existing training does not cover certain topics, we will be issuing an RFP for a consultant to develop specialized training.

Lastly, Audit will commence an independent audit within 120 days of the acceptance of final corrective actions by the FTA. The 120 days should provide adequate time for selecting a sample of procurement awards for our audit to confirm that Metra is following procedures and corrective actions consistently and to issue the report as recommended.



Change Order Request

EHK
R44489

TO: CONTRACTOR/CONSULTANT Nippon Sharyo USA, Inc. 2340 S. Arlington Heights Rd., #605 Arlington Heights, IL 60005	Date:	6-20-11	CHANGE ORDER NO.	1
	CONTRACT/PO. NO.	K90926	ORDINANCE NO.	n/a
	PROJECT/ACCOUNT NUMBER			
	PROJECT DESCRIPTION	Material Kitting & Manufacturing Engineering for Bi-Level Cars		

CONTRACT MODIFICATIONS AND JUSTIFICATIONS

1. Change Order No. 1 to Contract No. K90926 with Nippon Sharyo USA, Inc., will reduce the contract period by one (1) year. The total period of performance is being reduced from six (6) years to five (5) years. The change in time is to put the contract into compliance with FTA maximum term limits.

2. All other terms and conditions of the contract remain the same.

APPLICATION OF FUNDS

If this agreement is for a period of longer than one year, it is subject to the appropriation of funds by Metra's Board of Directors for each year beyond the first year of this agreement.

CONTRACT SUMMARY

THE ORIGINAL CONTRACT SUM WAS	\$ 5,995,673.00
NET CHANGE BY PREVIOUS CHANGE ORDERS	\$ 0.00
THE CONTRACT SUM PRIOR TO THIS CHANGE ORDER WAS	\$ 5,995,673.00
ACTUAL COST OF CHANGE	\$ 0.00
THE NEW CONTRACT SUM INCLUDING THIS CHANGE ORDER IS	\$ 5,995,673.00
THE CONTRACT TIME WILL BE	<u>(Decreased one year to 10/31/2014)</u>

THE DATE OF COMPLETION OF THE ORIGINAL CONTRACT IS *(October 31, 2015)*

CHANGE ORDER REQUEST & PROCESSING ONLY 1-7

1. CONSULTANT REPRESENTATIVE	NAME/TITLE NOT APPLICABLE	SIGNATURE NOT APPLICABLE	DATE
2. CONTRACTOR'S REPRESENTATIVE	NAME/TITLE <i>AKIRA KOYASU / PRESIDENT</i>	SIGNATURE 	DATE
3. METRA FIELD REPRESENTATIVE	NAME/TITLE NOT APPLICABLE	SIGNATURE NOT APPLICABLE	DATE
4. METRA USER DEPARTMENT	NAME/TITLE <i>Asst. Chief Mech Metro Shop</i>	SIGNATURE 	DATE <i>7/21/11</i>
5. GRANT ADMINISTRATION	NAME/TITLE <i>David Simmons Dept. Head Capital Grants</i>	SIGNATURE 	DATE <i>8-2-11</i>
6. FUNDS ENCUMBERED ACCOUNTS PAYABLE	NAME/TITLE	SIGNATURE	DATE
7. LAW	NAME/TITLE	SIGNATURE	DATE

CHANGE ORDER APPROVAL

8. AUTHORIZED METRA FINAL COST APPROVAL	NAME/TITLE Alex Clifford, Executive Director/CEO	SIGNATURE	DATE
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REQUISITION

USE TYPEWRITER OR BALLPOINT
IF BALLPOINT IS USED, PRESS FIRMLY.

1. CHECK ALL APPLICABLE:
 REPAIR & RETURN (R)
 STANDARD PURCHASE (P)
 SOLE SOURCE (S)
 CAPITAL FUNDED (U)
 PROFESSIONAL SERVICES (E)
 WARRANTY (W)
 BLANKET PURCHASE ORDER (B)
 BPO/BSO TYPE = - STOCK - NON-STOCK
 BPO/BSO EFFECTIVE DATE 1/1
 ESTIMATED NO. RELEASES ---
 NO. RELEASING SITES ---

2. DATE 06/17/11
 3. DELIVERY/PICK-UP REQUIRED BY 06/24/11
 4. BUYER
 6. LOCATION:
 2067 W. 123rd St. (01)
 Attn: Storekeeper
 Blue Island, IL 60406
 2741 W. Grand Ave. (02)
 Attn: Storekeeper
 Chicago, IL 60612
 14th St. East of Indiana (03)
 Attn: Storekeeper
 Chicago, IL 60605
 147 W. 47th St. (04)
 Attn: Storekeeper
 Chicago, IL 60609
 127th & Indiana Ave. (05)
 Attn: Storekeeper
 Chicago, IL 60628
 547 W. Jackson Blvd. (06)
 Attn: Admin. Services
 12 Floor East
 Chicago, IL 60661
 Other

7. SUGGESTED SOURCES (NAME, ADDRESS AND TELEPHONE NUMBER):
Nippon Sharyo
 12. PREVIOUS P.O. #/S.O. #
K90926

13. ITEM [ORGANIZATION]	14. ACCOUNTING/DISTRIBUTION CODE [ACCT. DISTRIB. CODE]	15. %	16. QTY.	17. U/M	18. METRA PART #	19. STATUS	20. DESCRIPTION	21. EST. UNIT PRICE	22. EXTENSION	23. LOC.
	EP430457102005						Issue Change Order No. 7 to contract K90926 to reduce the period of performance by one (1) year. The period of performance will be reduced from six (6) years to five (5) years. The contract period of performance will now expire on 10/31/2014. There are no additional costs associated with this change order.			
	EY440457102005									
25. REQUISITION APPROVED: BUDGET CHECKED, & AUTHORITY TO EXPEND FUNDS/TO SELL GRANTED BY: DEPARTMENT: <u>Materials Management</u> REQUISITIONER SIGNATURE: <u>[Signature]</u> APPROVED (DEPT. MGR.) SIGNATURE/PRINTED NAME/DATE: <u>[Signature]</u> 6/23/11 26. APPROVED FOR PROCESSING DIRECTOR OF PROCUREMENT/DATE OR DIRECTOR OF PROFESSIONAL SERVICES/CONTRACTS										
27. ESTIMATED TOTALS: \$ <u>0.00</u>										PAGE <u>1</u> OF <u>1</u>

**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

I. PURPOSE

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The process for an award of an Architectural & Engineering services contract will be described in the Request for Proposals (RFP). The RFP will include a clear and accurate description of the technical requirements of the Architectural & Engineering services to be acquired and a statement of work. The evaluation criteria, their relative value, and all other considerations to be used in making the award of an Architectural and Engineering services contract will be determined prior to solicitations. A list of criteria with their relative importance will be included in the RFP.

The evaluation of the proposals will be performed by a designated group that is specific for the solicitation. Any proposal which does not demonstrate the experience, expertise, and other factors necessary to assure achievement of the contract objectives may be eliminated from further consideration.

Contracts will be generally awarded on a maximum compensation basis. The contract will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the consultant is prohibited. The contract should not exceed five years including options, if any.

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II. POLICY (Continued)

An independent Cost Estimate will be submitted with the requisition before soliciting proposals in order to establish a base cost for budgetary purposes. Metra will also perform a Cost Analysis of the offer accepted by Metra before entering into a contract with an Architectural & Engineering firm in order to measure the cost reasonableness of a proposal.

Metra will detail the significant history of the procurement and retain these records. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of contractor selection or rejection using a criteria rating schedule for Offerors considered, and the basis for the contract price. Other supporting records are required to be kept in the contract file or with the evaluating department.

The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Any discussions during the solicitation, selection, and negotiation process will be conducted by the Professional Services/Contracts Division with the Requisitioning/User department with, normally, no less than the three highest ranked Offerors determined pursuant to the criteria outlined in the RFP. Attendance at pre-proposal conference by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat a proposal as non-responsive. Except in the case of Blanket RFPs, cost details from the highest ranking Offeror will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. Thereafter, Metra shall negotiate with the highest ranking Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second most highest ranking Offeror. There should be documentation of such negotiations in sufficient detail to enable an understanding of the basis of the final cost.

Based upon the completed evaluation, the award should be made to the responsible Offeror(s) whose proposal will be most advantageous to Metra.

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CHECK LIST – IFB’s

Applicable items should be entered in chronological order. Documents maintained in the file will be filed consecutively in each section with the highest number on top. When an item is not applicable, it will be designated with “NA” in the Tab column.

IFB No. _____ Section A SOLICITATION DOCUMENTS		
Tab No.	Document(s)	Audited By
1.	Purchase Requisition	
2.	Specifications	
3.	DBE Goals	
4.	Requirement Justification – Contract/PO Term Does Not Extend Past 5 Years	
5.	Independent Cost Estimate	
6.	Bidder's List	
7.	Justification of Procurement Method	
8.	Copy of IFB	
9.	Proof of Publication	
10.	IFB Attachments/ Modifications	
11.	Pre-bid Minutes & List of Attendees	
12.	Correspondence with Bidders	
13.	Protests Prior to Bid Opening	
14.	Interoffice Correspondence	
15.	Review for Responsiveness (On Bid Tabulation)	

Contract No.: _____

Contract Administrator: _____

Date: _____

CHECK LIST – IFB’s

Applicable items should be entered in chronological order. Documents maintained in the file will be filed consecutively in each section with the highest number on top. When an item is not applicable, it will be designated with “NA” in the Tab column.

	IFB No. _____ Section B AWARD DOCUMENTS	
Tab No.	Document(s)	Audited By
1.	Copy of Each Bid	
2.	Letters of Returned Late Bids or Bid Errors	
3.	Bid Analysis/Tabulation Sheet	
4.	Technical Evaluation/Award Recommendation	
5.	Affirmative Action Evaluation/DBE Goal Exhibit Schedules	
6.	Bidder Responsibility Determination	
7.	Price Analysis	
8.	Record of Negotiation for Single Bid (If Applicable)	
9.	Justification of Contract Type Blanket P.O./Sole Source, etc.	
10.	Notice of Award	
11.	Notice to Unsuccessful Bidders (Bond, Check Returns) (If Applicable)	
12.	Legal Review of Contract Documents (Copy of Routing Slip)	
13.	Contract Document (Drawings not Required)	
14.	Performance/Material Bonds, Insurance Certificates (If Applicable)	
15.	Notice to Proceed (If Applicable)	
16.	Purchase Order (If Applicable)	

Contract No.: _____

Contract Administrator: _____

Date: _____

CHECK LIST - IFB's

Applicable items should be entered in chronological order. Documents maintained in the file will be filed consecutively in each section with the highest number on top. When an item is not applicable, it will be designated with "NA" in the Tab column.

	IFB No. _____ Section C CONTRACT ADMINISTRATION DOCUMENTS	
Tab No.	Document(s)	Audited By
1.	Post Award Conference (If Applicable)	
2.	Status Reports (If Applicable)	
3.	Change Notices/Modification/Change Orders	
4.	Site Visit Reports (If Applicable)	
5.	Progress Meeting Minutes (If Applicable)	
6.	Quality Assurance Records (If Applicable)	
7.	Termination/Stop Work Notices or Resolution Plan (If Applicable)	
8.	Notice of Claims (If Applicable)	
9.	Release of Claims/Bonds (If Applicable)	
10.	Assignments (If Applicable)	
11.	Audit Reports (If Applicable)	
12.	Punch List Discrepancies	
13.	Liquidated Damages (If Applicable)	
14.	Close Out Documents (If Applicable)	

Contract No.: _____

Contract Administrator: _____

Date: _____

CHECK LIST – RFP’S

Applicable items should be entered in chronological order. Documents maintained in the file will be filed consecutively in each section with the highest number on top. When an item is not applicable, it will be designated with “NA” in the Tab column.

RFP No. _____ Section A SOLICITATION DOCUMENTS		
Tab No.	Document(s)	Audited By
1.	Purchase Requisition	
2.	Rationale for Method of Procurement: _____	
3.	Specifications/Statement of Work	
4.	Justification for Procurement	
5.	Term of Contract Does Not Exceed 5 Years.	
6.	Cost Estimate	
7.	Set Aside Decision/DBE Goal	
8.	Justification of Procurement Method	
9.	List of Prospective Proposers	
10.	Proof of Publication	
11.	Copy of RFP	
12.	Addenda	
13.	Pre-proposal Minutes & List of Attendees	
14.	Correspondence with Bidders	
15.	Interoffice Correspondence	
16.	Review of Responsiveness (On Bid Tabulation)	

Contract No.: _____

Contract Administrator: _____

Date: _____

CHECK LIST – RFP’S

Applicable items should be entered in chronological order. Documents maintained in the file will be filed consecutively in each section with the highest number on top. When an item is not applicable, it will be designated with “NA” in the Tab column.

	RFP No. _____ Section B AWARD DOCUMENTS	
Tab No.	Document(s)	Audited By
1.	Copy of Each Proposal (In Storage)	
2.	Proposal Tabulation Sheet	
3.	Evaluation Team Certification Forms	
4.	Evaluation Sheet/Matrix	
5.	Determination of Competitive Range	
6.	Invitation of Oral Interviews/Presentations	
7.	Notice of Rejection	
8.	Minutes of Discussions	
9.	Correspondence with Proposers	
10.	Cost or Price Analysis	
11.	Justification for Contract Type	
12.	Negotiation Memorandum	
13.	Copy of Each Best and Final Offer (If Applicable)	
14.	Award Recommendation Memorandum	
15.	Board Consent	
16.	Legal Review of Contract Documents (Routing Slip)	
17.	Notice of Award	
18.	Notice to Unsuccessful Proposers	
19.	Procurement Summary	
20.	Bonds (If Applicable)	
21.	Certification of Insurance	
22.	Contract Document (Drawings not Required)	
23.	Notice to Proceed	
24.	Contract/Purchase Order	

Contract No.: _____

Contract Administrator: _____

Date: _____

CHECK LIST – RFP’s

Applicable items should be entered in chronological order. Documents maintained in the file will be filed consecutively in each section with the highest number on top. When an item is not applicable, it will be designated with “NA” in the Tab column.

	RFP No. _____ Section C CONTRACT ADMINISTRATION DOCUMENTS	
Tab No.	Document(s)	Audited By
1.	Post Award Conference	
2.	Quality Assurance Records	
3.	Change Notices/Modification/Change Orders	
4.	Periodic Status Reports	
5.	Site Visit Reports	
6.	Termination/Stop Work Notices or Resolution Plan	
7.	Notice of Claims	
8.	Release of Claims/Bonds	
9.	Assignments	
10.	Notice of Final Payment	
11.	Audit Reports	
12.	Liquidated Damages	
12.	Close out Documentation	

Contract No.: _____

Contract Administrator: _____

Date: _____

ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (BROOKS METHOD)

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for A & E services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

A & E services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. **No contract shall exceed five (5) years including options, if any.**

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
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- Obtains and/or performs pre-award Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the each final proposal's costs.
- Negotiates and coordinates award of final contract to highest ranked Offeror(s) (or subsequently ranked Offeror(s), as applicable).
- Coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes.
- Upon notification from Requisitioner/User, attempts to obtain compliance with contract provisions from non-complying Consultants and/or takes remedial actions with respect to the subject contract (including without limitation cancellation of the contract) as necessary.
- **Complete Checklist-RFP's for each RFP.**
- **Maintain all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).**

Material Management Department

- Reviews contracts and approves as appropriate.

Requisitioner/User

- Establishes project objectives, the tentative scope of work, and the Evaluation Criteria.
- Determines budgetary support limits and tentative project scheduling.
- Prepares the initial RFP.
- Prepares an independent Cost Estimate.
- Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred.
- Submits the RFP to DBE Administration for review of compliance with applicable DBE guidelines.
- Submits the RFP reviewed by DBE Administration to the Professional Services/Contracts Division.
- Submits list of additional prospective proposed Offerors, if any.
- In concert with Professional Services/Contracts Division, identifies Evaluation Committee for review of proposals and Contact Person to answer technical-related questions from prospective Offerors.
- Monitors contract performance by Offeror and notifies Professional Services/Contracts Division upon completion or non-compliance.

Risk Management

- Determines insurance requirements for contracts.

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

Responsible Party

Action

Requisitioner/User (upon rejection of initial RFP from Professional Services/Contracts Division)

3.
 - o Provide all additional information/revise submitted initial RFP, as requested by Professional Services/Contract Division.
 - o Consult with DBE Administration on additional DBE requirements, if any, to be included in revised initial RFP.
 - o Make the required number of copies of revised initial RFP and attachments that are to be forwarded to the Professional Services/Contract Division.
 - o Forward all copies of revised initial RFP and attachments to General Development Department for review of revisions to grant numbers and grant assignments.
 - o Complete applicable sections of Checklist - RFP's, if any.

General Development Department (upon rejection of initial RFP from Professional Services/Contracts Division)

4.
 - o Review revised initial RFP for revisions to grant numbers and grant assignments.
 - o Forward all copies of revised initial RFP and attachments to the Professional Services/Contracts Division.

V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals

Responsible Party

Action

Professional Services/Contracts Division (review of initial RFP)

1.
 - o Receive and review the initial RFP (including all Evaluation Criteria) and all appropriate attachments from General Development Department.
 - o Request Cost Estimate from Materials Department and/or the Requisitioner/User if not attached to initial RFP.
 - o If submitted initial RFP is approved, consult

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**ARCHITECTURAL AND ENGINEERING
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(BROOKS METHOD)**

<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (preparation of formal RFP/advertisement)	<p>with Requisitioner/User to select Evaluation Committee and Contact Person and proceed to step (B)(2) below.</p> <ul style="list-style-type: none"> o If submitted initial RFP is not approved for any reason, forward subject initial RFP and all appropriate attachments back to Requisitioner/User with comments for revisions and re-submittal (proceed to step (A)(3) above). o Complete applicable sections of Checklist - RFP's, if any. <p>2.</p> <ul style="list-style-type: none"> o Prepare the formal RFP, which should include at least the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements (if any), the procurement method, Evaluation Criteria and Contact Person. o [**Forward any modifications to the initial RFP to all interested parties.**] o Prepare solicitation advertisement to be placed in newspaper of general circulation. o Identify target Offerors from Metra's vendor database to receive direct mailings regarding solicitation. o Prepare Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) and request Risk Management to determine insurance requirements based on the scope of the project. o Complete applicable sections of Checklist - RFP's, if any.
Risk Management	<p>3.</p> <ul style="list-style-type: none"> o Receive Insurance Requirement Request form from Professional Services/Contracts Division. o Determine the applicable insurance requirements, if any, for Offerors.

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**ARCHITECTURAL AND ENGINEERING
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(BROOKS METHOD)**

Responsible Party

Action

- | | | |
|---|----|---|
| Professional Services/
Contracts Division (prior to
advertisement/ mailing of
solicitations for proposals) | 4. | <ul style="list-style-type: none"> ○ Complete an insurance certificate which documents the requirements of insurance (as applicable), and send to Professional Services/Contracts Division Documents. ○ Receive determination of insurance requirements from Risk Management. If insurance requirements necessary, identify such requirements in relevant exhibit of formal RFP. If insurance requirements are determined to be unnecessary, then delete this exhibit. ○ Circulate the formal RFP with selected Offeror direct mailing list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division for final review. ○ Concurrently with the circulation of the formal RFP, advertise the project in a newspaper of general circulation and send direct mailing notices to each Offeror selected from Metra's vendor database. ○ Complete applicable sections of Checklist - RFP's, if any. |
| Professional Services/
Contracts Division (after
advertisement/ mailing of
solicitations for proposals) | 5. | <ul style="list-style-type: none"> ○ Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. ○ Notify Evaluation Committee and appropriate division/department/offices of conference, if any. ○ Have Contact Person and any other appropriate Metra staff available to answer questions on any portion of the formal RFP. ○ Complete applicable sections of Checklist - RFP's, if any. |

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

V. INSTRUCTIONS (Continued)

C. Selection of Consultant

<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	1. <ul style="list-style-type: none"> ○ Receive proposals, and record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date. ○ Open proposals in the presence of a witness on the due date. ○ Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions (including inclusion of key elements of Evaluation Criteria, if any). ○ Complete Responsibility Determination Form for each proposal and file completed form in respective procurement file. ○ Forward copies of proposals accepted for consideration to DBE Administration (as applicable) and members of Evaluation Committee for review. ○ Complete applicable sections of Checklist - RFP's, if any.
DBE Administration	2. <ul style="list-style-type: none"> ○ Receive and review copies of accepted proposals from Professional Services/Contracts Division. ○ Prepare memo for distribution to the Requisitioner/User, members of Evaluation Committee and to Professional Services/Contract Division detailing which Offerors, if any, are not in compliance with DBE requirements.
Evaluation Committee	3. <ul style="list-style-type: none"> ○ Receive and review copies of the proposals from Professional Services/Contracts Division.

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**ARCHITECTURAL AND ENGINEERING
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Responsible Party

Action

- Receive and review memo from DBE Administration regarding Offeror compliance with DBE requirements (as applicable).
 - Have members of Evaluation Committee initially independently rank proposals from Offerors in compliance with the Evaluation Criteria.
 - Have members of the Evaluation Committee meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
 - Identify no less than the three highest ranked Offerors (if possible) and provide Professional Services/Contracts Division with list of such Offerors.
 - Prepare and maintain supporting documents regarding Evaluation Committee's selection of Offerors.
 - Send any or all written correspondence with Offerors through the Professional Services/Contracts Division.
 - Identify any additional cost or other information with respect to an Offeror(s) to be requested or otherwise obtained by Professional Services/Contracts Division and provide Professional Services/Contracts Division with list of such information.
- Professional Services/Contracts Division 4. ○ Receive and review list of highest ranked Offerors from Evaluation Committee. If less than three Offerors, conduct a canvass and document findings.
- Receive and review list of additional cost or other information with respect to an Offeror(s) requested by Evaluation Committee (as applicable).
 - Notify selected Offerors of their inclusion on a short list and coordinate possible meeting

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

Responsible Party

Action

- o dates with each such Offeror.
 - o Schedule and host, if necessary, a pre-award conference to resolve and clarify any final questions or other matters.
 - o Except in the case of a blanket RFP, Request from the highest-ranked Offeror an RC4400 form, hourly burden rates, and any other schedule of rates and/or overhead rates.
 - o Obtain all additional cost or other information with respect to an Offeror(s) requested by Evaluation Committee and forward such information to Evaluation Committee for review (as applicable).
 - o Complete Price Analysis Documentation for each Offeror's proposal.
 - o Document all correspondence and discussions with Offerors, including substantive details of discussions with Offerors, and maintain all such records.
 - o Forward Price Analysis Documentation, RC4400 form (as applicable), and all other cost and additional information received for each Offeror to Evaluation Committee.
 - o Complete applicable sections of Checklist - RFP's, if any.
- Evaluation Committee 5. o Receive and review all Price Analyses, RC4400 forms (as applicable) and all other cost and additional information received from Professional Services/Contracts Division.
- o Have members of Evaluation Committee independently re-evaluate and re-rank proposals from each of the Offerors, as necessary based on new information.
 - o Have members of the Evaluation Committee meet to discuss revised independent rankings of each of the Offerors, as necessary, and through their discussions, obtain a revised consensus ranking with respect to each

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

V. INSTRUCTIONS (Continued)

D. Awarding the Contract

<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	1. <ul style="list-style-type: none"> ○ After receiving Board Concurrence, prepare two original copies of the contracts with appropriate detailed information for Blue Folder circulation. ○ Prepare all other appropriate documents for Blue Folder circulation. ○ Concurrently with the preparation of the Blue Folder documents, obtain the selected Offeror's signature on two original copies of the contract. ○ Once all documentation is with the Blue Folder, internally route as set forth on the Routing Slip (See Exhibit V in PU-06-RC, Professional Services Contracts). ○ Complete applicable sections of Checklist - RFP's, if any.
DBE Administration	2. <ul style="list-style-type: none"> ○ Review prepared contracts in the Blue Folder received from Professional Services/Contracts Division to ensure all DBE required attachments, if any, have been incorporated in the contract(s). ○ If required attachments have not been incorporated into the contract: (a) include a copy of the all such required attachments in Blue Folder and forward Blue Folder to General Development Department; and (b) forward copies of such attachments to Professional Services/Contracts Division to be sent to selected Offeror (proceed to step (D)(14) below).
General Development Department	3. <ul style="list-style-type: none"> ○ Review and approve all appropriate documents in the Blue Folder received from

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<u>Responsible Party</u>	<u>Action</u>
	<ul style="list-style-type: none"> DBE Administration. o If changes to any document(s) in the Blue Folder is required, route the Blue Folder back to Professional Services/Contracts Division for changes (proceed to step (D)(4) below). o Forward any appropriate documentation to the FTA and/or IDOT for concurrences, as necessary. o When concurrences are received from FTA and/or IDOT, forward Blue Folder to Accounts Payable and proceed to step (D)(5) below.
Professional Services/ Contracts Division	<p>4.</p> <ul style="list-style-type: none"> o If changes are required from General Development Department make requested corrections all appropriate documents in the Blue Folder and return Blue Folder to General Development Department for concurrence. o Complete applicable sections of Checklist - RFP's, if any.
Accounts Payable	<p>5.</p> <ul style="list-style-type: none"> o Review all appropriate documents in the Blue Folder received from General Development Department. o Prepare and file all necessary documents to encumber funds. o Forward Blue Folder to Risk Management.
Risk Management	<p>6.</p> <ul style="list-style-type: none"> o Review prepared contracts in the Blue Folder received from Accounts Payable to ensure all applicable insurance requirement attachments, if any, have been incorporated in the contract(s). o If required attachments have not been incorporated into the contract: (a) include a copy of the all such required attachments in Blue Folder and forward Blue Folder to Professional Services/Contracts Division;

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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contract Division	<p>and (b) forward copies of such attachments to Professional Services/Contracts Division to be sent to selected Offeror (proceed to step (D)(14) below).</p> <p>7. ○ Receive Blue Folder from Risk Management.</p> <p> ○ Ensure copies of all DBE and Risk Management required attachments have been sent to the selected Offeror with instructions to treat such attachments as an addendum to the contract and obtain all acknowledgements/consents from such Offeror as may be necessary to evidence Offeror's receipt of the attachments and Offer's consent to so amend the contract.</p> <p> ○ Insert signed contracts into Blue Folder.</p> <p> ○ If contract(s) is a corporate administrative contract valued over \$10,000, forward Blue Folder to the Sr. Director, Corporate Administration, otherwise, proceed to step (D)(8) below.</p> <p> ○ Complete applicable sections of Checklist - RFP's, if any.</p>
Sr. Director Corporate Administration (for corporate administrative contract valued over \$10,000)	<p>8. ○ Review all appropriate documents in the Blue Folder received from Professional Services/Contracts Division.</p> <p> ○ If any one or more of the documents in the Blue Folder require modification prior to acceptance by Sr. Director Corporate Administration, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below).</p> <p> ○ Otherwise, if Sr. Director Corporate Administration is satisfied with the documents in the Blue Folder, approve contract and forward Blue Folder to Law Department.</p>

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<u>Responsible Party</u>	<u>Action</u>
Law Department	9. <ul style="list-style-type: none"> o Review all appropriate documents in the Blue Folder received from Professional Services/Contract Division or Sr. Director Corporate Administration (as applicable) for legal compliance. o If any one or more of the documents in the Blue Folder require modification to comply with applicable laws, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below). o Otherwise, if Law Department is satisfied with respect to legal compliance of contract(s), forward Blue Folder back to Professional Services/Contracts Division (proceed to step (D)(10) below).
Professional Services/ Contract Division	10. <ul style="list-style-type: none"> o Review all appropriate documents in the Blue Folder received from the Law Department. o Revise compilation of Blue Folder documents as necessary. o Forward revised Blue Folder documents to Material Management Department. o Complete applicable sections of Checklist - RFP's, if any.
Material Management Department	11. <ul style="list-style-type: none"> o Review all appropriate documents in the Blue Folder received from Professional Services/Contracts Division. o If any one or more of the documents in the Blue Folder require modification prior to acceptance by Material Management Department, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below). o Otherwise, if Material Management Department is satisfied with the documents

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**ARCHITECTURAL AND ENGINEERING
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Responsible Party

rejection of Blue Folder documents by DBE Administration/ Risk Management/ Sr. Director Corporate Administration/ Law Department/ Material Management Department/ Deputy Executive Director/ and/or Executive Director)

Action

- Administration/ Law Department/ Material Management Department/ Deputy Executive Director/ and/or Executive Director (as applicable) regarding required modifications to documents.
- o Ensure copies of all modifications/ addendums to Blue Folder documents are sent to selected Offeror and obtain all acknowledgements/consents from such Offeror as may be necessary to evidence Offeror's receipt of all modifications/ addendums to the Blue Folder documents and Offer's consent to so amend the contract.
- o Complete applicable sections of Checklist - RFP's, if any.

Professional Services/ Contracts Division

- 15. o Process the approved contract.
- o Distribute signed copies of contract as follows:
 - a. Selected Offeror - original, hand signed, w/cover letter and appropriate exhibits requesting insurance certificates to be submitted to Professional Services/Contracts Division. (See Exhibit II in PU-06-RC, Professional Services Contracts);
 - b. Requisitioner/User - copy of original contract along with any exhibits.
 - c. Accounts Payable - copy of contract(s), Account Data Sheet, and requisition.
 - d. General Development Department - if grant funded, copy of contract(s) and Account Data Sheet.
 - e. Retain in respective procurement file - original, hand signed, with any exhibits.
- o Receive and review Offeror's required insurance certificates. Forward copies of

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**ARCHITECTURAL AND ENGINEERING
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Responsible Party

Action

- such certificates to Risk Management Division and/or DBE Department (if DBE participation is required) for approval.
- o If any one or more of the insurance certificates require prior to acceptance by Risk Management Division and/or DBE Department (as applicable), alert and coordinate with Offeror regarding required modifications to certificates and ensure receipt of revised certificates.
- o Otherwise, Risk Management Division and/or DBE Department (as applicable) approve received insurance certificates, issue a "notice to proceed" letter to selected Offeror. (See Exhibit VI in PU-06-RC, Professional Services Contracts).
- o Notify remaining non-selected Offerors by letter of decision to proceed with selected Offeror.
- o Compile all records connected with the history of the subject RFP procurement , including without limitation all documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Evaluation Committee's Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee's rankings (individual and group) with respect to each Offeror and the basis for the contract price.
- o File all of the foregoing records in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).
- o Finalize Checklist - RFP's and file in respective procurement file.

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16. Written Procurement Selection Procedures

Basic Requirement: Chapter III, Section 3.a of FTA C 4220.1F requires that grantees have written selection procedures for procurement transactions. As stated in the Circular "all solicitations shall identify all requirements that offerors must fulfill and all other factors to be used in evaluating bids or proposals." This ensures that procurements are awarded in a fair and equitable manner.

Discussion: Forty-one (41) procurements were reviewed for this requirement. Thirty-two were not deficient and nine (9) were found to be deficient. Metra has a process in which proposals are rescored after presentations are completed; however, that process is not stated in the evaluation process provided in the solicitation documents for the RFP method of procurement. In addition, Metra uses a consensus scoring process rather than having an individual score for each proposal from each member of the evaluation committee resulting in a lack of transparency throughout the evaluation process.

Metra should alter the evaluation process such that each member of the evaluation committee scores each proposal. These scores should then be added together to determine the final score. The evaluation committee may meet to discuss why members scored proposals the way they did; however, documentation of such discussions should be included in the procurement record.

Best Practices: The grantee should establish written selection procedures in every solicitation. Once proposals are received, evaluators should follow these criteria when considering the proposals submitted and document the evaluators' findings. Documentation for all procurements should be maintained in a central location regardless of award amount. The request for quotation for any small purchase should contain language identifying the basis for award (such as lowest priced responsive offer) and a copy of it should be included in the file.

Corrective Action: Metra must respond within thirty (30) days from the date of the final report and provide detailed procedures, evidence of adequate training and evidence of independent audits confirming that procedures are being followed consistently.

Metra's Response: The deficient files refer to Metra's RFP evaluation process. Metra does have established evaluation processes. As noted in the review, proposals are re-scored after interviews. The review noted that this particular aspect of the process is not made apparent or clear to proposers.

Following the FTA review, staff immediately included in all RFP Evaluation Processes that if interviews are to be conducted, the proposer presentation may be re-scored.

Reviewing Contractor's Response: This corrective action is acceptable, but copies of revised procedures and processes, evidence of training, and independent audit reports validating the use of compliant procedures must be provided to FTA within 30 days of the date of the final report.

Written Procurement Selection Procedures (Element #16):

Metra's Supplemental Response: As noted by the PSR, Metra's procedures correctly state that Metra will establish criteria and evaluate the proposals based on those criteria. We rank the proposals based upon those evaluations, and the highest ranked firms will be brought in for interviews. Based upon those interviews, the proposals are ranked again using the aforementioned criteria (see attached Metra's Procedure PU-08-RC). However, the PSR noted that the language regarding the follow-up evaluation is not in the RFP documents. Metra has revised its procedures to require this language be put in the RFP and revised the RFP template to include it. (See attached proposed revised procedures and new template for RFPs.)

The PSR also criticized Metra's method of evaluation, stating that its consensus scoring, as opposed to having individual scores from each team member, created a lack of transparency. Metra's practice actually corresponds with FTA Best Practices and includes requiring each evaluation team member to score the proposals independently, and then to come together and discuss the scores in order to reach a consensus (see attached FTA BPPM). However, these steps are not currently detailed in Metra's procedures. Attached please see the proposed revised Procedure PU-08-RC, which incorporates these steps and requires all discussion notes to be in the file.

The Senior Division Director, General Administration will conduct an Element-by-Element review with all of the appropriate members of the Procurement and Professional Services staff. The training sessions will review each deficiency and the appropriate corrective action(s) to be implemented. The review will include an analysis of the PSR findings, as well as the purpose and execution of the corrective action. The Senior Director will document when they were held, which Elements were discussed, and who attended the training session. This documentation will be held in the PSR final report file. In addition, Metra will pursue available training provided by FTA, NTI, or other existing sources. We will offer to host courses so that we may include as many Metra Procurement staff as possible. To the extent that existing training does not cover certain topics, we will be issuing an RFP for a consultant to develop specialized training.

Lastly, Audit will commence an independent audit within 120 days of the acceptance of final corrective actions by the FTA. The 120 days should provide adequate time for selecting a sample of procurement awards for our audit to confirm that Metra is following procedures and corrective actions consistently and to issue the report as recommended.

**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for Architectural & Engineering services by Metra, regardless of the funding mechanism.

II. POLICY

Architectural & Engineering services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as architectural and engineering skills using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, Offerors' qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be solicited in a newspaper of general circulation and from Metra's vendor database of potential firms through direct mailings. No dollar value of any project will be directly or indirectly solicited in the initial Request for Proposals.

Requisitioner/User must mutually agree with DBE Administration on DBE requirements prior to involving the Professional Services/Contracts Division.

The process for an award of an Architectural & Engineering services contract will be described in the Request for Proposals (RFP). The RFP will include a clear and accurate description of the technical requirements of the Architectural & Engineering services to be acquired and a statement of work. The evaluation criteria, their relative value, and all other considerations to be used in making the award of an Architectural and Engineering services contract will be determined prior to solicitations. A list of criteria with their relative importance will be included in the RFP.

The evaluation of the proposals will be performed by a designated group that is specific for the solicitation. Any proposal which does not demonstrate the experience, expertise, and other factors necessary to assure achievement of the contract objectives may be eliminated from further consideration.

Contracts will be generally awarded on a maximum compensation basis. The contract will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the consultant is prohibited. The contract should not exceed five years including options, if any.

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

II. POLICY (Continued)

An independent Cost Estimate will be submitted with the requisition before soliciting proposals in order to establish a base cost for budgetary purposes. Metra will also perform a Cost Analysis of the offer accepted by Metra before entering into a contract with an Architectural & Engineering firm in order to measure the cost reasonableness of a proposal.

Metra will detail the significant history of the procurement and retain these records. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of contractor selection or rejection using a criteria rating schedule for Offerors considered, and the basis for the contract price. Other supporting records are required to be kept in the contract file or with the evaluating department.

The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Any discussions during the solicitation, selection, and negotiation process will be conducted by the Professional Services/Contracts Division with the Requisitioning/User department with, normally, no less than the three highest ranked Offerors determined pursuant to the criteria outlined in the RFP. Attendance at pre-proposal conference by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat a proposal as non-responsive. Except in the case of Blanket RFPs, cost details from the highest ranking Offeror will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. Thereafter, Metra shall negotiate with the highest ranking Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second most highest ranking Offeror. There should be documentation of such negotiations in sufficient detail to enable an understanding of the basis of the final cost.

Based upon the completed evaluation, the award should be made to the responsible Offeror(s) whose proposal will be most advantageous to Metra.

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**ARCHITECTURAL AND ENGINEERING
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III. DEFINITIONS (Continued)

Discussion: See Glossary

Negotiation: See Glossary

Qualified Range: See Glossary

IV. RESPONSIBILITIES

Office of the General Counsel

Reviews contracts for legal compliance and provides clearance as appropriate.

General Development Department

Where capital funds (other than Section 8 funding) are involved, provides detailed guidance on contract requirements, reviews contracts for compliance with funding requirements, and obtains funding concurrence as required.

Professional Services/Contracts

Performs overall staff management, coordination, processing, execution and filing of A & E contracts, including coordination of the RFP's components, and issues of solicitation. In concert with Requisitioner/User, hosts the pre-award conferences, schedules the negotiations with Offerors, and coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes. Approves the evaluation criteria prepared by Requisitioner/User. Informs DBE Administration. Obtains and/or performs Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the proposals' costs. Conducts, with the assistance of the Requisitioner/User, discussions with no less than three Offerors, and then negotiates with the highest-ranked Offeror. Updates lists of Offerors for Architectural and Engineering services prior to solicitation of proposals. Retains all documents of the procurement history listed in Section II. Conducts a canvass when Metra receives only one proposal.

DBE Administration

Reviews proposals for compliance with the Affirmative Action/Disadvantaged Business Enterprise guidelines. Supplies memorandum to Professional Services/Contract Division advising that the Offeror is in compliance and that any necessary DBE certification is on file.

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**ARCHITECTURAL AND ENGINEERING
 SERVICES CONTRACTS
 (BROOKS METHOD)**

II. POLICY (Continued)

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

Services which are not A & E services according to the Brooks Act, even though performed by an A & E firm, are contracted as for professional services. (See PU-06-RC or PU-07-RC).

III. DEFINITIONS

Architectural & Engineering(A & E) Services: See Glossary

Blue Folder: See Glossary

Brooks Method: See Glossary

Canvass: See Glossary

Capital Funds/Capital Funding: See Glossary

Clarification: See Glossary

Consultant: See Glossary

Cost Analysis: See Glossary

Cost Estimate: See Glossary

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

IV. RESPONSIBILITIES (Continued)

Requisitioner/User

Establishes project objectives, the tentative scope of work, and the evaluation criteria. Determines budgetary support limits and tentative project scheduling. Prepares the purchase requisition and RFP data. Prepares an independent Cost Estimate. Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred. Submits the requisition to the Professional Services/Contracts Division. Submits list of additional prospective proposers. Reviews proposals. Answers technical-related questions from prospective Offerors. Ranks proposals based upon the pre-determined evaluation criteria. Selects Offeror in consultation with Professional Services/Contract Division for approval by the Executive Director. Monitors contract performance by Consultant and notifies Professional Services/Contracts Division upon completion or non-compliance. Approves invoices.

Risk Management

Determines insurance requirements for contracts.

Accounts Payable

Processes invoices and encumbers funds.

Budget Authority

Reviews contracts for appropriate funding and proper account/distribution code(s), as appropriate.

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**ARCHITECTURAL AND ENGINEERING
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V. INSTRUCTIONS

A. Request for Proposal Preparation

Responsibility

Action

Requisitioner/User

1. Prepare the RFP, indicating the project's background and objectives, scope, estimated time schedule, responsible person for technical-related questions forwarded from Professional Services/Contracts, reporting requirements, required project documents, evaluation criteria, and weights (See Exhibit I).
2. Prepare Purchase Requisition (RC73 see Exhibit I in PU-02-RC, Requisitioning of Materials and Services), and attach to the RFP. Forward purchase requisition and RFP in accordance with FI-02-RC for approval. Consult with DBE Administration on DBE requirements prior to involving the Professional Services/Contracts Division. Make the required number of copies of all specifications that are to be forwarded to the Professional Services/Contract Division.

General Development
Department

3. Review requisition for grant number and grant assignments.
4. Forward the purchase requisition with appropriate attachments and RFP to the Professional Services/Contracts Division.

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SERVICES CONTRACTS
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V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals

Responsibility

Action

Professional Services/
Contracts Division

1. Receive the RFP and Purchase Requisition (RC73 See Exhibit I in PU-02-RC, Requisitioning of Materials and Services) for A & E Services. Request Cost Estimate from Materials Department and/or the Requisitioner/User.
2. Prepare the formal RFP. Include the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements, the procurement method, and detailed specifications. Compile necessary contract exhibits to be included in the RFP. Prepare vendor list from Metra's Vendor Database.

Professional Services/
Contracts Division

3. Request Risk Management to determine insurance requirements based on the scope of the project.

Risk Management

4. Receive Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) from Professional Services/Contracts. Determine the requirement of insurance for Offerors. Complete an insurance certificate, which documents the requirements of insurance, and send to Professional Services/Contracts Documents.

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V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals (cont'd)

Responsibility

Action

Professional Services/
Contracts Division

- 5. Receive determination of insurance requirements from Risk Management. If insurance requirement is determined to be unnecessary, then delete this exhibit.
- 6. Circulate the RFP with vendor list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division. Concurrently advertise the project in a newspaper of general circulation. Send the notice to each potential Offeror on the vendors list.

Professional Services/
Contracts Division

- 7. Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. Notify appropriate division/ department/offices of conference. Review the scope of work. Have the appropriate Metra staff available to answer questions on any portion of the RFP. Forward any modifications to the RFP to all interested parties in the form of an Addendum. Forward any modifications to the RFP to all interested parties in the form of an Addendum.

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant

<u>Responsibility</u>	<u>Action</u>
	1. Receive proposals, record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date.
	2. Open proposals in the presence of a witness on the due date.
	3. Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions, insuring that each contains key elements of requested submissions.
	4. Forward copies of the proposals to DBE Administration and appropriate user department(s) for review.
DBE Administration	5. Receive copies of the proposals from Professional Services/Contracts. Prepare memo for distribution to the Requisitioner/User and to Professional Services/Contract Division detailing which Consultants are not in compliance with DBE requirements
Requisitioner/User and Professional Services/Contracts Division	6. Review proposals from Offerors in compliance with DBE requirements. Rank Offerors' proposals using the evaluation method that was defined in the RFP. Send any or all written correspondence through the Professional Services/Contracts Division.

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant (cont'd)

Responsibility

Action

Requisitioner/User
and Professional
Services/Contracts

7. Evaluate and then list at least the top three Offerors. Send a list of these Offerors and a list of possible meeting dates to Professional Services/Contracts. Prepare and maintain supporting documents regarding the firm selection.

Professional
Services/Contracts

8. If less than three Offerors, conduct a canvass and document findings.
9. Notify these Offerors of their inclusion on a short list and arrange the date, time, and place for a separate discussion and notify DBE Administration and Requisitioner/User of date, time, and place of discussion.

Requisitioner/User and
Professional Services/
Contract Division

10. Document the proceedings and details of the discussions.
11. Re-evaluate the Offerors who are within the Scoring Range. The evaluation is to include additional information obtained in any discussion. Select the highest-ranked Offeror.
12. Request from the highest-ranked Offeror an RC4400 form, hourly burden rates, and any other schedule of rates and/or overhead rates.

Requisitioner/User and
Professional Services/
Contracts Division

13. Negotiate the offer, with the highest-ranked Offeror. In the event that the Metra staff is unable to reach an agreement with the highest-ranking Offeror, terminate negotiations and enter into negotiations with the next highest-ranking Offeror.

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

I. PURPOSE:

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for A & E services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

A & E services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the

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Requisitioner/User. Services which are not A & E services according to the Brooks Act, even though performed by an A & E firm, shall be considered professional services. (See PU-06-RC or PU-07-RC).

Each RFP will be submitted by the Requisitioner/User to the Professional Services/Contracts Division, together with a list of the specific Evaluation Criteria for the subject project, a statement of work, and an independent Cost Estimate prepared by the Requisitioner/User to establish a base cost for budgetary purposes. The initial RFP prepared by the Requisitioner/User will be reviewed by the Professional Services/Contracts Division who, after such review and in concert with the Requisitioner/User, will prepare the formal RFP. No dollar value of any project will be directly or indirectly solicited in the formal RFP. The formal RFP will be used by the Professional Services/Contracts Division for the solicitation of proposals from Offerors.

Proposals with respect to a given RFP will be solicited through the use of both advertisement in a newspaper of general circulation and direct mailings to Offerors selected from Metra's vendor database. The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, may coordinate the scheduling of a pre-proposal conference to clarify requirements and answer questions from potential Offerors. Attendance at such pre-proposal conference however, by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat an Offeror as non-responsive.

The evaluation of the proposals received with respect to a given RFP will be performed by the respective Evaluation Committee. Proposals with respect to an RFP will be first received by the Professional Services/Contracts Division and first opened, in the presence of a witness, on the respective proposal due date. The Professional Services/Contracts Division will perform an initial evaluation and complete a Responsibility Determination Form with respect to each proposal. Any potential Offeror which does not demonstrate the experience, expertise or other Evaluation Criteria necessary to assure achievement of the RFP objectives may be eliminated from further consideration. Proposals accepted by the Professional Services/Contracts Division for consideration will be forwarded to the Evaluation Committee for review.

Each proposal accepted for consideration will be evaluated by the Evaluation Committee, first individually by each member then collectively as a group, based on the Evaluation Criteria provided in the subject RFP. The Evaluation Committee shall make a preliminary evaluation of the submitted proposals to identify, normally, no less than the three highest ranked Offerors based on the subject Evaluation Criteria with which the Professional Services/Contracts Division shall engage in further contract negotiations and discussions.

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The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. No contract shall exceed five (5) years including options, if any.

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the

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basis for the contract price. All such information shall be maintained by the Professional Services/Contracts Division in the respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Once a contract has been executed, the Requisitioner/User and the Professional Services/Contracts Division will continuously monitor Consultant's compliance with the provisions of the contract. In the event of non-compliance by a Consultant, the Professional Services/Contracts Division will contact said Consultant and attempt to achieve rectification of the compliance deficiencies. If said Consultant is unresponsive, or such deficiencies are not remedied, the Professional Services/Contracts Division will take remedial actions with respect to the subject contract, including without limitation termination of the contract, as necessary. The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Upon completion of a project, the Requisitioner/User shall complete a Contract Completion Form and forward the completed form to the Professional Services/Contracts Division to be filed in the respective procurement file.

III. DEFINITIONS

Architectural & Engineering (A & E) Services: See Glossary.

Blue Folder: See Glossary.

Board Concurrence: See Exhibit IV.

Brooks Method: See Glossary.

Canvass: See Glossary.

Capital Funds/Capital Funding: See Glossary.

Checklist - RFP's: See Exhibit V.

Clarification: See Glossary.

Contact Person means the individual(s) with technical expertise and/or experience in the subject matter of the RFP, selected and designated by the Requisitioner/User, in

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cooperation with the Professional Services/Contracts Division, to respond to the technical inquiries of Offerors.

Consultant: See Glossary.

Cost Analysis: See Glossary.

Cost Estimate: See Glossary.

Discussion: See Glossary.

Evaluation Committee means a group of individuals selected and designated by Requisitioner/User, in cooperation with the Professional Services/Contracts Division, for their expertise in the subject matter of the respective solicitation.

Evaluation Criteria means a clear and accurate description prepared by the Requisitioner/User of: (a) all technical requirements of the subject A & E services to be acquired; (b) all required or requested experience and expertise qualifications; (c) all key elements (if any) required by Requisitioner/User; (d) all other considerations to be used in making the award of the subject Architectural and Engineering services contract; and (e) as necessary or desired by the requesting division/department, a relative weighted value of importance for each of the foregoing criteria to be used by the Evaluation Committee when reviewing Offeror proposals received with respect to the subject project.

Negotiation: See Glossary.

Offeror means the subject potential vendor with respect to a given RFP. Once an Offeror has entered into a contract with Metra said Offeror will be deemed a Consultant for purposes of this procedure.

Price Analysis Documentation: See Exhibit III.

Qualified Range: See Glossary.

Request for Proposals ("RFP"): See Exhibit I. The initial draft of the RFP shall be completed by the Requisitioner/User. The Professional Services/Contracts Division shall review the initial draft of the RFP pursuant to the procedures below, and shall draft the formal RFP to be submitted to Offerors for proposal.

Requisitioner/User means the individual(s), holding the requisite authority, preparing and submitting an RFP on behalf of the requesting department/division.

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Responsibility Determination Form: See Exhibit II.

IV. GENERAL RESPONSIBILITIES

Accounts Payable

- Processes invoices and encumbers funds.

DBE Administration

- Reviews RFPs for compliance with applicable Affirmative Action/Disadvantaged Business Enterprise (“DBE”) guidelines.
- Supplies memorandum to Professional Services/Contract Division advising that a particular Offeror is in compliance with all applicable DBE guidelines and that any necessary DBE certification is on file.
- Reviews final contract for compliance with all applicable DBE guidelines and notifies Professional Services/Contract Division of compliance or non-compliance.

Deputy Executive Director

- Reviews contracts and approves as appropriate.

Executive Director

- Reviews contracts and approves as appropriate.

Evaluation Committee

- Reviews proposals.
- Members of the Evaluation Committee initially independently rank each Offeror based upon Evaluation Criteria.
- Members of the Evaluation Committee then meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
- Identifies no less than the three highest ranked Offerors with which Professional Services/Contracts Division shall engage in further negotiations and discussions with.

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- Reviews cost and other information obtained by Professional Services/Contracts Division from selected highest-ranked Offerors and re-evaluate independent and consensus rankings of Offerors, as necessary.
- Identifies highest ranking Offeror (and order of subsequently ranked Offerors) with which Professional Services/Contracts Division shall attempt to negotiate a final contract.
- Forwards all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, to Professional Services/Contracts Division for filing in respective procurement file.

General Development Department

- Where capital funds (other than Section 8 funding) are involved, provides detailed guidance on contract requirements, reviews contracts for compliance with said requirements, and obtains funding concurrence as required.

Law Department

- Reviews contracts for legal compliance and provides clearance as appropriate.

Professional Services/Contracts Division

- Approves the Evaluation Criteria prepared by Requisitioner/User.
- In concert with Requisitioner/User, identifies Evaluation Committee and Contact Person.
- Performs overall staff management, coordination, processing, execution and filing of A & E contracts, including coordination of the RFP's components, and issues of solicitation.
- In concert with Requisitioner/User, schedules and hosts the pre-proposal conferences (as necessary), to clarify RFP requirements and answer questions from potential Offerors.
- Reviews the initial RFP and prepares the formal RFP.
- Prepares solicitation advertisement and facilitates the placement of such advertisement in a newspaper of general circulation.
- Identifies target Offerors (if any) from Metra's vendor database to receive direct mailings regarding solicitation and facilitates such direct mailings.
- Receives proposals, performs initial review, and initial evaluation and completes a Responsibility Determination Form with respect to each proposal.
- Obtains cost and other information requested by the Evaluation Committee from selected highest-ranked Offerors.
- Conducts a canvass when it receives only one proposal.
- In concert with Requisitioner/User, schedules and hosts pre-award conferences (as necessary), negotiates with selected highest-ranked Offerors.
- Coordinates correspondence, if any, between Offerors and Contact Person.

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- Obtains and/or performs pre-award Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the each final proposal's costs.
- Negotiates and coordinates award of final contract to highest ranked Offeror(s) (or subsequently ranked Offeror(s), as applicable).
- Coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes.
- Upon notification from Requisitioner/User, attempts to obtain compliance with contract provisions from non-complying Consultants and/or takes remedial actions with respect to the subject contract (including without limitation cancellation of the contract) as necessary.
- Completes Checklist-RFP's for each RFP.
- Maintain all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Material Management Department

- Reviews contracts and approves as appropriate.

Requisitioner/User

- Establishes project objectives, the tentative scope of work, and the Evaluation Criteria.
- Determines budgetary support limits and tentative project scheduling.
- Prepares the initial RFP.
- Prepares an independent Cost Estimate.
- Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred.
- Submits the RFP to DBE Administration for review of compliance with applicable DBE guidelines.
- Submits the RFP reviewed by DBE Administration to the Professional Services/Contracts Division.
- Submits list of additional prospective proposed Offerors, if any.
- In concert with Professional Services/Contracts Division, identifies Evaluation Committee for review of proposals and Contact Person to answer technical-related questions from prospective Offerors.
- Monitors contract performance by Offeror and notifies Professional Services/Contracts Division upon completion or non-compliance.

Risk Management

- Determines insurance requirements for contracts.

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Sr. Director Corporate Administration

- Reviews contracts and approves as appropriate.

V. INSTRUCTIONS

A. Request for Proposal Preparation

<u>Responsible Party</u>	<u>Action</u>
Requisitioner/User	1. <ul style="list-style-type: none"> ○ Prepare initial RFP, indicating the project's background and objectives, scope, estimated time schedule, Contact Person for technical-related questions forwarded from Professional Services/Contracts Division, reporting requirements, required project documents and Evaluation Criteria. ○ Prepare Purchase Requisition (RC73 see Exhibit I in PU-02-RC, Requisitioning of Materials and Services), and attach to the initial RFP. ○ Forward Purchase Requisition and initial RFP in accordance with FI-02-RC for approval. ○ Consult with DBE Administration on DBE requirements, if any, to be included in initial RFP. ○ Make the required number of copies of initial RFP and all attachments. ○ Forward all copies of initial RFP and attachments to General Development Department for review of grant numbers and grant assignments.
General Development Department	2. <ul style="list-style-type: none"> ○ Review initial RFP for grant numbers and grant assignments. ○ Forward all copies of initial RFP and attachments to the Professional Services/Contracts Division.

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Responsible Party

Action

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| Requisitioner/User (upon rejection of initial RFP from Professional Services/Contracts Division) | 3. | <ul style="list-style-type: none"> ○ Provide all additional information/revise submitted initial RFP, as requested by Professional Services/Contract Division. ○ Consult with DBE Administration on additional DBE requirements, if any, to be included in revised initial RFP. ○ Make the required number of copies of revised initial RFP and attachments that are to be forwarded to the Professional Services/Contract Division. ○ Forward all copies of revised initial RFP and attachments to General Development Department for review of revisions to grant numbers and grant assignments. ○ Complete applicable sections of Checklist - RFP's, if any. |
| General Development Department (upon rejection of initial RFP from Professional Services/Contracts Division) | 4. | <ul style="list-style-type: none"> ○ Review revised initial RFP for revisions to grant numbers and grant assignments. ○ Forward all copies of revised initial RFP and attachments to the Professional Services/Contracts Division. |

V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals

Responsible Party

Action

- | | | |
|--|----|---|
| Professional Services/Contracts Division (review of initial RFP) | 1. | <ul style="list-style-type: none"> ○ Receive and review the initial RFP (including all Evaluation Criteria) and all appropriate attachments from General Development Department. ○ Request Cost Estimate from Materials Department and/or the Requisitioner/User if not attached to initial RFP. ○ If submitted initial RFP is approved, consult |
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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (preparation of formal RFP/advertisement)	<p>with Requisitioner/User to select Evaluation Committee and Contact Person and proceed to step (B)(2) below.</p> <ul style="list-style-type: none"> ○ If submitted initial RFP is not approved for any reason, forward subject initial RFP and all appropriate attachments back to Requisitioner/User with comments for revisions and re-submittal (proceed to step (A)(3) above). ○ Complete applicable sections of Checklist - RFP's, if any. <p>2. ○ Prepare the formal RFP, which should include at least the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements (if any), the procurement method, Evaluation Criteria and Contact Person.</p> <ul style="list-style-type: none"> ○ [**Forward any modifications to the initial RFP to all interested parties.**] ○ Prepare solicitation advertisement to be placed in newspaper of general circulation. ○ Identify target Offerors from Metra's vendor database to receive direct mailings regarding solicitation. ○ Prepare Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) and request Risk Management to determine insurance requirements based on the scope of the project. ○ Complete applicable sections of Checklist - RFP's, if any.
Risk Management	<p>3. ○ Receive Insurance Requirement Request form from Professional Services/Contracts Division.</p> <ul style="list-style-type: none"> ○ Determine the applicable insurance requirements, if any, for Offerors.

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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (prior to advertisement/ mailing of solicitations for proposals)	<ul style="list-style-type: none"> ○ Complete an insurance certificate which documents the requirements of insurance (as applicable), and send to Professional Services/Contracts Division Documents. <p>4.</p> <ul style="list-style-type: none"> ○ Receive determination of insurance requirements from Risk Management. If insurance requirements necessary, identify such requirements in relevant exhibit of formal RFP. If insurance requirements are determined to be unnecessary, then delete this exhibit. ○ Circulate the formal RFP with selected Offeror direct mailing list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division for final review. ○ Concurrently with the circulation of the formal RFP, advertise the project in a newspaper of general circulation and send direct mailing notices to each Offeror selected from Metra's vendor database. ○ Complete applicable sections of Checklist - RFP's, if any.
Professional Services/ Contracts Division (after advertisement/ mailing of solicitations for proposals)	<p>5.</p> <ul style="list-style-type: none"> ○ Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. ○ Notify Evaluation Committee and appropriate division/department/offices of conference, if any. ○ Have Contact Person and any other appropriate Metra staff available to answer questions on any portion of the formal RFP. ○ Complete applicable sections of Checklist - RFP's, if any.

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant

<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	1. <ul style="list-style-type: none"> o Receive proposals, and record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date. o Open proposals in the presence of a witness on the due date. o Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions (including inclusion of key elements of Evaluation Criteria, if any). o Complete Responsibility Determination Form for each proposal and file completed form in respective procurement file. o Forward copies of proposals accepted for consideration to DBE Administration (as applicable) and members of Evaluation Committee for review. o Complete applicable sections of Checklist - RFP's, if any.
DBE Administration	2. <ul style="list-style-type: none"> o Receive and review copies of accepted proposals from Professional Services/Contracts Division. o Prepare memo for distribution to the Requisitioner/User, members of Evaluation Committee and to Professional Services/Contract Division detailing which Offerors, if any, are not in compliance with DBE requirements.
Evaluation Committee	3. <ul style="list-style-type: none"> o Receive and review copies of the proposals from Professional Services/Contracts Division.

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Responsible Party

Action

- o Receive and review memo from DBE Administration regarding Offeror compliance with DBE requirements (as applicable).
 - o Have members of Evaluation Committee initially independently rank proposals from Offerors in compliance with the Evaluation Criteria.
 - o Have members of the Evaluation Committee meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
 - o Identify no less than the three highest ranked Offerors (if possible) and provide Professional Services/Contracts Division with list of such Offerors.
 - o Prepare and maintain supporting documents regarding Evaluation Committee's selection of Offerors.
 - o Send any or all written correspondence with Offerors through the Professional Services/Contracts Division.
 - o Identify any additional cost or other information with respect to an Offeror(s) to be requested or otherwise obtained by Professional Services/Contracts Division and provide Professional Services/Contracts Division with list of such information.
- Professional Services/Contracts Division 4. o Receive and review list of highest ranked Offerors from Evaluation Committee. If less than three Offerors, conduct a canvass and document findings.
- o Receive and review list of additional cost or other information with respect to an Offeror(s) requested by Evaluation Committee (as applicable).
 - o Notify selected Offerors of their inclusion on a short list and coordinate possible meeting

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METRA

MASTER REQUEST FOR PROPOSAL

FY 2011

ENGINEERING DEPARTMENT

METRA SPECIFICATION NO. 1547-11

MARCH 2011

I. INTRODUCTION

Metra, the Commuter Rail Division of the Regional Transportation Authority, is funding design engineering and environmental services for several projects under this "Master Request for Proposal" (MRFP). This MRFP is for various projects within Metra's Engineering Department.

Included in this MRFP are requests for engineering services on Signal, Environmental and Track/Civil Preliminary Engineering projects. A list of these projects and corresponding Book numbers can be found in Attachment A.

All proposals shall have the cover of the book clearly marked as "RFP 29521 Engineering Department-Book #1, 2, 3, or 4" as defined in Attachment A.

Your firm may request to be considered for one or all of the contracts to be awarded under this MRFP. Included in this MRFP is a "TABLE OF CONTRACTS," Attachment A. On the Table of Contracts, you should indicate the contracts for which you are proposing by placing an "X" beside the contract description. Your proposal will only be reviewed and rated for those contracts marked with an "X". You should only submit proposals on those projects for which your firm is qualified. For example, do not indicate interest in a signal contract if you do not have an experienced staff for this type of work.

Attachment B should also be completed and included with your proposal. This is the list of all of your sub-consultants and their assigned scope of work for each project indicated on Attachment A. The project consultant and sub-consultant listing form (Attachment B) has been included for your firm's completion and submission.

After you have completed Attachments A and B, attach a copy of both tables immediately behind the cover letter in your proposal in each of the books 1, 2, 3, and/or 4 that you submit. A copy of Attachment B should follow Attachment A. A copy of your proposal will be sent to the appropriate staff for review.

For each contract you indicate that your firm wishes to be considered, your proposal must provide the information as outlined in this MRFP. Your proposal will then be evaluated using the rating system detailed in Section VII of this MRFP. Your proposal will be evaluated separately for each contract that you have expressed an interest.

The consultant shall be required to coordinate their work with other local and municipal projects, maintain schedules, meet deadlines and maintain budgets for every phase of the project. All payment and billings shall be matched against the project phase progress and percentage of work completed.

C. Proposal must be submitted to:

Mr. Ed Remus, Senior Contracting Agent
Metra- Materials Department
11th Floor East
547 West Jackson Blvd.
Chicago, Illinois 60661

VI. QUESTIONS

All Technical and Administrative questions must be submitted before 4:00 p.m. on **June 30, 2011** by fax only to:

Mr. Ed Remus, Senior Contracting Agent
(312) 322-6619

Questions concerning DBE aspects may be directed to:

Ms. Janice Thomas
Director
DBE Administration
Telephone: (312) 322-6323

VII. EVALUATION METHODOLOGY

Metra's consideration for award of a Professional Service Contract will be made on the following basis:

- A. Recognition of problems and objectives
- B. Approach plan and time schedule
- C. Firm's previous experience
- D. Proposed team's ability and expertise

Any proposal which does not clearly document the approach, expertise and other factors necessary to assure achievement of project objectives and successful completion within the allotted time and budget will be given lower ratings in the corresponding categories designated as Items A through D, inclusive. Items A through D will receive equal weight in the ratings of each proposal. Based on the completed evaluation, the proposal that clearly demonstrates the experience, expertise, planned work scope and other factors necessary to assure successful completion of the project will be offered a contract.

Proposals will be evaluated by the Evaluation Committee through a consensus score. Based on those scores, Metra will interview at least the three (3) highest ranked firms, but may interview more. The Evaluation Committee will re-score such proposals through the consensus scoring process. Metra will then negotiate a price for the performance of the contract with the highest ranked firm.

VIII. ATTACHMENTS

Attachment A – Engineering Department Table of Contracts
Attachment B – Project and Sub-consultant Listing

IX. CONTRACT EXHIBITS

The following Exhibits are attached hereto and made a part hereof in addition to this Master Request for Proposal. The Exhibits shall become a part of the contract resulting from this Master Request for Proposal:

- EXHIBIT 1A - Public Notice of Request for Proposal
- EXHIBIT 1B - Affidavits/Certifications
- EXHIBIT 1C - Metra Disadvantage Business Compliance Requirements
- EXHIBIT 1D - D. O. T. Title VI Assurance
- EXHIBIT 1E - Consultant Insurance Requirements
- EXHIBIT 1F - Railroad Contractor Safety Requirements
- EXHIBIT 1G - Sample Agreement
- EXHIBIT 1H - Form 4400 - This is a sample; do not submit this form with your proposal.

X. PREPROPOSAL MEETING

A pre-proposal meeting will be held at 9:00 a.m. on _____, 2011 at Metra, 547 W. Jackson Blvd., Chicago, IL, in the 13th Floor Board Room.

From these Qualification Statements, the grantee’s A-E evaluation committee would score and rank the firms on the basis of their technical qualifications. It would be advisable not to have a predetermined cut-off score to determine those firms that are the most qualified. Scoring should be a tool for the individual committee member to determine the relative strengths and weaknesses of the firms being evaluated. Also, it would be best not to determine the most qualified firms by averaging the individual committee member scores. The numerical scores should help each member rank the various firms in order to allow the procurement officer to determine a “short list” for conducting oral presentations and discussions. **Once each committee member has ranked the firms (using the published evaluation criteria, the relative weights and scoring system), the committee should meet to discuss the findings of the individual members and reach a consensus on a ranking of the various firms.**

Some agencies have found a qualitative (adjective) rating system to be more effective than a numerical scoring system. For example, firms are evaluated with respect to their qualifications statements in each of the evaluation criteria elements as being “excellent,” “satisfactory,” or “unsatisfactory.” After rating each firm’s qualifications for each criterion, the committee members then give each firm an overall evaluation rating. The overall ratings for the firms are then compared and the firms with the most “excellent” ratings are short-listed. Whether you use a numerical or qualitative (adjective) rating system, a written narrative by each evaluator justifying their decision should be prepared.

Request for Technical Proposals – If you determine to require detailed technical proposals after the short list has been determined, you will need to establish the evaluation criteria to be used in selecting the successful contractor and to advise the firms of the criteria in your RFP. Criteria will normally involve such matters as the following:

1. **Past Performance** – The solicitation should advise offerors of your approach in evaluating past performance, including evaluating offerors that have no relevant performance history, and should also advise offerors to identify past relevant contracts for efforts similar to your requirement. The solicitation should also allow offerors to provide information on problems encountered on the identified contracts and corrective measures taken. This evaluation should also consider the past performance of key personnel and subcontractors that will perform major or critical aspects of the work. This evaluation of past performance, as one indicator of an offeror’s ability to perform the contract successfully, is separate from the responsibility determination discussed in Section 5.1.
2. **Technical Criteria** – Technical factors regarding the specific methods, designs, and systems proposed to be used by the offeror will be considered and they must be tailored to the specific requirements of your solicitation. These factors must represent the key technical areas of importance that you intend to consider in the source selection decision. *Technical factors should be chosen to support meaningful comparison and discrimination between competing proposals.* If the agency has established minimum

should consist of those firms that have a reasonable chance of getting the award. These firms would then be invited to make presentations to the evaluation committee. Grantees should check their state laws to see if a minimum number of firms is required to be short-listed.

Oral presentations by A-E firms – Having evaluated the qualifications of the A-E firms who submitted detailed qualification statements (or technical proposals), and developed the short list of qualified firms, the A-E Selection Committee would establish a schedule for each firm to make oral presentations, although presentations are not always necessary or appropriate. If discussions are necessary, they can be written or by phone or videoconference. The Committee would advise the firms in advance of any questions the Committee had regarding the firm and its capabilities. These questions would be addressed by the A-E firm at the oral presentation. The Committee may also wish to specify those key personnel of the A-E firm that should present in order to answer the Committee’s questions. It is important that the user organization be comfortable with the actual project managers being assigned to the project, and for this reason the presentations should be made by the firm’s proposed key staff, not by a sales executive.

Final ranking of A-E firms - At the conclusion of the oral presentations, each of the Selection Committee members would perform a final scoring and ranking of the short-listed firms. These final scores would then be discussed, and the procurement officer chairing the panel should strive for consensus – finding a firm that is valued by most members and acceptable to the rest. This process should not be a mechanical “majority-rules” vote. Failure to obtain a consensus can result in internal fighting if the project gets into difficulty, and can even create these difficulties. Once an agreement is reached on the highest qualified firm, that firm is then requested to submit a cost proposal for negotiation of a contract.

Contract Negotiations - The Brooks Act requires a *qualifications based procurement method* for the selection of A-E firms. Price is excluded as an evaluation factor, and negotiations are conducted with the most qualified firm only. If an agreement cannot be reached on price with the most qualified firm, *negotiations are formally terminated with that firm*. Once negotiations are terminated, that firm is irrevocably out of contention for the contract and cannot be brought back in. Negotiations are then conducted with the next most qualified firm. This process continues until a negotiated agreement is reached which the grantee considers to be fair and reasonable.

In-house Cost Estimate - One of the biggest problems noted in FTA Procurement Systems Reviews is the failure of agencies to prepare detailed in-house cost estimates prior to receiving cost proposals. This is especially critical in A-E procurements where there are no competing proposals to provide a comparison. *In order to meaningfully evaluate and negotiate the A-E firm’s cost proposal, it is critical that the grantee’s technical staff prepare a detailed in-house cost estimate (work estimate) of the work required by the A-E firm before the solicitation is issue.* In order to be useful as a tool in evaluating the cost proposal, this in-house estimate needs to be prepared in the same level of detail that the grantee is requiring the A-E firm to submit its proposal. In other words, *the grantee’s technical staff prepares its in-house estimate as if the grantee were the contractor proposing on the contract.* It is also important that grantees require A-E firms to submit their cost proposals in the same format in which the in-house estimate was

Sub-criteria of Criterion No. 3 will be evaluated based on the reviewer's determination of the degree of compliance with Contract requirements, potential risks and benefits, and strengths and weaknesses. One of the following adjectival ratings should be used for each subcriterion:

<i>Excellent</i>	<i>Significantly exceeds in all respects the minimum requirements; high probability of success; no significant weaknesses.</i>
<i>Very Good</i>	<i>Substantial response; meets in all aspects and in some cases exceeds, the critical requirements; no significant weaknesses.</i>
<i>Good</i>	<i>Generally meets minimum requirements; good probability of success; weaknesses can be readily corrected.</i>
<i>Marginal</i>	<i>Lack of essential information; low probability for success; significant weaknesses, but correctable.</i>
<i>Unsatisfactory</i>	<i>Fails to meet minimum requirements; needs major revision to make it acceptable.</i>

Evaluators are to substantiate each rating with a brief narrative explaining their evaluation. The narrative will be specific in nature, addressing the strengths/weaknesses of the proposal in each area and provide a sound rationale for the conclusion reached. This becomes the basis for the evaluator's overall rating and comparison to other proposals. To arrive at the overall technical rating, the evaluator will develop a summary statement.

Evaluators may utilize an informal weighting scheme as a tool (not to be considered the formal evaluation) to assist them in formulating their evaluation. This may be helpful to individual evaluators in terms of remaining focused on the relationship between criteria and facilitate the evaluation process.

2. The individual evaluators will rank each of the proposals reviewed in descending order and provide a supporting narrative, addressing the specific elements of the proposal that are the determining factors (consistent with step 1 findings) for their position within the ranking.

3. Committee members will review and discuss the individual findings and develop a consensus ranking consistent with the evaluation criteria. The committee ranking must also be supported by a narrative that provides the rationale (specific strengths and weaknesses) for their determination.

4. The rank ordered list of proposals will be arrayed in descending order together with the price evaluation figure for each proposal. As the list is reviewed in descending order, any increase in price as technical merit decreases will cause the elimination of the proposal from the list. If more than one proposal remains, the committee will review the trade-offs between descending technical merit and descending price. The committee will then make a decision regarding which of the proposals is the most advantageous to the Procuring Agency, price and other factors considered.

should consist of those firms that have a reasonable chance of getting the award. These firms would then be invited to make presentations to the evaluation committee. Grantees should check their state laws to see if a minimum number of firms is required to be short-listed.

Oral presentations by A-E firms – Having evaluated the qualifications of the A-E firms who submitted detailed qualification statements (or technical proposals), and developed the short list of qualified firms, the A-E Selection Committee would establish a schedule for each firm to make oral presentations, although presentations are not always necessary or appropriate. If discussions are necessary, they can be written or by phone or videoconference. The Committee would advise the firms in advance of any questions the Committee had regarding the firm and its capabilities. These questions would be addressed by the A-E firm at the oral presentation. The Committee may also wish to specify those key personnel of the A-E firm that should present in order to answer the Committee’s questions. It is important that the user organization be comfortable with the actual project managers being assigned to the project, and for this reason the presentations should be made by the firm’s proposed key staff, not by a sales executive.

Final ranking of A-E firms - At the conclusion of the oral presentations, each of the Selection Committee members would perform a final scoring and ranking of the short-listed firms. These final scores would then be discussed, and the procurement officer chairing the panel should strive for consensus – finding a firm that is valued by most members and acceptable to the rest. This process should not be a mechanical “majority-rules” vote. Failure to obtain a consensus can result in internal fighting if the project gets into difficulty, and can even create these difficulties. Once an agreement is reached on the highest qualified firm, that firm is then requested to submit a cost proposal for negotiation of a contract.

Contract Negotiations - The Brooks Act requires a *qualifications based procurement method* for the selection of A-E firms. Price is excluded as an evaluation factor, and negotiations are conducted with the most qualified firm only. If an agreement cannot be reached on price with the most qualified firm, *negotiations are formally terminated with that firm*. Once negotiations are terminated, that firm is irrevocably out of contention for the contract and cannot be brought back in. Negotiations are then conducted with the next most qualified firm. This process continues until a negotiated agreement is reached which the grantee considers to be fair and reasonable.

In-house Cost Estimate - One of the biggest problems noted in FTA Procurement Systems Reviews is the failure of agencies to prepare detailed in-house cost estimates prior to receiving cost proposals. This is especially critical in A-E procurements where there are no competing proposals to provide a comparison. *In order to meaningfully evaluate and negotiate the A-E firm’s cost proposal, it is critical that the grantee’s technical staff prepare a detailed in-house cost estimate (work estimate) of the work required by the A-E firm before the solicitation is issued.* In order to be useful as a tool in evaluating the cost proposal, this in-house estimate needs to be prepared in the same level of detail that the grantee is requiring the A-E firm to submit its proposal. In other words, *the grantee’s technical staff prepares its in-house estimate as if the grantee were the contractor proposing on the contract.* It is also important that grantees require A-E firms to submit their cost proposals in the same format in which the in-house estimate was

ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (BROOKS METHOD)

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for A & E services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

A & E services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the

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Requisitioner/User. Services which are not A & E services according to the Brooks Act, even though performed by an A & E firm, shall be considered professional services. (See PU-06-RC or PU-07-RC).

Each RFP will be submitted by the Requisitioner/User to the Professional Services/Contracts Division, together with a list of the specific Evaluation Criteria for the subject project, a statement of work, and an independent Cost Estimate prepared by the Requisitioner/User to establish a base cost for budgetary purposes. The initial RFP prepared by the Requisitioner/User will be reviewed by the Professional Services/Contracts Division who, after such review and in concert with the Requisitioner/User, will prepare the formal RFP. No dollar value of any project will be directly or indirectly solicited in the formal RFP. The formal RFP will be used by the Professional Services/Contracts Division for the solicitation of proposals from Offerors.

Proposals with respect to a given RFP will be solicited through the use of both advertisement in a newspaper of general circulation and direct mailings to Offerors selected from Metra's vendor database. The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, may coordinate the scheduling of a pre-proposal conference to clarify requirements and answer questions from potential Offerors. Attendance at such pre-proposal conference however, by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat an Offeror as non-responsive.

The evaluation of the proposals received with respect to a given RFP will be performed by the respective Evaluation Committee. Proposals with respect to an RFP will be first received by the Professional Services/Contracts Division and first opened, in the presence of a witness, on the respective proposal due date. The Professional Services/Contracts Division will perform an initial evaluation and complete a Responsibility Determination Form with respect to each proposal. Any potential Offeror which does not demonstrate the experience, expertise or other Evaluation Criteria necessary to assure achievement of the RFP objectives may be eliminated from further consideration. Proposals accepted by the Professional Services/Contracts Division for consideration will be forwarded to the Evaluation Committee for review.

Each proposal accepted for consideration will be evaluated by the Evaluation Committee, first individually by each member then collectively as a group, based on the Evaluation Criteria provided in the subject RFP. The Evaluation Committee shall make a preliminary evaluation of the submitted proposals to identify, normally, no less than the three highest ranked Offerors based on the subject Evaluation Criteria with which the Professional Services/Contracts Division shall engage in further contract negotiations and discussions.

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The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. No contract shall exceed five (5) years including options, if any.

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the

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basis for the contract price. All such information shall be maintained by the Professional Services/Contracts Division in the respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Once a contract has been executed, the Requisitioner/User and the Professional Services/Contracts Division will continuously monitor Consultant's compliance with the provisions of the contract. In the event of non-compliance by a Consultant, the Professional Services/Contracts Division will contact said Consultant and attempt to achieve rectification of the compliance deficiencies. If said Consultant is unresponsive, or such deficiencies are not remedied, the Professional Services/Contracts Division will take remedial actions with respect to the subject contract, including without limitation termination of the contract, as necessary. The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Upon completion of a project, the Requisitioner/User shall complete a Contract Completion Form and forward the completed form to the Professional Services/Contracts Division to be filed in the respective procurement file.

III. DEFINITIONS

Architectural & Engineering (A & E) Services: See Glossary.

Blue Folder: See Glossary.

Board Concurrence: See Exhibit IV.

Brooks Method: See Glossary.

Canvass: See Glossary.

Capital Funds/Capital Funding: See Glossary.

Checklist - RFP's: See Exhibit V.

Clarification: See Glossary.

Contact Person means the individual(s) with technical expertise and/or experience in the subject matter of the RFP, selected and designated by the Requisitioner/User, in

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cooperation with the Professional Services/Contracts Division, to respond to the technical inquiries of Offerors.

Consultant: See Glossary.

Cost Analysis: See Glossary.

Cost Estimate: See Glossary.

Discussion: See Glossary.

Evaluation Committee means a group of individuals selected and designated by Requisitioner/User, in cooperation with the Professional Services/Contracts Division, for their expertise in the subject matter of the respective solicitation.

Evaluation Criteria means a clear and accurate description prepared by the Requisitioner/User of: (a) all technical requirements of the subject A & E services to be acquired; (b) all required or requested experience and expertise qualifications; (c) all key elements (if any) required by Requisitioner/User; (d) all other considerations to be used in making the award of the subject Architectural and Engineering services contract; and (e) as necessary or desired by the requesting division/department, a relative weighted value of importance for each of the foregoing criteria to be used by the Evaluation Committee when reviewing Offeror proposals received with respect to the subject project.

Negotiation: See Glossary.

Offeror means the subject potential vendor with respect to a given RFP. Once an Offeror has entered into a contract with Metra said Offeror will be deemed a Consultant for purposes of this procedure.

Price Analysis Documentation: See Exhibit III.

Qualified Range: See Glossary.

Request for Proposals ("RFP"): See Exhibit I. The initial draft of the RFP shall be completed by the Requisitioner/User. The Professional Services/Contracts Division shall review the initial draft of the RFP pursuant to the procedures below, and shall draft the formal RFP to be submitted to Offerors for proposal.

Requisitioner/User means the individual(s), holding the requisite authority, preparing and submitting an RFP on behalf of the requesting department/division.

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Responsibility Determination Form: See Exhibit II.

IV. GENERAL RESPONSIBILITIES

Accounts Payable

- Processes invoices and encumbers funds.

DBE Administration

- Reviews RFPs for compliance with applicable Affirmative Action/Disadvantaged Business Enterprise (“DBE”) guidelines.
- Supplies memorandum to Professional Services/Contract Division advising that a particular Offeror is in compliance with all applicable DBE guidelines and that any necessary DBE certification is on file.
- Reviews final contract for compliance with all applicable DBE guidelines and notifies Professional Services/Contract Division of compliance or non-compliance.

Deputy Executive Director

- Reviews contracts and approves as appropriate.

Executive Director

- Reviews contracts and approves as appropriate.

Evaluation Committee

- Reviews proposals.
- Members of the Evaluation Committee initially independently rank each Offeror based upon Evaluation Criteria.
- Members of the Evaluation Committee then meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
- Identifies no less than the three highest ranked Offerors with which Professional Services/Contracts Division shall engage in further negotiations and discussions with.

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- Reviews cost and other information obtained by Professional Services/Contracts Division from selected highest-ranked Offerors and re-evaluate independent and consensus rankings of Offerors, as necessary.
- Identifies highest ranking Offeror (and order of subsequently ranked Offerors) with which Professional Services/Contracts Division shall attempt to negotiate a final contract.
- Forwards all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, to Professional Services/Contracts Division for filing in respective procurement file.

General Development Department

- Where capital funds (other than Section 8 funding) are involved, provides detailed guidance on contract requirements, reviews contracts for compliance with said requirements, and obtains funding concurrence as required.

Law Department

- Reviews contracts for legal compliance and provides clearance as appropriate.

Professional Services/Contracts Division

- Approves the Evaluation Criteria prepared by Requisitioner/User.
- In concert with Requisitioner/User, identifies Evaluation Committee and Contact Person.
- Performs overall staff management, coordination, processing, execution and filing of A & E contracts, including coordination of the RFP's components, and issues of solicitation.
- In concert with Requisitioner/User, schedules and hosts the pre-proposal conferences (as necessary), to clarify RFP requirements and answer questions from potential Offerors.
- Reviews the initial RFP and prepares the formal RFP.
- Prepares solicitation advertisement and facilitates the placement of such advertisement in a newspaper of general circulation.
- Identifies target Offerors (if any) from Metra's vendor database to receive direct mailings regarding solicitation and facilitates such direct mailings.
- Receives proposals, performs initial review, and initial evaluation and completes a Responsibility Determination Form with respect to each proposal.
- Obtains cost and other information requested by the Evaluation Committee from selected highest-ranked Offerors.
- Conducts a canvass when it receives only one proposal.
- In concert with Requisitioner/User, schedules and hosts pre-award conferences (as necessary), negotiates with selected highest-ranked Offerors.
- Coordinates correspondence, if any, between Offerors and Contact Person.

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- Obtains and/or performs pre-award Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the each final proposal's costs.
- Negotiates and coordinates award of final contract to highest ranked Offeror(s) (or subsequently ranked Offeror(s), as applicable).
- Coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes.
- Upon notification from Requisitioner/User, attempts to obtain compliance with contract provisions from non-complying Consultants and/or takes remedial actions with respect to the subject contract (including without limitation cancellation of the contract) as necessary.
- Completes Checklist-RFP's for each RFP.
- Maintain all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Material Management Department

- Reviews contracts and approves as appropriate.

Requisitioner/User

- Establishes project objectives, the tentative scope of work, and the Evaluation Criteria.
- Determines budgetary support limits and tentative project scheduling.
- Prepares the initial RFP.
- Prepares an independent Cost Estimate.
- Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred.
- Submits the RFP to DBE Administration for review of compliance with applicable DBE guidelines.
- Submits the RFP reviewed by DBE Administration to the Professional Services/Contracts Division.
- Submits list of additional prospective proposed Offerors, if any.
- In concert with Professional Services/Contracts Division, identifies Evaluation Committee for review of proposals and Contact Person to answer technical-related questions from prospective Offerors.
- Monitors contract performance by Offeror and notifies Professional Services/Contracts Division upon completion or non-compliance.

Risk Management

- Determines insurance requirements for contracts.

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Sr. Director Corporate Administration

- Reviews contracts and approves as appropriate.

V. INSTRUCTIONS

A. Request for Proposal Preparation

<u>Responsible Party</u>	<u>Action</u>
Requisitioner/User	1. <ul style="list-style-type: none"> ○ Prepare initial RFP, indicating the project's background and objectives, scope, estimated time schedule, Contact Person for technical-related questions forwarded from Professional Services/Contracts Division, reporting requirements, required project documents and Evaluation Criteria. ○ Prepare Purchase Requisition (RC73 see Exhibit I in PU-02-RC, Requisitioning of Materials and Services), and attach to the initial RFP. ○ Forward Purchase Requisition and initial RFP in accordance with FI-02-RC for approval. ○ Consult with DBE Administration on DBE requirements, if any, to be included in initial RFP. ○ Make the required number of copies of initial RFP and all attachments. ○ Forward all copies of initial RFP and attachments to General Development Department for review of grant numbers and grant assignments.
General Development Department	2. <ul style="list-style-type: none"> ○ Review initial RFP for grant numbers and grant assignments. ○ Forward all copies of initial RFP and attachments to the Professional Services/Contracts Division.

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<u>Responsible Party</u>	<u>Action</u>
Requisitioner/User (upon rejection of initial RFP from Professional Services/Contracts Division)	3. <ul style="list-style-type: none"> ○ Provide all additional information/revise submitted initial RFP, as requested by Professional Services/Contract Division. ○ Consult with DBE Administration on additional DBE requirements, if any, to be included in revised initial RFP. ○ Make the required number of copies of revised initial RFP and attachments that are to be forwarded to the Professional Services/Contract Division. ○ Forward all copies of revised initial RFP and attachments to General Development Department for review of revisions to grant numbers and grant assignments. ○ Complete applicable sections of Checklist - RFP's, if any.
General Development Department (upon rejection of initial RFP from Professional Services/Contracts Division)	4. <ul style="list-style-type: none"> ○ Review revised initial RFP for revisions to grant numbers and grant assignments. ○ Forward all copies of revised initial RFP and attachments to the Professional Services/Contracts Division.

V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals

<u>Responsible Party</u>	<u>Action</u>
Professional Services/Contracts Division (review of initial RFP)	1. <ul style="list-style-type: none"> ○ Receive and review the initial RFP (including all Evaluation Criteria) and all appropriate attachments from General Development Department. ○ Request Cost Estimate from Materials Department and/or the Requisitioner/User if not attached to initial RFP. ○ If submitted initial RFP is approved, consult

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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (preparation of formal RFP/advertisement)	<p>with Requisitioner/User to select Evaluation Committee and Contact Person and proceed to step (B)(2) below.</p> <ul style="list-style-type: none"> ○ If submitted initial RFP is not approved for any reason, forward subject initial RFP and all appropriate attachments back to Requisitioner/User with comments for revisions and re-submittal (proceed to step (A)(3) above). ○ Complete applicable sections of Checklist - RFP's, if any. <p>2. ○ Prepare the formal RFP, which should include at least the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements (if any), the procurement method, Evaluation Criteria and Contact Person.</p> <ul style="list-style-type: none"> ○ [**Forward any modifications to the initial RFP to all interested parties.**] ○ Prepare solicitation advertisement to be placed in newspaper of general circulation. ○ Identify target Offerors from Metra's vendor database to receive direct mailings regarding solicitation. ○ Prepare Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) and request Risk Management to determine insurance requirements based on the scope of the project. ○ Complete applicable sections of Checklist - RFP's, if any.
Risk Management	<p>3. ○ Receive Insurance Requirement Request form from Professional Services/Contracts Division.</p> <ul style="list-style-type: none"> ○ Determine the applicable insurance requirements, if any, for Offerors.

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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (prior to advertisement/ mailing of solicitations for proposals)	<ul style="list-style-type: none"> o Complete an insurance certificate which documents the requirements of insurance (as applicable), and send to Professional Services/Contracts Division Documents. <p>4.</p> <ul style="list-style-type: none"> o Receive determination of insurance requirements from Risk Management. If insurance requirements necessary, identify such requirements in relevant exhibit of formal RFP. If insurance requirements are determined to be unnecessary, then delete this exhibit. o Circulate the formal RFP with selected Offeror direct mailing list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division for final review. o Concurrently with the circulation of the formal RFP, advertise the project in a newspaper of general circulation and send direct mailing notices to each Offeror selected from Metra's vendor database. o Complete applicable sections of Checklist - RFP's, if any.
Professional Services/ Contracts Division (after advertisement/ mailing of solicitations for proposals)	<p>5.</p> <ul style="list-style-type: none"> o Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. o Notify Evaluation Committee and appropriate division/department/offices of conference, if any. o Have Contact Person and any other appropriate Metra staff available to answer questions on any portion of the formal RFP. o Complete applicable sections of Checklist - RFP's, if any.

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant

<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	1. <ul style="list-style-type: none"> o Receive proposals, and record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date. o Open proposals in the presence of a witness on the due date. o Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions (including inclusion of key elements of Evaluation Criteria, if any). o Complete Responsibility Determination Form for each proposal and file completed form in respective procurement file. o Forward copies of proposals accepted for consideration to DBE Administration (as applicable) and members of Evaluation Committee for review. o Complete applicable sections of Checklist - RFP's, if any.
DBE Administration	2. <ul style="list-style-type: none"> o Receive and review copies of accepted proposals from Professional Services/Contracts Division. o Prepare memo for distribution to the Requisitioner/User, members of Evaluation Committee and to Professional Services/Contract Division detailing which Offerors, if any, are not in compliance with DBE requirements.
Evaluation Committee	3. <ul style="list-style-type: none"> o Receive and review copies of the proposals from Professional Services/Contracts Division.

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Responsible Party

Action

- Receive and review memo from DBE Administration regarding Offeror compliance with DBE requirements (as applicable).
 - Have members of Evaluation Committee initially independently rank proposals from Offerors in compliance with the Evaluation Criteria.
 - Have members of the Evaluation Committee meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
 - Identify no less than the three highest ranked Offerors (if possible) and provide Professional Services/Contracts Division with list of such Offerors.
 - Prepare and maintain supporting documents regarding Evaluation Committee's selection of Offerors.
 - Send any or all written correspondence with Offerors through the Professional Services/Contracts Division.
 - Identify any additional cost or other information with respect to an Offeror(s) to be requested or otherwise obtained by Professional Services/Contracts Division and provide Professional Services/Contracts Division with list of such information.
- Professional Services/Contracts Division 4. ○ Receive and review list of highest ranked Offerors from Evaluation Committee. If less than three Offerors, conduct a canvass and document findings.
- Receive and review list of additional cost or other information with respect to an Offeror(s) requested by Evaluation Committee (as applicable).
 - Notify selected Offerors of their inclusion on a short list and coordinate possible meeting

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18. Award to Responsible Contractors

Basic Requirement: Chapter VI, Section 8.b of FTA C 4220.1F requires that grantees make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Discussion: Of the forty-four (44) procurements reviewed, twenty-seven (27) were found to be deficient and seventeen (17) were found to be not deficient. Metra does have a standard process in place to indicate on the bid tabulation sheet that contractor responsibility and the Federal excluded parties list have been checked. In the twenty-seven (27) procurements found to be deficient, this documentation was not provided on the bid tabulation sheet.

Best Practices: There are many proven methods to determine whether or not a supplier is responsible, including:

- Visiting the supplier's facility;
- Examining prior work performed by the supplier;
- Checking financial and client references;
- Evaluating prior performance reports; and reviewing the Federal debarred/suspended contractor listing.

The consistent usage of a standard form, such as the template provided in Appendix E (Responsibility Determination Form), would ensure that the responsibility determination is performed completely and consistently.

Corrective Action: Metra must respond within thirty (30) days from the date of the final report and provide detailed procedures, evidence of adequate training and evidence of independent audits confirming that procedures are being followed consistently.

Metra's Response: As noted in the review, Metra does have a standard checklist process in place on the bid tabulation form regarding the prospective contractor's responsibility and the Federal excluded parties list. The review noted deficiencies in informal procurements. Prior to this review all bid tabulation sheets for formal bids (over \$10,000.00) were properly filled out, including debarment.

Following the FTA review and effective immediately, all bid tabulation sheets for formal and informal bids (under \$10,000.00) will be checked and initialed by the buyer for responsibility and the Federal excluded parties list. This process is in place and being used by the appropriate staff.

Reviewing Contractor's Response: This corrective action is acceptable but copies of revised procedures and processes, evidence of training, and independent audit reports validating the use of compliant procedures must be provided to FTA within 30 days of the date of the final report.

Award to Responsible Contractors (Element #18):

Metra's Supplemental Response: The PSR noted that Metra has a process in place to indicate contractor responsibility, but that documentation was not provided on the bid tabulation sheet. While Metra always determines that successful proposers are responsible, we agree, on occasion, this item has not been checked on the bid tab sheet. Metra's process does include a determination by the evaluation committee as to whether or not proposals are technically responsive and *responsible* (see attached Procedure PU-08-RC). With respect to debarment, the Affidavit/Certifications regarding debarment for all proposers are checked as part of the review for responsiveness (see attached blank Affidavit/Certification). Moreover, Procurement staff checks the federal list of debarments to ensure prospective contractors are not banned from contracts (www.epls.gov/ (Excluded Parties List System)). Lastly, the "Responsibility Determination Form" that Dr. Harris provided in the PSR (see attached, modified to apply to Metra) is now incorporated into Metra's proposed revised procedures (see attached) and part of the bid/proposal pre-award review process, and will be part of all contract files.

The Senior Division Director, General Administration will conduct an Element-by-Element review with all of the appropriate members of the Procurement and Professional Services staff. The training sessions will review each deficiency and the appropriate corrective action(s) to be implemented. The review will include an analysis of the PSR findings, as well as the purpose and execution of the corrective action. The Senior Director will document when they were held, which Elements were discussed, and who attended the training session. This documentation will be held in the PSR final report file. In addition, Metra will pursue available training provided by FTA, NTI, or other existing sources. We will offer to host courses so that we may include as many Metra Procurement staff as possible. To the extent that existing training does not cover certain topics, we will be issuing an RFP for a consultant to develop specialized training.

Lastly, Audit will commence an independent audit within 120 days of the acceptance of final corrective actions by the FTA. The 120 days should provide adequate time for selecting a sample of procurement awards for our audit to confirm that Metra is following procedures and corrective actions consistently and to issue the report as recommended.

**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals (cont'd)

Responsibility

Action

Professional Services/
Contracts Division

5. Receive determination of insurance requirements from Risk Management. If insurance requirement is determined to be unnecessary, then delete this exhibit.

6. Circulate the RFP with vendor list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division. Concurrently advertise the project in a newspaper of general circulation. Send the notice to each potential Offeror on the vendors list.

Professional Services/
Contracts Division

7. Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. Notify appropriate division/ department/offices of conference. Review the scope of work. Have the appropriate Metra staff available to answer questions on any portion of the RFP. Forward any modifications to the RFP to all interested parties in the form of an Addendum. Forward any modifications to the RFP to all interested parties in the form of an Addendum.

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

V. INSTRUCTIONS (Continued)

C. Selection of Consultant

Responsibility

Action

- | | |
|--|---|
| DBE Administration | <ol style="list-style-type: none"> 1. Receive proposals, record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date. 2. Open proposals in the presence of a witness on the due date. 3. Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions, insuring that each contains key elements of requested submissions. 4. Forward copies of the proposals to DBE Administration and appropriate user department(s) for review. |
| Requisitioner/User and Professional Services/ Contracts Division | <ol style="list-style-type: none"> 5. Receive copies of the proposals from Professional Services/Contracts. Prepare memo for distribution to the Requisitioner/User and to Professional Services/Contract Division detailing which Consultants are not in compliance with DBE requirements 6. Review proposals from Offerors in compliance with DBE requirements. Rank Offerors' proposals using the evaluation method that was defined in the RFP. Send any or all written correspondence through the Professional Services/Contracts Division. |

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AFFIDAVITS/CERTIFICATIONS FOR CONSULTANTS

FILL IN THE BLANKS AND SUBMIT THIS FORM WITH PROPOSAL.
HAVE APPLICABLE SIGNATURES NOTARIZED ON LAST PAGE.

STATE OF _____

COUNTY OF _____

The Undersigned represents that s/he is _____ (“Undersigned”) the
(Print Name)

_____ of _____
(Print President or Other Proper Title) (Print Name of Entity)

(“Company” or “Undersigned”) and is authorized to attest on behalf of himself/herself and

_____, and states as follows:
(Print Name of Company)

A. PROHIBITED INTERESTS AND CONFLICTS OF INTEREST.

1. PUBLIC OFFICER PROHIBITED ACTIVITIES ACT AFFIDAVIT.

The Company is the proposer submitting this proposal and that the proposer is in compliance with provisions set forth in the Public Officer Prohibited Activities Act, 50 ILCS 105/0.01, et seq., and to the best of its knowledge and belief, no person holding office, either by election or appointment under the laws or constitution of this State, is in any manner interested, either directly or indirectly, in his/her own name or in the name of any other person, association, trust, or corporation, in this contract or the performance of any work/services under this contract which such officer has been or may be called upon to act or vote.

2. METRA'S CONFLICTS OF INTEREST ORDINANCE.

Pursuant to 4.03 of Metra's Bidding Regulations:

Members of the Board, officers, and employees of Metra, their spouses, their children, their parents, their brothers and sisters and their children, are prohibited from having or acquiring any contract or any direct pecuniary interest in any contract which will be wholly or partially performed by the payment of funds or the transfer of property of the Metra. Any firm, partnership, association, or corporation from which any member of the Board, officer, or employee of the Metra is entitled to receive more than seven and one half percent (7-1/2%) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by payment of funds or the transfer of property of Metra.

Any firm, partnership, association, or corporation from which members of the Board, officers, employees of Metra, their spouses, their children, their parents, their brothers and sisters and their children, are entitled to receive in the aggregate more than fifteen percent (15%) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by the payment of funds or the transfer of property of Metra.

Board members and employees are prohibited from participating in the selection, award, or administration of a contract supported by Metra funds, federal funds, or any other grant funds if a real conflict of interest or, to his or her knowledge, an apparent conflict of interest would be involved. A real or apparent conflict of interest would arise when any of the following has an interest in the entity selected for award: (a) an employee, officer, board member, or agent; (b) any member of his or her immediate family (as listed above in the first paragraph); (c) his or her business partner; or (d) an organization that employs, or intends to employ, any of the above. "Apparent" is defined under this paragraph as being one in which a person is an officer or director of an entity, or has an interest in the ownership or profits of an entity, and such interest appears substantial to a reasonable person. "Interest" is defined under this paragraph as a direct or indirect entitlement to receive any of the entity's profits.

In addition, Undersigned states that no officer of Metra has represented, either as an agent or otherwise, the proposer with respect to this application or bid for contract. Finally, Undersigned states that to best of its knowledge and belief, no officer of Metra has received or been offered from any person on behalf of the proposer, either directly or indirectly, any money or other thing of value as a gift, bribe, or means of influencing any vote or action in any official's capacity. Furthermore, Undersigned certifies that, to the best of its knowledge, it is in compliance with Metra's Bidding Regulations and is unaware of any of the foregoing persons having an interest prohibited by Section 4.03 of the Bidding Regulations.

B. NON-COLLUSION AFFIDAVIT.

The Company is the proposer submitting this proposal and that such proposal was not made in the interest of or on behalf of any undisclosed person, partnership, company, organization or corporation; that such proposal is genuine and not collusive or a sham and that said proposer has not been a party to any agreement or collusion among bidders/proposers or prospective bidders/proposers in restraint of freedom of competition by agreement to bid a fixed price or otherwise, or to refrain from proposing, and has not, directly or indirectly, by agreement, communication, or conference with anyone, attempted to induce action prejudicial to the interest of Metra, or of any proposer or anyone else interested in the proposed contract.

C. CERTIFICATE FOR PROPOSAL.

As a part of its offer to contract for services to Metra, the Undersigned hereby certifies that neither the Company nor any of its principals are barred from proposing on the aforementioned contract as a result of a violation of either Section 33 E-3 or 33-4 of 720 ILCS 5/33 E.

D. CERTIFICATE OF DEBARMENT.

As the potential contractor for a primary contract, or subcontractor to a primary contractor for subcontracts over \$100,000, the Undersigned certifies to the best of its knowledge and belief, the Company and its principals:

1. Are not included on the U.S. Comptroller General's Consolidated List of Persons or Firms Debarred from federal contracts for violations of various public contracts incorporating labor standard provisions;
2. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal, state, or local government entity;

3. (a) have not been convicted under the laws of Illinois or any other state of bribery or attempting to bribe any government officer or employee or have made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct. No business shall be barred from contracting with Metra as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and: i) the business has been finally adjudicated not guilty; or ii) the business demonstrates to Metra, and Metra finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in paragraph (2) of subsection (a) of Section 5-4 of the Criminal Code of 1961. For purposes of this Subsection (a), when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct. Contractor hereby certifies that the contractor and its subcontractors are not barred from being awarded a contract or subcontract under this Section.

(b) are not convicted of a felony. No person or business shall do business with Metra from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business. Contractor hereby certifies the the Contractor is not barred from being awarded a contract under this Section.

4. Are not presently indicted for, or otherwise criminally or civilly charged by a government entity (federal, state or local) for any reason; or

5. Have not, within a three-year period preceding this proposal, had one or more public transactions (federal, state or local) terminated for cause or default.

(If the Undersigned is unable to certify to any of the statements in this certification, the Undersigned shall attach an explanation).

THE UNDERSIGNED CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF THE FEDERAL FALSE CLAIMS ACT ARE APPLICABLE THERETO.

E. CERTIFICATION OF RESTRICTIONS ON LOBBYING.

This certification is required to be completed with the solicitation if the proposal exceeds \$100,000.00. Failure to return this certification with the solicitation may result in a determination that the offer is non-responsive or non-responsible.

The Undersigned certifies to the best of its knowledge or belief that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the Undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of an federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of federal contract, grant, loan, or cooperative agreement, the Undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Undersigned shall require that the language of this certification be included in the award document for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), and that all subrecipients shall certify and disclose accordingly.

F. REVOLVING DOOR PROHIBITION.

The Undersigned has reviewed its list of employees (and subcontractors) involved in this procurement and it has no knowledge of any former Metra employee being involved in the solicitation process in violation of Section 4.05 of Metra's Bidding Regulations.

Section 4.05 states that all Metra Board members and non-contract personnel in specified positions are expressly prohibited, for a period of one (1) year after terminating employment with Metra, from engaging in any procurement activity with Metra. A "specified position" is one that is non-contract, is held for a period of six (6) months preceding such termination, is at a Grade P12 or above (including M Grades), and is not merely clerical or ministerial in nature. The prohibition includes, but is not limited to: lobbying the procurement process; specifying; bidding; or proposing bid, proposal, or contract documents on the part of the former employee or Board member, or in association with the former employee or Board member by or on behalf of any firm, partnership, association, or corporation affiliated with the former employee or Board member. The Undersigned certifies that the award and/or execution of a contract would not cause any violation of Section 4.05.

G. CONTINUING OBLIGATION TO INFORM METRA.

If Company acquires information after executing this certification that there may be an actual or apparent violation of any of the above Company shall promptly bring such information to the attention of Metra's procurement officer. Company shall thereafter cooperate with Metra's review and investigation of such information, and comply with any instruction it receives from Metra in regard to remedying the situation.

H. PENALTIES.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into the Contract pursuant to Metra's regulations and 31 U.S.C. 1352. A Company who makes a false statement, materials to the certification, is subject to termination for cause. The undersigned certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Company understands and agrees that the provisions of 31 U.S.C. 3801, et seq., apply to this certification and disclosure.

(Print) Name of Company

By: _____ Date: _____
Signature of Person Making Affidavit (Undersigned listed above)

(Print) Title of Person Making Affidavit

NOTARIZE HERE
Subscribed and sworn to before me
this _____ day of _____ 20____.

Notary Public

CERTAIN SUBCONTRACTOR SIGNATURES REQUIRED ON NEXT PAGE

SUBCONTRACTOR
DEBARMENT CERTIFICATION

NOTE: PRIMARY CONTRACTOR IS RESPONSIBLE FOR THIS FORM BEING SUBMITTED PRIOR TO AWARD. SUBCONTRACTOR(S) WITH SUBCONTRACTS OVER \$100,000 MUST ALSO COMPLETE AND SIGN THE FOLLOWING:

STATE OF _____

COUNTY OF _____

The Undersigned represents that s/he is _____ ("Undersigned Subcontractor")
the _____ (Print Name)

_____ of _____
(Print President or Other Proper Title) (Print Name of Subcontractor Entity)

("Subcontractor" or "Undersigned Subcontractor") and is authorized to attest on behalf of himself/herself and Subcontractor Entity by stating as follows:

1. As a subcontractor to a primary contractor for subcontracts over \$100,000, the Undersigned Subcontractor certifies to the best of its knowledge and belief that the debarment statements in Section D above are truthful and accurate.
2. If Undersigned Subcontractor acquires information after executing this certification that there may be an actual or apparent violation of any of the above, Subcontractor shall promptly bring such information to the attention of Metra's procurement officer.
3. The provisions of Section H above are applicable.

(Print) Name of Subcontractor Entity

By: _____ Date: _____
Signature of Person Making Affidavit (Undersigned listed above)

(Print) Title of Person Making Affidavit

NOTARIZE HERE

Subscribed and sworn to before me
this _____ day of _____ 20____.

Notary Public

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Responsibility Determination Form

Date: _____

IFB No.: _____

Vendor: _____

For each of the areas described below, check that the appropriate research has been accomplished and provide a short description of the research and the results.

1. Appropriate financial, equipment facility, and personnel:

Acceptable: Yes / No
Repeat Vendor: Yes / No
Perform an Internet Search: Yes / No

Comment: _____

2. Ability to meet delivery schedule:

Acceptable: Yes / No
Repeat Vendor that has met delivery schedules in the past: Yes / No
Able to meet delivery required on the purchase requisition: Yes / No

Comment: _____

3. Satisfactory period of performance:

Acceptable: Yes / No
Did not take exception to Metra's delivery requirement: Yes / No

Comment: _____

4. Satisfactory record of integrity, not on declined or suspended listing:

Acceptable: Yes / No
Check Debarment Status: Yes / No

Comment: _____

5. Receipt of all necessary Exhibits from supplier:

Acceptable: Yes / No
Did you receive a good bid: Yes / No

Comment: _____

**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for A & E services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

A & E services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the

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 (BROOKS METHOD)**

Requisitioner/User. Services which are not A & E services according to the Brooks Act, even though performed by an A & E firm, shall be considered professional services. (See PU-06-RC or PU-07-RC).

Each RFP will be submitted by the Requisitioner/User to the Professional Services/Contracts Division, together with a list of the specific Evaluation Criteria for the subject project, a statement of work, and an independent Cost Estimate prepared by the Requisitioner/User to establish a base cost for budgetary purposes. The initial RFP prepared by the Requisitioner/User will be reviewed by the Professional Services/Contracts Division who, after such review and in concert with the Requisitioner/User, will prepare the formal RFP. No dollar value of any project will be directly or indirectly solicited in the formal RFP. The formal RFP will be used by the Professional Services/Contracts Division for the solicitation of proposals from Offerors.

Proposals with respect to a given RFP will be solicited through the use of both advertisement in a newspaper of general circulation and direct mailings to Offerors selected from Metra's vendor database. The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, may coordinate the scheduling of a pre-proposal conference to clarify requirements and answer questions from potential Offerors. Attendance at such pre-proposal conference however, by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat an Offeror as non-responsive.

The evaluation of the proposals received with respect to a given RFP will be performed by the respective Evaluation Committee. Proposals with respect to an RFP will be first received by the Professional Services/Contracts Division and first opened, in the presence of a witness, on the respective proposal due date. The Professional Services/Contracts Division will perform an initial evaluation and complete a Responsibility Determination Form with respect to each proposal. Any potential Offeror which does not demonstrate the experience, expertise or other Evaluation Criteria necessary to assure achievement of the RFP objectives may be eliminated from further consideration. Proposals accepted by the Professional Services/Contracts Division for consideration will be forwarded to the Evaluation Committee for review.

Each proposal accepted for consideration will be evaluated by the Evaluation Committee, first individually by each member then collectively as a group, based on the Evaluation Criteria provided in the subject RFP. The Evaluation Committee shall make a preliminary evaluation of the submitted proposals to identify, normally, no less than the three highest ranked Offerors based on the subject Evaluation Criteria with which the Professional Services/Contracts Division shall engage in further contract negotiations and discussions.

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The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. No contract shall exceed five (5) years including options, if any.

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the

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SERVICES CONTRACTS
(BROOKS METHOD)**

basis for the contract price. All such information shall be maintained by the Professional Services/Contracts Division in the respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Once a contract has been executed, the Requisitioner/User and the Professional Services/Contracts Division will continuously monitor Consultant's compliance with the provisions of the contract. In the event of non-compliance by a Consultant, the Professional Services/Contracts Division will contact said Consultant and attempt to achieve rectification of the compliance deficiencies. If said Consultant is unresponsive, or such deficiencies are not remedied, the Professional Services/Contracts Division will take remedial actions with respect to the subject contract, including without limitation termination of the contract, as necessary. The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Upon completion of a project, the Requisitioner/User shall complete a Contract Completion Form and forward the completed form to the Professional Services/Contracts Division to be filed in the respective procurement file.

III. DEFINITIONS

Architectural & Engineering (A & E) Services: See Glossary.

Blue Folder: See Glossary.

Board Concurrence: See Exhibit IV.

Brooks Method: See Glossary.

Canvass: See Glossary.

Capital Funds/Capital Funding: See Glossary.

Checklist - RFP's: See Exhibit V.

Clarification: See Glossary.

Contact Person means the individual(s) with technical expertise and/or experience in the subject matter of the RFP, selected and designated by the Requisitioner/User, in

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(BROOKS METHOD)**

cooperation with the Professional Services/Contracts Division, to respond to the technical inquiries of Offerors.

Consultant: See Glossary.

Cost Analysis: See Glossary.

Cost Estimate: See Glossary.

Discussion: See Glossary.

Evaluation Committee means a group of individuals selected and designated by Requisitioner/User, in cooperation with the Professional Services/Contracts Division, for their expertise in the subject matter of the respective solicitation.

Evaluation Criteria means a clear and accurate description prepared by the Requisitioner/User of: (a) all technical requirements of the subject A & E services to be acquired; (b) all required or requested experience and expertise qualifications; (c) all key elements (if any) required by Requisitioner/User; (d) all other considerations to be used in making the award of the subject Architectural and Engineering services contract; and (e) as necessary or desired by the requesting division/department, a relative weighted value of importance for each of the foregoing criteria to be used by the Evaluation Committee when reviewing Offeror proposals received with respect to the subject project.

Negotiation: See Glossary.

Offeror means the subject potential vendor with respect to a given RFP. Once an Offeror has entered into a contract with Metra said Offeror will be deemed a Consultant for purposes of this procedure.

Price Analysis Documentation: See Exhibit III.

Qualified Range: See Glossary.

Request for Proposals ("RFP"): See Exhibit I. The initial draft of the RFP shall be completed by the Requisitioner/User. The Professional Services/Contracts Division shall review the initial draft of the RFP pursuant to the procedures below, and shall draft the formal RFP to be submitted to Offerors for proposal.

Requisitioner/User means the individual(s), holding the requisite authority, preparing and submitting an RFP on behalf of the requesting department/division.

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Responsibility Determination Form: See Exhibit II.

IV. GENERAL RESPONSIBILITIES

Accounts Payable

- Processes invoices and encumbers funds.

DBE Administration

- Reviews RFPs for compliance with applicable Affirmative Action/Disadvantaged Business Enterprise (“DBE”) guidelines.
- Supplies memorandum to Professional Services/Contract Division advising that a particular Offeror is in compliance with all applicable DBE guidelines and that any necessary DBE certification is on file.
- Reviews final contract for compliance with all applicable DBE guidelines and notifies Professional Services/Contract Division of compliance or non-compliance.

Deputy Executive Director

- Reviews contracts and approves as appropriate.

Executive Director

- Reviews contracts and approves as appropriate.

Evaluation Committee

- Reviews proposals.
- Members of the Evaluation Committee initially independently rank each Offeror based upon Evaluation Criteria.
- Members of the Evaluation Committee then meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
- Identifies no less than the three highest ranked Offerors with which Professional Services/Contracts Division shall engage in further negotiations and discussions with.

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- Reviews cost and other information obtained by Professional Services/Contracts Division from selected highest-ranked Offerors and re-evaluate independent and consensus rankings of Offerors, as necessary.
- Identifies highest ranking Offeror (and order of subsequently ranked Offerors) with which Professional Services/Contracts Division shall attempt to negotiate a final contract.
- Forwards all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, to Professional Services/Contracts Division for filing in respective procurement file.

General Development Department

- Where capital funds (other than Section 8 funding) are involved, provides detailed guidance on contract requirements, reviews contracts for compliance with said requirements, and obtains funding concurrence as required.

Law Department

- Reviews contracts for legal compliance and provides clearance as appropriate.

Professional Services/Contracts Division

- Approves the Evaluation Criteria prepared by Requisitioner/User.
- In concert with Requisitioner/User, identifies Evaluation Committee and Contact Person.
- Performs overall staff management, coordination, processing, execution and filing of A & E contracts, including coordination of the RFP's components, and issues of solicitation.
- In concert with Requisitioner/User, schedules and hosts the pre-proposal conferences (as necessary), to clarify RFP requirements and answer questions from potential Offerors.
- Reviews the initial RFP and prepares the formal RFP.
- Prepares solicitation advertisement and facilitates the placement of such advertisement in a newspaper of general circulation.
- Identifies target Offerors (if any) from Metra's vendor database to receive direct mailings regarding solicitation and facilitates such direct mailings.
- **Receives proposals, performs initial review, and initial evaluation and completes a Responsibility Determination Form with respect to each proposal.**
- Obtains cost and other information requested by the Evaluation Committee from selected highest-ranked Offerors.
- Conducts a canvass when it receives only one proposal.
- In concert with Requisitioner/User, schedules and hosts pre-award conferences (as necessary), negotiates with selected highest-ranked Offerors.
- Coordinates correspondence, if any, between Offerors and Contact Person.

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- Obtains and/or performs pre-award Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the each final proposal's costs.
- Negotiates and coordinates award of final contract to highest ranked Offeror(s) (or subsequently ranked Offeror(s), as applicable).
- Coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes.
- Upon notification from Requisitioner/User, attempts to obtain compliance with contract provisions from non-complying Consultants and/or takes remedial actions with respect to the subject contract (including without limitation cancellation of the contract) as necessary.
- Completes Checklist-RFP's for each RFP.
- Maintain all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Material Management Department

- Reviews contracts and approves as appropriate.

Requisitioner/User

- Establishes project objectives, the tentative scope of work, and the Evaluation Criteria.
- Determines budgetary support limits and tentative project scheduling.
- Prepares the initial RFP.
- Prepares an independent Cost Estimate.
- Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred.
- Submits the RFP to DBE Administration for review of compliance with applicable DBE guidelines.
- Submits the RFP reviewed by DBE Administration to the Professional Services/Contracts Division.
- Submits list of additional prospective proposed Offerors, if any.
- In concert with Professional Services/Contracts Division, identifies Evaluation Committee for review of proposals and Contact Person to answer technical-related questions from prospective Offerors.
- Monitors contract performance by Offeror and notifies Professional Services/Contracts Division upon completion or non-compliance.

Risk Management

- Determines insurance requirements for contracts.

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Sr. Director Corporate Administration

- Reviews contracts and approves as appropriate.

V. INSTRUCTIONS

A. Request for Proposal Preparation

<u>Responsible Party</u>	<u>Action</u>
Requisitioner/User	1. <ul style="list-style-type: none"> ○ Prepare initial RFP, indicating the project's background and objectives, scope, estimated time schedule, Contact Person for technical-related questions forwarded from Professional Services/Contracts Division, reporting requirements, required project documents and Evaluation Criteria. ○ Prepare Purchase Requisition (RC73 see Exhibit I in PU-02-RC, Requisitioning of Materials and Services), and attach to the initial RFP. ○ Forward Purchase Requisition and initial RFP in accordance with FI-02-RC for approval. ○ Consult with DBE Administration on DBE requirements, if any, to be included in initial RFP. ○ Make the required number of copies of initial RFP and all attachments. ○ Forward all copies of initial RFP and attachments to General Development Department for review of grant numbers and grant assignments.
General Development Department	2. <ul style="list-style-type: none"> ○ Review initial RFP for grant numbers and grant assignments. ○ Forward all copies of initial RFP and attachments to the Professional Services/Contracts Division.

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<u>Responsible Party</u>	<u>Action</u>
Requisitioner/User (upon rejection of initial RFP from Professional Services/Contracts Division)	3. <ul style="list-style-type: none"> ○ Provide all additional information/revise submitted initial RFP, as requested by Professional Services/Contract Division. ○ Consult with DBE Administration on additional DBE requirements, if any, to be included in revised initial RFP. ○ Make the required number of copies of revised initial RFP and attachments that are to be forwarded to the Professional Services/Contract Division. ○ Forward all copies of revised initial RFP and attachments to General Development Department for review of revisions to grant numbers and grant assignments. ○ Complete applicable sections of Checklist - RFP's, if any.
General Development Department (upon rejection of initial RFP from Professional Services/Contracts Division)	4. <ul style="list-style-type: none"> ○ Review revised initial RFP for revisions to grant numbers and grant assignments. ○ Forward all copies of revised initial RFP and attachments to the Professional Services/Contracts Division.

V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals

<u>Responsible Party</u>	<u>Action</u>
Professional Services/Contracts Division (review of initial RFP)	1. <ul style="list-style-type: none"> ○ Receive and review the initial RFP (including all Evaluation Criteria) and all appropriate attachments from General Development Department. ○ Request Cost Estimate from Materials Department and/or the Requisitioner/User if not attached to initial RFP. ○ If submitted initial RFP is approved, consult

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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (preparation of formal RFP/advertisement)	<p>with Requisitioner/User to select Evaluation Committee and Contact Person and proceed to step (B)(2) below.</p> <ul style="list-style-type: none"> ○ If submitted initial RFP is not approved for any reason, forward subject initial RFP and all appropriate attachments back to Requisitioner/User with comments for revisions and re-submittal (proceed to step (A)(3) above). ○ Complete applicable sections of Checklist - RFP's, if any. <p>2. ○ Prepare the formal RFP, which should include at least the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements (if any), the procurement method, Evaluation Criteria and Contact Person.</p> <ul style="list-style-type: none"> ○ [**Forward any modifications to the initial RFP to all interested parties.**] ○ Prepare solicitation advertisement to be placed in newspaper of general circulation. ○ Identify target Offerors from Metra's vendor database to receive direct mailings regarding solicitation. ○ Prepare Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) and request Risk Management to determine insurance requirements based on the scope of the project. ○ Complete applicable sections of Checklist - RFP's, if any.
Risk Management	<p>3. ○ Receive Insurance Requirement Request form from Professional Services/Contracts Division.</p> <ul style="list-style-type: none"> ○ Determine the applicable insurance requirements, if any, for Offerors.

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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division (prior to advertisement/ mailing of solicitations for proposals)	<ul style="list-style-type: none"> o Complete an insurance certificate which documents the requirements of insurance (as applicable), and send to Professional Services/Contracts Division Documents. <p>4.</p> <ul style="list-style-type: none"> o Receive determination of insurance requirements from Risk Management. If insurance requirements necessary, identify such requirements in relevant exhibit of formal RFP. If insurance requirements are determined to be unnecessary, then delete this exhibit. o Circulate the formal RFP with selected Offeror direct mailing list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division for final review. o Concurrently with the circulation of the formal RFP, advertise the project in a newspaper of general circulation and send direct mailing notices to each Offeror selected from Metra's vendor database. o Complete applicable sections of Checklist - RFP's, if any.
Professional Services/ Contracts Division (after advertisement/ mailing of solicitations for proposals)	<p>5.</p> <ul style="list-style-type: none"> o Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. o Notify Evaluation Committee and appropriate division/department/offices of conference, if any. o Have Contact Person and any other appropriate Metra staff available to answer questions on any portion of the formal RFP. o Complete applicable sections of Checklist - RFP's, if any.

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant

<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	1. <ul style="list-style-type: none"> o Receive proposals, and record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date. o Open proposals in the presence of a witness on the due date. o Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions (including inclusion of key elements of Evaluation Criteria, if any). o Complete Responsibility Determination Form for each proposal and file completed form in respective procurement file. o Forward copies of proposals accepted for consideration to DBE Administration (as applicable) and members of Evaluation Committee for review. o Complete applicable sections of Checklist - RFP's, if any.
DBE Administration	2. <ul style="list-style-type: none"> o Receive and review copies of accepted proposals from Professional Services/Contracts Division. o Prepare memo for distribution to the Requisitioner/User, members of Evaluation Committee and to Professional Services/Contract Division detailing which Offerors, if any, are not in compliance with DBE requirements.
Evaluation Committee	3. <ul style="list-style-type: none"> o Receive and review copies of the proposals from Professional Services/Contracts Division.

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41. Cost or Price Analysis

Basic Requirement: Chapter VII Section 6.a. of FTA C 4220.1F requires that grantees perform a cost or price analysis in connection with every procurement action, including contract modifications.

Discussion: Fifty-three (53) procurements were reviewed. Six (6) were found to be not deficient, and forty-seven (47) were found deficient. Metra does not have a consistent process in place to complete a cost or price analysis. While several good examples of price analysis were found, the documentation of this analysis was missing in the majority of the files reviewed.

Best Practices: The grantee must ensure that all contract specialists understand the elements of price analysis, and that files reflect the use of such analysis to show a logical determination of price reasonableness. Sources of information that are available to conduct a price analysis include:

- Comparisons with other competitive proposals
- Previous contracts
- Catalog or market prices
- Historical prices and trending
- Independent cost estimates

One method to record this analysis is through use of a preprinted form on which a contracting officer (or other responsible person) can annotate a finding of fair and reasonable pricing and check off the most common reasons why this would be so such as catalog or market prices offered in substantial quantities to the general public, regulated prices (e.g.1 for many utilities purchases), or comparison with recent prices for similar goods and services.

The grantee should conduct a more thorough analysis of price variances on bids, examining variances from the independent estimate as well as the differences between bids recorded. The form included as Appendix I provides an example of price analysis factors to be considered.

Corrective Action: Metra must respond within thirty (30) days from the date of the final report and provide detailed procedures, evidence of adequate training and evidence of independent audits confirming that procedures are being followed consistently.

Metra's Response: Fifty-three (53) procurements were reviewed. Six (6) were found to be not deficient, and forty-seven (47) were found deficient.

While the review did find some good examples of price analysis, the documentation of this analysis was missing in the majority of the files reviewed.

Metra concurs and will implement the recommendation and modify Metra's bid tabulation document sheet to include a statement, based upon staff's analysis, that the price quoted by the lowest responsive and responsible bidder is fair and reasonable based on competitive bids. Additionally, the price/cost analysis requirement is included in the contract file checklist. The process has been implemented with the appropriate staff.

Reviewing Contractor's Response: The corrective action is adequate but copies of revised procedures and processes, evidence of training, and independent audit reports validating the use of compliant procedures must be provided to FTA within 30 days of the date of the final report.

Cost or Price Analysis (Element #41):

Metra's Supplemental Response: Please note that Metra's revised response for the procurement of blanket signal engineering (LTK contract), QA oversight and general program support (EMS contract), and the A&E procurement for manufacturing engineering in the rehabilitation of 176 bi-level passenger railcars (Nippon Sharyo contract) will be handled in a separate review. Metra's general response is included below.

The PSR noted that Metra did not have a consistent process in place to complete a cost or price analysis, and documentation of the analysis may have been missing in this file. There are Cost/Price Review memos in the contract files summarizing staff's cost analysis (see example attached). However, Metra's procedures have now been amended to include the revised Appendix G (now labeled Price Analysis Documentation) that Dr. Harris recommended (see attached proposed revised Procedure PU-08-RC).

The Senior Division Director, General Administration will conduct an Element-by-Element review with all of the appropriate members of the Procurement and Professional Services staff. The training sessions will review each deficiency and the appropriate corrective action(s) to be implemented. The review will include an analysis of the PSR findings, as well as the purpose and execution of the corrective action. The Senior Director will document when they were held, which Elements were discussed, and who attended the training session. This documentation will be held in the PSR final report file. In addition, Metra will pursue available training provided by FTA, NTI, or other existing sources. We will offer to host courses so that we may include as many Metra Procurement staff as possible. To the extent that existing training does not cover certain topics, we will be issuing an RFP for a consultant to develop specialized training.

Lastly, Audit will commence an independent audit within 120 days of the acceptance of final corrective actions by the FTA. The 120 days should provide adequate time for selecting a sample of procurement awards for our audit to confirm that Metra is following procedures and corrective actions consistently and to issue the report as recommended.

Memorandum

Date: September 30, 2009
To: File
From: E.H. Remus *EHR*
Sr. Contracting Agent
Professional Services & Contracts
Subject: Contract No. K91240
Blanket Signal Engineering Services
LTK Engineering Services
Not-to-Exceed \$750,000.00

Cost Review

The attached Wage and Overhead Rates submitted for the subject contract have been reviewed and appear to be fair and reasonable. Most of the hourly wage rates for the prime consultant are within the range of those from other Metra consultants performing similar tasks. The two (2) exceptions are the Senior Vehicle Consultants, whose rates of \$84.18 and \$75.46 exceed the \$70.00/hr cap and are not allowed to be used under this contract.

The chart below lists the Prime Consultant Overhead Rate, which was calculated by their independent audit. A copy of that letter is attached.

Their only subconsultant, Lisa Larry, is a sole-owner/proprietorship with no separate breakout for her profit or overhead. Her rate of \$137.50 is fully burdened including profit and is substantiated by a copy of her invoice to the CTA dated 9/29/07.

<u>Company Name</u>	<u>Overhead Rate</u>	<u>Date of Independent Audit Letter</u>
LTK Engineering	160.55%	September 30, 2009

Attachments

EHR/jz

cc: C. Gamboa, Professional Services/Contracts
J. L. Lorenzini, Engineering
E. Fernandes, Audit
Vendor File

LTK Engineering Services

METRA - PTC PTC Implementation Plan

Calendar Year 2009 Hourly Rate Schedule

Employee Name	Classification	2009 Direct Labor Rate
Bisset, Kendrick	Senior Systems Consultant	\$64.90
Carson, John	Systems Consultant	\$48.58
Chertock, Guy	Vehicle Consultant	\$33.66
Diaz, David	Senior Vehicle Consultant	\$84.18
Elliott, David	Senior Vehicle Consultant	\$75.46
Golucki, Mark	Systems Consultant	\$54.24
Jedynak, Zbigniew	CADD Technician	\$36.56
Johnson, Michael	Vehicle Consultant	\$38.68
McFadden, Daniel	Senior Vehicle Consultant	\$60.10
Novak, Paul	Senior Systems Consultant	\$63.72
Patel, Dilip	Senior Vehicle Consultant	\$67.84
Rhea, William	Senior Vehicle Consultant	\$72.12
Schultz, Robert	Senior Systems Consultant	\$62.46
Sergot, George	Senior Systems Consultant	\$49.40
Travis, Richard	Senior Systems Consultant	\$64.74
Weaver, Paul	Senior Systems Consultant	\$62.46

LTK Facilities Overhead Rate **160.55%**

LTK Fixed Fee **10.00%**

- LTK 2009 Hourly Rates listed above are for calendar year 2009 and are subject to escalation at the first pay period of each year following.
- Expenses are billed at cost, supported by receipts, with no additional mark up.

Lisa J. Larry, Inc.

**METRA - PTC
PTC Implementation Plan**

Calendar Year 2009 Hourly Rate Schedule

Employee Name	Classification	2009 Hourly Rate
Larry, Lisa	Sr. Systems Consultant	\$137.50

- Rate is fully burdened, inclusive of direct labor, overhead, and profit.
- Hourly Rates listed above are for calendar year 2009 and are subject to escalation at the first pay period of each year following.
- Expenses are billed at cost, supported by receipts, with no additional mark up.

PRICE ANALYSIS DOCUMENTATION

Date: _____

IFB No: _____

P.O./Contract No.: _____

The evidence compiled by a price analysis includes:

1. Developing and examining data from multiple sources whenever possible that proves or strongly suggests the proposed price is fair.
2. Determining when multiple data consistently indicate that a given price represents a good value for the money.
3. Documenting data sufficiently to convince a third party that the analyst's conclusions are valid.

The pricing quoted and listed on the attached summary is deemed to be fair and reasonable based on the following analysis, check all applicable:

- _____ Comparison with competing suppliers' prices or catalog pricing for the same item(s). (Complete Bid Tabulation Sheet, Summary of Procurement or Comparison Matrix and attach supporting quotes or catalog pages.)
- _____ Comparison of proposed pricing with in-house estimates for the same items. (Attach signed in-house estimate and explain factors influencing any differences found.)
- _____ Comparison of proposed pricing with historical pricing from previous purchase of the same item, coupled with market data such as the Producers Price Index or Inflation Rate over the corresponding time period. (Attach data and historical price record.)
- _____ Analysis of price components against current published standards, such as labor rates, dollars per pound, etc. to justify the price reasonableness of whole. (Attach analysis to support conclusion drawn.)

Prepared by: _____

Title: _____

ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (BROOKS METHOD)

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for A & E services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

A & E services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

Proposals will be evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the

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The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. **The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.**

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. No contract shall exceed five (5) years including options, if any.

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the

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basis for the contract price. All such information shall be maintained by the Professional Services/Contracts Division in the respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Once a contract has been executed, the Requisitioner/User and the Professional Services/Contracts Division will continuously monitor Consultant's compliance with the provisions of the contract. In the event of non-compliance by a Consultant, the Professional Services/Contracts Division will contact said Consultant and attempt to achieve rectification of the compliance deficiencies. If said Consultant is unresponsive, or such deficiencies are not remedied, the Professional Services/Contracts Division will take remedial actions with respect to the subject contract, including without limitation termination of the contract, as necessary. The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Upon completion of a project, the Requisitioner/User shall complete a Contract Completion Form and forward the completed form to the Professional Services/Contracts Division to be filed in the respective procurement file.

III. DEFINITIONS

Architectural & Engineering (A & E) Services: See Glossary.

Blue Folder: See Glossary.

Board Concurrence: See Exhibit IV.

Brooks Method: See Glossary.

Canvass: See Glossary.

Capital Funds/Capital Funding: See Glossary.

Checklist - RFP's: See Exhibit V.

Clarification: See Glossary.

Contact Person means the individual(s) with technical expertise and/or experience in the subject matter of the RFP, selected and designated by the Requisitioner/User, in

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ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (BROOKS METHOD)

- Obtains and/or performs pre-award Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the each final proposal's costs.
- Negotiates and coordinates award of final contract to highest ranked Offeror(s) (or subsequently ranked Offeror(s), as applicable).
- Coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes.
- Upon notification from Requisitioner/User, attempts to obtain compliance with contract provisions from non-complying Consultants and/or takes remedial actions with respect to the subject contract (including without limitation cancellation of the contract) as necessary.
- Completes Checklist-RFP's for each RFP.
- Maintain all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Material Management Department

- Reviews contracts and approves as appropriate.

Requisitioner/User

- Establishes project objectives, the tentative scope of work, and the Evaluation Criteria.
- Determines budgetary support limits and tentative project scheduling.
- Prepares the initial RFP.
- Prepares an independent Cost Estimate.
- Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred.
- Submits the RFP to DBE Administration for review of compliance with applicable DBE guidelines.
- Submits the RFP reviewed by DBE Administration to the Professional Services/Contracts Division.
- Submits list of additional prospective proposed Offerors, if any.
- In concert with Professional Services/Contracts Division, identifies Evaluation Committee for review of proposals and Contact Person to answer technical-related questions from prospective Offerors.
- Monitors contract performance by Offeror and notifies Professional Services/Contracts Division upon completion or non-compliance.

Risk Management

- Determines insurance requirements for contracts.

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

Responsible Party

Action

- dates with each such Offeror.
- o Schedule and host, if necessary, a pre-award conference to resolve and clarify any final questions or other matters.
- o Except in the case of a blanket RFP, Request from the highest-ranked Offeror an RC4400 form, hourly burden rates, and any other schedule of rates and/or overhead rates.
- o Obtain all additional cost or other information with respect to an Offeror(s) requested by Evaluation Committee and forward such information to Evaluation Committee for review (as applicable).
- o **Complete Price Analysis Documentation** for each Offeror's proposal.
- o Document all correspondence and discussions with Offerors, including substantive details of discussions with Offerors, and maintain all such records.
- o **Forward Price Analysis Documentation,** RC4400 form (as applicable), and all other cost and additional information received for each Offeror to Evaluation Committee.
- o Complete applicable sections of Checklist - RFP's, if any.

Evaluation Committee

- 5. o Receive and review all Price Analyses, RC4400 forms (as applicable) and all other cost and additional information received from Professional Services/Contracts Division.
- o Have members of Evaluation Committee independently re-evaluate and re-rank proposals from each of the Offerors, as necessary based on new information.
- o Have members of the Evaluation Committee meet to discuss revised independent rankings of each of the Offerors, as necessary, and through their discussions, obtain a revised consensus ranking with respect to each

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Responsible Party

Action

Professional Services/
Contracts Division

- o If through negotiations, information on the RC4400 changes or will change, then require the Offeror to submit an updated RC4400 form and forward revised RC4400 to Evaluation Committee and proceed back to step (C)(5) above, otherwise proceed to step (C)(7) below.
- 7. o Obtain the terms of the negotiated offer in writing from the Offeror.
- o Perform a revised Cost Analysis, as necessary, with respect to the negotiated offer and measure the cost reasonableness of negotiated offer.
- o For each Offeror selected, prepare a recommendation memo (See Exhibit V in PU-06-RC, Professional Services Contracts) to the Executive Director, containing an executive summary and including: a description of the contract, the purpose of the contract, the number of proposals received, the source of funding related to the contract, the total and incremental costs of the contract, the detailed basis for selection (including evidence of Evaluation Committee's ranking of such Offeror), and the specific reasons for the recommendation of the highest ranking Offeror to obtain Board concurrence.
- o Obtain Board Concurrence.
- o Complete applicable sections of Checklist - RFP's, if any.
- o File a summary of the Cost Analysis with other significant and/or supporting documentation in respective procurement file.
- o Receive all records connected with the evaluation and re-evaluation of each proposal from Evaluation Committee and file such records in respective procurement file.

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BUY AMERICA

Pre-Award Review - Bus (Element #59) & Post-Award Review - Bus (Element #60):

Metra provided Region V staff with additional documentation concerning the Terry Ford/Buy America issue. We have attached said documentation, but also ask that the Region provide guidance on whether the Terry Ford submission is satisfactory.

PURCH DATE/DELIVERY DATE PURCHASED FROM GRANT VIN BUY AMERICA CERT. #

1) These were not ARKA - funded
The listed Purchase Orders have Buy America Certificates

VIN	PURCH DATE/DELIVERY DATE	PURCHASED FROM	PO	GRANT	VIN	BUY AMERICA CERT. #
1FTSS34L29DA87916	8/21/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FTSS34L49DA87917	8/28/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FTLR1FE8AP06584	12/1/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FTLR1FE4APA06582	12/1/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FTLR1FE6APA06583	12/21/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FTLR1FE2APA06581	12/23/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FTLR1FEXAPA06585	12/28/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR1AEA19575	10/29/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FRXAEA19574	10/29/2009	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR6AEA30877	1/10/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR8AEA89994	1/10/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR3AEA39892	2/12/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR1AEA39891	2/12/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR4AEA30876	3/11/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR0AEA52597	2/12/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR6AEA89993	3/31/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDXW4GR3AEA95503	7/14/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDXW4GR6AEA55142	7/14/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDXW4GRXAEA95501	11/19/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDW5GR6AEA95510	2/28/2011	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDWF3FR9AEA52596	12/27/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
1FDXW4GR3AEA95503	6/24/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	
	10/26/2010	TERRY'S FORD LINCOLN MERCURY	K90078	EE-4283-5421-1004	YES	

Wheeler
3/26/09
6/19/09

The listed Purchase Orders have Buy America Certificates

1FTSS34L89DA89976	9/20/2009	JOE RIZZA FORD	K90128	DU-4161-5421-1004	YES	
1FTSS34L19DA89981	9/20/2009	JOE RIZZA FORD	K90128	EE-4283-5421-1004	YES	
1FTSS34L39DA89982	10/19/2009	JOE RIZZA FORD	K90128	DU-4161-5421-1004	YES	
1FTSS34LX9DA89980	9/20/2009	JOE RIZZA FORD	K90128	EE-4283-5421-1004	YES	
1FTSS34LX9DA89977	10/20/2009	JOE RIZZA FORD	K90128	DU-4161-5421-1004	YES	
1FTSS34L39DA89979	9/20/2009	JOE RIZZA FORD	K90128	EE-4283-5421-1004	YES	
1FTSS34L19DA89978	10/20/2009	JOE RIZZA FORD	K90128	DU-4161-5421-1004	YES	
1FTSS34L99DA87914	12/29/2009	SUTTON FORD	K90086	EE-4283-5421-1004	YES	
1FTSS34L09DA87915	12/29/2009	SUTTON FORD	K90086	EE-4283-5421-1004	YES	
1FTSS34L59DA87912	12/29/2009	SUTTON FORD	K90086	EE-4283-5421-1004	YES	
1FTSS34L79DA87913	12/29/2009	SUTTON FORD	K90086	EE-4283-5421-1004	YES	
1FTSS34L39DA87911	12/29/2009	SUTTON FORD	K90086	EE-4283-5421-1004	YES	
1FDSS3BL7ADA06816	11/19/2010	BILL WALSH FORD (OTTAWA FORD)	K90083	DU-4161-5421-1004	YES	

3/26/09
6/11/09
3/26/09
6/09/09
3/26/09
6/11/09

705168

1FDSS3BLOADA06818
1FDSS3BL2ADA06819
1FDSS3BL9ADA06817
1FTWX3BR2AE26185
1FTWX3BR0AE26184
1FTWX3BR4AE26186
1FTLR4FE5BPA50058
1FTLR4FE3BPA50057

11/19/2010 BILL WALSH FORD (OTTAWA FORD) K90083
11/19/2010 BILL WALSH FORD (OTTAWA FORD) K90083
11/19/2010 BILL WALSH FORD (OTTAWA FORD) K90083
10/20/2010 BILL WALSH FORD (OTTAWA FORD) K90083
11/12/2010 BILL WALSH FORD (OTTAWA FORD) K90083
11/12/2010 BILL WALSH FORD (OTTAWA FORD) K90083
4/12/2011 TERRY'S FORD LINCOLN MERCURY K05158
4/12/2011 TERRY'S FORD LINCOLN MERCURY K05158

DU-4161-5421-1004
DU-4161-5421-1004
DU-4161-5421-1004
DU-4161-5421-1004
EE-4283-5421-1004
EE-4283-5421-1004
EY-4465-5421-1004
EY-4465-5421-1004

YES
YES
YES
YES
YES
YES
YES
YES

10/7/10

2/8/11

K90078

NON ROLLING STOCK

BUY AMERICA CERTIFICATE

The Bidder hereby certifies that it will comply with the requirement of Section 165a of the Surface Transportation Assistance Act of 1982 as amended, and the regulations of 49 CFR 661.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323 (j)(1) and the applicable regulations in 49 CFR Part 661.5.

Date March 25 - 2009

Signature [Handwritten Signature]

Company Name Terry's Ford Lincoln-mercury of Peotone

Title Commercial fleet mgr.

OR

Certificate of Non-Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323 (j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323 (j)(2)(A), 5323 (j)(2)(B), or 5323 (j)(2)(D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Note: The U.S./Canadian Free Trade Agreement does not supersede the Buy American Requirement.

Bidders must sign that either they "will comply" or, "cannot comply" with the Buy America Certificate. If bidder signs both compliance and non-compliance to the Buy America Certificate bidder will be deemed non-responsive.

K90083

NON ROLLING STOCK

BUY AMERICA CERTIFICATE

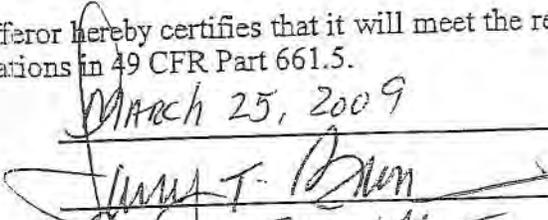
The Bidder hereby certifies that it will comply with the requirement of Section 165a of the Surface Transportation Assistance Act of 1982 as amended, and the regulations of 49 CFR 661.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323 (j)(1) and the applicable regulations in 49 CFR Part 661.5.

Date MARCH 25, 2009

Signature 

Company Name OTTAWA FORD LM, INC.

Title PRESIDENT

OR

Certificate of Non-Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323 (j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323 (j)(2)(A), 5323 (j)(2)(B), or 5323 (j)(2)(D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Note: The U.S./Canadian Free Trade Agreement does not supersede the Buy American Requirement.

Bidders must sign that either they "will comply" or, "cannot comply" with the Buy America Certificate. If bidder signs both compliance and non-compliance to the Buy America Certificate bidder will be deemed non-responsive.

X90086

NON ROLLING STOCK

BUY AMERICA CERTIFICATE

The Bidder hereby certifies that it will comply with the requirement of Section 165a of the Surface Transportation Assistance Act of 1982 as amended, and the regulations of 49 CFR 661.

Certification requirement for procurement of steel, iron, or manufactured products.

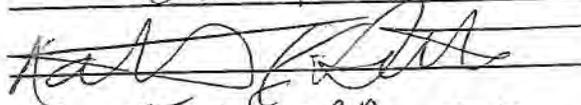
Certificate of Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323 (j)(1) and the applicable regulations in 49 CFR Part 661.5.

Date

03-09-09

Signature



Company Name

SUTTONFORD INC

Title

President

OR

Certificate of Non-Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323 (j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323 (j)(2)(A), 5323 (j)(2)(B), or 5323 (j)(2)(D), and 49 C.F.R. 661.7.

Date

Signature

Company Name

Title

Note: The U.S./Canadian Free Trade Agreement does not supersede the Buy American Requirement.

Bidders must sign that either they "will comply" or, "cannot comply" with the Buy America Certificate. If bidder signs both compliance and non-compliance to the Buy America Certificate bidder will be deemed non-responsive.

K90128

NON ROLLING STOCK

BUY AMERICA CERTIFICATE

The Bidder hereby certifies that it will comply with the requirement of Section 165a of the Surface Transportation Assistance Act of 1982 as amended, and the regulations of 49 CFR 661.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323 (j)(1) and the applicable regulations in 49 CFR Part 661.5.

Date February 16, 2009

Signature Dal J. McMillan

Company Name Joe Rizza Ford, Inc.

Title Treasurer/Secretary

OR

Certificate of Non-Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323 (j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323 (j)(2)(A), 5323 (j)(2)(B), or 5323 (j)(2)(D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Note: The U.S./Canadian Free Trade Agreement does not supersede the Buy American Requirement.

Bidders must sign that either they "will comply" or, "cannot comply" with the Buy America Certificate. If bidder signs both compliance and non-compliance to the Buy America Certificate bidder will be deemed non-responsive.

K05158

NON ROLLING STOCK

BUY AMERICA CERTIFICATE

The Bidder hereby certifies that it will comply with the requirement of Section 165a of the Surface Transportation Assistance Act of 1982 as amended, and the regulations of 49 CFR 661.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323 (j)(1) and the applicable regulations in 49 CFR Part 661.5.

Date 10-6-10

Signature  Linda Swick

Company Name Terry's Ford Lincoln

Title Fleet Manager

OR

Certificate of Non-Compliance with 49 U.S.C. 5323 (j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323 (j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323 (j)(2)(A), 5323 (j)(2)(B), or 5323 (j)(2)(D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Note: The U.S./Canadian Free Trade Agreement does not supersede the Buy American Requirement.

Bidders must sign that either they "will comply" or, "cannot comply" with the Buy America Certificate. If bidder signs both compliance and non-compliance to the Buy America Certificate bidder will be deemed non-responsive.

**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

I. PURPOSE

This procedure sets forth policies and instructions for acquiring, administering, and terminating contracts for **Architectural** & **Engineering** services by Metra, regardless of the funding mechanism.

II. POLICY:

GENERAL:

Architectural & **Engineering** services are acquired by Metra using the "Brooks" procurement method regardless of the funding mechanism. The Brooks procurement method is based on the award of contracts for services such as **architectural and engineering skills** A & E services using a qualifications-based procurement analysis. Price is not a factor in determining the most qualified Offeror. Instead, ~~Offerors~~ each Offeror's qualifications are evaluated and the most qualified Offeror is selected subject to the negotiation of fair and reasonable compensation.

~~Proposals will be solicited in a newspaper of general circulation and from Metra's vendor database of potential firms through direct mailings. No dollar value of any project will be directly or indirectly solicited in the initial Request for Proposals.~~ evaluated, negotiated, selected and any award shall be made in accordance with the criteria and procedures described below. The approach and procedures are those which are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with Offerors within the competitive range. The Offeror selected will be the Offeror whose proposal is found to be most advantageous to Metra, based upon consideration of the Evaluation Criteria.

~~Requisitioner/User must mutually agree with DBE Administration on DBE requirements prior to involving the Professional Services/Contracts Division.~~

~~The process for an award of an Architectural & Engineering services contract will be described in the Request for Proposals (RFP). The RFP will include a clear and accurate description of the technical requirements of the Architectural & Engineering services to be acquired and a statement of work. The evaluation criteria, their relative value, and all other considerations to be used in making the award of an Architectural and Engineering services contract will be determined prior to solicitations. A list of criteria with their relative importance will be included in the RFP.~~

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 SERVICES CONTRACTS
 (BROOKS METHOD)**

~~The evaluation of the proposals will be performed by a designated group that is specific for the solicitation. Any proposal which does not demonstrate the experience, expertise, and other factors necessary to assure achievement of the contract objectives may be eliminated from further consideration.~~

~~Contracts will be generally awarded on a maximum compensation basis. The contract will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the consultant is prohibited. The contract should not exceed five years including options, if any.~~

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

II. POLICY (Continued)

~~An independent Cost Estimate will be submitted with the requisition before soliciting proposals in order to establish a base cost for budgetary purposes. Metra will also perform a Cost Analysis of the offer accepted by Metra before entering into a contract with an Architectual & Engineering firm in order to measure the cost reasonableness of a proposal.~~

~~Metra will detail the significant history of the procurement and retain these records. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of contractor selection or rejection using a criteria rating schedule for Offerors considered, and the basis for the contract price. Other supporting records are required to be kept in the contract file or with the evaluating department.~~

~~The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).~~

~~Any discussions during the solicitation, selection, and negotiation process will be conducted by the Professional Services/Contracts Division with the Requisitioning/User department with, normally, no less than the three highest ranked Offerors determined pursuant to the criteria outlined in the RFP. Attendance at pre-proposal conference by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat a proposal as non-responsive. Except in the case of Blanket RFPs, cost details from the highest ranking Offeror will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. Thereafter, Metra shall negotiate with the highest ranking Offeror to determine the compensation that is fair and reasonable, taking into account the scope, complexity, and professional nature of the services. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second most highest ranking Offeror. There should be documentation of such negotiations in sufficient detail to enable an understanding of the basis of the final cost.~~

~~Based upon the completed evaluation, the award should be made to the responsible Offeror(s) whose proposal will be most advantageous to Metra.~~

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

II. POLICY (Continued)

Metra personnel will maintain ethical standards in their professional activities. Metra personnel must avoid personal and organizational conflict-of-interest situations and avoid the appearance of such situations. Metra personnel are required to be familiar with Metra's ethics policies and all circumstances and persons covered by any type of conflict-of-interest situation.

Any proprietary information, methodology, or application that is contained in a proposal shall remain strictly confidential, will be screened for distribution only to those Metra personnel who require it for work directly connected with the project, and will not be distributed to persons not relevant to the project and not within reporting hierarchies at Metra which are relevant to the project. The confidentiality extends to the cost/profit figures contained in the proposals and the process of negotiations.

NARRATIVE DESCRIPTION OF PROCESS:

The process for a particular award of an Architectural & Engineering (A & E) services contract will be described in the respective Request for Proposals ("RFP") prepared by the Requisitioner/User. Services which are not A & E services according to the Brooks Act, even though performed by an A & E firm, ~~are contracted as for~~ shall be considered professional services. (See PU-06-RC or PU-07-RC).

Each RFP will be submitted by the Requisitioner/User to the Professional Services/Contracts Division, together with a list of the specific Evaluation Criteria for the subject project, a statement of work, and an independent Cost Estimate prepared by the Requisitioner/User to establish a base cost for budgetary purposes. The initial RFP prepared by the Requisitioner/User will be reviewed by the Professional Services/Contracts Division who, after such review and in concert with the Requisitioner/User, will prepare the formal RFP. No dollar value of any project will be directly or indirectly solicited in the formal RFP. The formal RFP will be used by the Professional Services/Contracts Division for the solicitation of proposals from Offerors.

Proposals with respect to a given RFP will be solicited through the use of both advertisement in a newspaper of general circulation and direct mailings to Offerors selected from Metra's vendor database. The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, may coordinate the scheduling of a pre-proposal conference to clarify requirements and answer questions from potential Offerors. Attendance at such pre-proposal conference however, by potential Offeror(s) is not mandatory and absence at such a conference will not be used to treat an Offeror as non-responsive.

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**ARCHITECTURAL AND ENGINEERING
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The evaluation of the proposals received with respect to a given RFP will be performed by the respective Evaluation Committee. Proposals with respect to an RFP will be first received by the Professional Services/Contracts Division and first opened, in the presence of a witness, on the respective proposal due date. The Professional Services/Contracts Division will perform an initial evaluation and complete a Responsibility Determination Form with respect to each proposal. Any potential Offeror which does not demonstrate the experience, expertise or other Evaluation Criteria necessary to assure achievement of the RFP objectives may be eliminated from further consideration. Proposals accepted by the Professional Services/Contracts Division for consideration will be forwarded to the Evaluation Committee for review.

Each proposal accepted for consideration will be evaluated by the Evaluation Committee, first individually by each member then collectively as a group, based on the Evaluation Criteria provided in the subject RFP. The Evaluation Committee shall make a preliminary evaluation of the submitted proposals to identify, normally, no less than the three highest ranked Offerors based on the subject Evaluation Criteria with which the Professional Services/Contracts Division shall engage in further contract negotiations and discussions.

The Professional Services/Contracts Division, with the assistance of the Requisitioner/User, shall coordinate further discussions and negotiations with the identified highest ranking Offerors, including the scheduling of a pre-award conference to clarify any final matters. Attendance at such pre-award conference however, by any of the selected Offerors is not mandatory and absence at such a conference will not be used to treat such Offeror as non-responsive. The Professional Services/Contracts Division shall also obtain such other information from the highest ranking Offerors as necessary to enable an understanding of the basis of the final cost and/or as otherwise requested by the Evaluation Committee. Except in the case of Blanket RFPs, cost details from such highest ranking Offerors will be obtained on a RC4400 form after the evaluation process. For Blanket RFPs, a schedule of positions with the range of hourly rates including overhead and burden and any other costs to be determined will be obtained on RC4400 form from the highest ranking Offeror after the evaluation process. The Professional Services/Contracts Division shall complete the Price Analysis Documentation and forward such documentation, together with all other information received with respect to the subject Offerors to the Evaluation Committee.

Upon obtaining the foregoing information, the Evaluation Committee shall re-evaluate the identified highest ranking Offerors, first individually by each member then collectively as a group, to determine the Offeror whose proposal will be most advantageous to Metra based on the Evaluation Criteria. The Professional Services/Contracts Division shall continue to negotiate with such selected Offeror to determine the compensation that is fair and

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(BROOKS METHOD)**

reasonable, taking into account the scope, complexity, and professional nature of the services. Metra will also perform a Cost Analysis of such Offeror's proposal before entering into a contract in order to measure the cost reasonableness of the subject proposal.

Contracts with respect to a given RFP will be generally awarded on a maximum compensation basis, and will reflect a specified maximum amount, payment schedule, and method of payment. Advance payments prior to the incurrence of costs by the Offeror are prohibited. If no contract can be concluded with the highest ranking Offeror, negotiations will be formally terminated with that Offeror and new negotiations will be undertaken with the second highest ranking Offeror (and so on). Upon completion of the foregoing negotiations, the Professional Services/Contracts Division shall prepare, and have internally approved, a contract to be executed by the selected Offeror. No contract shall exceed five (5) years including options, if any.

The Professional Services/Contracts Division will maintain all substantive records and correspondence with respect to each RFP. Such records include, but are not limited to, the documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee rankings (individual and group) with respect to each Offeror and the basis for the contract price. All such information shall be maintained by the Professional Services/Contracts Division in the respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

Once a contract has been executed, the Requisitioner/User and the Professional Services/Contracts Division will continuously monitor Consultant's compliance with the provisions of the contract. In the event of non-compliance by a Consultant, the Professional Services/Contracts Division will contact said Consultant and attempt to achieve rectification of the compliance deficiencies. If said Consultant is unresponsive, or such deficiencies are not remedied, the Professional Services/Contracts Division will take remedial actions with respect to the subject contract, including without limitation termination of the contract, as necessary. The Professional Services/Contracts Division, in consultation with the Requisitioner/User department, will follow FTA guidelines where appropriate and Metra Administrative Operating Procedures regarding the appropriate actions associated with protest and disputes. (See PU-11-RC).

Upon completion of a project, the Requisitioner/User shall complete a Contract Completion Form and forward the completed form to the Professional Services/Contracts Division to be filed in the respective procurement file.

III. DEFINITIONS

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Architectural & Engineering (A & E) Services: See Glossary.

Blue Folder: See Glossary.

Board Concurrence: See Exhibit IV.

Brooks Method: See Glossary.

Canvass: See Glossary.

Capital Funds/Capital Funding: See Glossary.

Checklist - RFP's: See Exhibit V.

Clarification: See Glossary.

Contact Person means the individual(s) with technical expertise and/or experience in the subject matter of the RFP, selected and designated by the Requisitioner/User, in cooperation with the Professional Services/Contracts Division, to respond to the technical inquiries of Offerors.

Consultant: See Glossary.

Cost Analysis: See Glossary.

Cost Estimate: See Glossary.

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III. DEFINITIONS (Continued)

Discussion: See Glossary.

Evaluation Committee means a group of individuals selected and designated by Requisitioner/User, in cooperation with the Professional Services/Contracts Division, for their expertise in the subject matter of the respective solicitation.

Evaluation Criteria means a clear and accurate description prepared by the Requisitioner/User of: (a) all technical requirements of the subject A & E services to be acquired; (b) all required or requested experience and expertise qualifications; (c) all key elements (if any) required by Requisitioner/User; (d) all other considerations to be used in making the award of the subject Architectural and Engineering services contract; and (e) as necessary or desired by the requesting division/department, a relative weighted value of importance for each of the foregoing criteria to be used by the Evaluation Committee when reviewing Offeror proposals received with respect to the subject project.

Negotiation: See Glossary.

Offeror means the subject potential vendor with respect to a given RFP. Once an Offeror has entered into a contract with Metra said Offeror will be deemed a Consultant for purposes of this procedure.

Price Analysis Documentation: See Exhibit III.

Qualified Range: See Glossary.

Request for Proposals ("RFP"): See Exhibit I. The initial draft of the RFP shall be completed by the Requisitioner/User. The Professional Services/Contracts Division shall review the initial draft of the RFP pursuant to the procedures below, and shall draft the formal RFP to be submitted to Offerors for proposal.

Requisitioner/User means the individual(s), holding the requisite authority, preparing and submitting an RFP on behalf of the requesting department/division.

Responsibility Determination Form: See Exhibit II.

IV. GENERAL RESPONSIBILITIES

Accounts Payable

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- Processes invoices and encumbers funds.

DBE Administration

- Reviews RFPs for compliance with applicable Affirmative Action/Disadvantaged Business Enterprise (“DBE”) guidelines.
- Supplies memorandum to Professional Services/Contract Division advising that a particular Offeror is in compliance with all applicable DBE guidelines and that any necessary DBE certification is on file.
- Reviews final contract for compliance with all applicable DBE guidelines and notifies Professional Services/Contract Division of compliance or non-compliance.

Deputy Executive Director

- Reviews contracts and approves as appropriate.

Executive Director

- Reviews contracts and approves as appropriate.

Evaluation Committee

Office of the General Counsel

Reviews contracts for legal compliance and provides clearance as appropriate.

- Reviews proposals.
- Members of the Evaluation Committee initially independently rank each Offeror based upon Evaluation Criteria.
- Members of the Evaluation Committee then meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.
- Identifies no less than the three highest ranked Offerors with which Professional Services/Contracts Division shall engage in further negotiations and discussions with.
- Reviews cost and other information obtained by Professional Services/Contracts Division from selected highest-ranked Offerors and re-evaluate independent and consensus rankings of Offerors, as necessary.
- Identifies highest ranking Offeror (and order of subsequently ranked Offerors) with which Professional Services/Contracts Division shall attempt to negotiate a final contract.

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- Forwards all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, to Professional Services/Contracts Division for filing in respective procurement file.

General Development Department

- Where capital funds (other than Section 8 funding) are involved, provides detailed guidance on contract requirements, reviews contracts for compliance with **fundingsaid** requirements, and obtains funding concurrence as required.

Law Department

- Reviews contracts for legal compliance and provides clearance as appropriate.

Professional Services/Contracts Division

- Approves the Evaluation Criteria prepared by Requisitioner/User.
- In concert with Requisitioner/User, identifies Evaluation Committee and Contact Person.
- ~~Performs overall staff management, coordination, processing, execution and filing of A & E contracts, including coordination of the RFP's components, and issues of solicitation. In concert with Requisitioner/User, hosts the pre-award conferences, schedules the negotiations with Offerors, and coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes. Approves the evaluation criteria prepared by Requisitioner/User. Informs DBE Administration. Obtains and/or performs Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the proposals' costs. Conducts, with the assistance of the Requisitioner/User, discussions with no less than three Offerors, and then negotiates with the highest-ranked Offeror. Updates lists of Offerors for Architectural and Engineering services prior to solicitation of proposals. Retains all documents of the procurement history listed in Section II. Conducts a canvass when Metra receives only one proposal.~~
- In concert with Requisitioner/User, schedules and hosts the pre-proposal conferences (as necessary), to clarify RFP requirements and answer questions from potential Offerors.
- Reviews the initial RFP and prepares the formal RFP.
- Prepares solicitation advertisement and facilitates the placement of such advertisement in a newspaper of general circulation.
- Identifies target Offerors (if any) from Metra's vendor database to receive direct mailings regarding solicitation and facilitates such direct mailings.
- Receives proposals, performs initial review, and initial evaluation and completes a Responsibility Determination Form with respect to each proposal.

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- Obtains cost and other information requested by the Evaluation Committee from selected highest-ranked Offerors.
- Conducts a canvass when it receives only one proposal.
- In concert with Requisitioner/User, schedules and hosts pre-award conferences (as necessary), negotiates with selected highest-ranked Offerors.
- Coordinates correspondence, if any, between Offerors and Contact Person.
- Obtains and/or performs pre-award Cost Analysis of proposals, in consultation with the Requisitioner/User, to determine the reasonableness of the each final proposal's costs.
- Negotiates and coordinates award of final contract to highest ranked Offeror(s) (or subsequently ranked Offeror(s), as applicable).
- Coordinates on-going administrative duties that are not directly related to the monitoring of the work performance, such as correspondence meeting minutes.
- Upon notification from Requisitioner/User, attempts to obtain compliance with contract provisions from non-complying Consultants and/or takes remedial actions with respect to the subject contract (including without limitation cancellation of the contract) as necessary.
- Completes Checklist-RFP's for each RFP.
- Maintain all substantive records and correspondence with respect to each RFP, including the information identified in Section II above, in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).

DBE Administration

~~Reviews proposals for compliance with the Affirmative Action/Disadvantaged Business Enterprise guidelines.~~ Supplies memorandum to Professional Services/Contract Division advising that ~~the~~ Offeror is in compliance and that any necessary DBE certification is on file.

Material Management Department

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IV. RESPONSIBILITIES (Continued)

- Reviews contracts and approves as appropriate.

Requisitioner/User

- Establishes project objectives, the tentative scope of work, and the Evaluation Criteria.
- Determines budgetary support limits and tentative project scheduling.
- Prepares the initial RFP.
- Prepares an independent Cost Estimate.
- ~~Establishes project objectives, the tentative scope of work, and the evaluation criteria. Determines budgetary support limits and tentative project scheduling. Prepares the purchase requisition and RFP data. Prepares an independent Cost Estimate. Determines the importance of contract completion or milestone date(s) so that the appropriate actions can be taken if noncompliance of the terms has occurred. Submits the requisition to the Professional Services/Contracts Division. Submits list of additional prospective proposers. Reviews proposals. Answers technical-related questions from prospective Offerors. Ranks proposals based upon the pre-determined evaluation criteria. Selects Offeror in consultation with Professional Services/Contract Division for approval by the Executive Director. Monitors contract performance by Consultant and notifies Professional Services/Contracts Division upon completion or non-compliance. Approves invoices.~~
- Submits the RFP to DBE Administration for review of compliance with applicable DBE guidelines.
- Submits the RFP reviewed by DBE Administration to the Professional Services/Contracts Division.
- Submits list of additional prospective proposed Offerors, if any.
- In concert with Professional Services/Contracts Division, identifies Evaluation Committee for review of proposals and Contact Person to answer technical-related questions from prospective Offerors.
- Monitors contract performance by Offeror and notifies Professional Services/Contracts Division upon completion or non-compliance.

Risk Management

- Determines insurance requirements for contracts.

Accounts Payable

Processes invoices and encumbers funds.

Sr. Director Corporate Administration

Budget Authority

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- Reviews contracts ~~for appropriate funding and proper account/distribution code(s), and~~ approves as appropriate.

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V. INSTRUCTIONS

A. Request for Proposal Preparation

Responsibility Responsible Party

Action

Requisitioner/User

1.
 - o Prepare the initial RFP, indicating the project's background and objectives, scope, estimated time schedule, ~~responsible person~~ Contact Person for technical-related questions forwarded from Professional Services/Contracts Division, reporting requirements, required project documents; ~~evaluation criteria~~, and ~~weights (See Exhibit I)~~ Evaluation Criteria.
 - o Prepare Purchase Requisition (RC73 see Exhibit I in PU-02-RC, Requisitioning of Materials and Services), and attach to the initial RFP.
 - o Forward Purchase Requisition and initial RFP in accordance with FI-02-RC for approval.
 - o Consult with DBE Administration on DBE requirements, if any, to be included in initial RFP.
 - o Make the required number of copies of initial RFP and all attachments.
 - o Forward all copies of initial RFP and attachments to General Development Department for review of grant numbers and grant assignments.

~~2. Prepare Purchase Requisition (RC73 see Exhibit I in PU-02-RC, Requisitioning of Materials and Services), and attach to the RFP. Forward purchase requisition and RFP in accordance with FI-02-RC for approval. Consult with DBE Administration on DBE requirements prior to involving the Professional Services/Contracts Division. Make the required number of copies of all~~

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**ARCHITECTURAL AND ENGINEERING
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<u>Responsibility</u>	<u>Responsible Party</u>	<u>Action</u>
		specifications that are to be forwarded to the Professional Services/Contract Division.
General Development Department	<u>2.</u>	<ul style="list-style-type: none"> ○ Review requisition <u>initial RFP</u> for grant number <u>numbers</u> and grant assignments. ○ <u>Forward all copies of initial RFP and attachments to the Professional Services/Contracts Division.</u>
<u>Requisitioner/User (upon rejection of initial RFP from Professional Services/Contracts Division)</u>	<u>3.</u>	<ul style="list-style-type: none"> ○ <u>Provide all additional information/revise submitted initial RFP, as requested by Professional Services/Contract Division.</u> ○ <u>Consult with DBE Administration on additional DBE requirements, if any, to be included in revised initial RFP.</u> ○ <u>Make the required number of copies of revised initial RFP and attachments that are to be forwarded to the Professional Services/Contract Division.</u> ○ <u>Forward all copies of revised initial RFP and attachments to General Development Department for review of revisions to grant numbers and grant assignments.</u> ○ <u>Complete applicable sections of Checklist - RFP's, if any.</u>
<u>General Development Department (upon rejection of initial RFP from Professional Services/Contracts Division)</u>	<u>4.</u>	<ul style="list-style-type: none"> ○ <u>Review revised initial RFP for revisions to grant numbers and grant assignments.</u> ○ <u>Forward the purchase requisition with appropriate all copies of revised initial RFP and attachments and RFP to the Professional Services/Contracts Division.</u>

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V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals

Responsibility
Responsible Party

Action

Professional Services/
Contracts Division (review
of initial RFP)

1.

- o ~~Receive the~~ Receive and review the initial RFP and Purchase Requisition (RC73 See Exhibit I in PU-02-RC, Requisitioning of Materials and Services) for A & E Services (including all Evaluation Criteria) and all appropriate attachments from General Development Department.
- o Request Cost Estimate from Materials Department and/or the Requisitioner/User: if not attached to initial RFP.
- o If submitted initial RFP is approved, consult with Requisitioner/User to select Evaluation Committee and Contact Person and proceed to step (B)(2) below.
- o If submitted initial RFP is not approved for any reason, forward subject initial RFP and all appropriate attachments back to Requisitioner/User with comments for revisions and re-submittal (proceed to step (A)(3) above).
- o Complete applicable sections of Checklist - RFP's, if any.

2.

~~Prepare the formal RFP. Include the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements, the procurement method, and detailed specifications. Compile necessary contract exhibits to be included in the RFP. Prepare vendor list from Metra's Vendor Database.~~

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**ARCHITECTURAL AND ENGINEERING
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Responsibility

Responsible Party
Professional Services/
Contracts Division
(preparation of formal
RFP/advertisement)

Action

- 2. Request Prepare the formal RFP, which should include at least the following in the project description: overview, objectives, scope, estimated time schedule, reporting requirements, required projects documents, DBE requirements (if any), the procurement method, Evaluation Criteria and Contact Person.
- [**Forward any modifications to the initial RFP to all interested parties.**]
- Prepare solicitation advertisement to be placed in newspaper of general circulation.
- Identify target Offerors from Metra's vendor database to receive direct mailings regarding solicitation.
- Prepare Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) and request Risk Management to determine insurance requirements based on the scope of the project.
- Complete applicable sections of Checklist - RFP's, if any.

- 3. Receive Insurance Requirement Request form (See Exhibit II in PU-06-RC, Professional Services Contracts) from Professional Services/Contracts. Determine the requirement of insurance for Offerors. Receive Insurance Requirement Request form from Professional Services/Contracts Division.
- Determine the applicable insurance requirements, if any, for Offerors.
- Complete an insurance certificate, which documents the requirements of insurance (as applicable), and send to Professional Services/Contracts Division Documents.

Risk Management

Professional Services/

- 4. Receive determination of insurance

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<u>Responsibility</u>	<u>Responsible Party</u>	<u>Action</u>
<u>Contracts Division (prior to advertisement/ mailing of solicitations for proposals)</u>	4.	<ul style="list-style-type: none"> ○ <u>requirements from Risk Management. If insurance requirements necessary, identify such requirements in relevant exhibit of formal RFP. If insurance requirements are determined to be unnecessary, then delete this exhibit.</u> ○ <u>Circulate the formal RFP with selected Offeror direct mailing list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division for final review.</u> ○ <u>Concurrently with the circulation of the formal RFP, advertise the project in a newspaper of general circulation and send direct mailing notices to each Offeror selected from Metra's vendor database.</u> ○ <u>Complete applicable sections of Checklist - RFP's, if any.</u>
<u>Professional Services/ Contracts Division (after advertisement/ mailing of solicitations for proposals)</u>	5.	<ul style="list-style-type: none"> ○ <u>Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements.</u> ○ <u>Notify Evaluation Committee and appropriate division/department/offices of conference, if any.</u> ○ <u>Have Contact Person and any other appropriate Metra staff available to answer questions on any portion of the formal RFP.</u> ○ <u>Complete applicable sections of Checklist - RFP's, if any.</u>

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ARCHITECTURAL AND ENGINEERING
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V. INSTRUCTIONS (Continued)

B. Solicitation of Proposals (cont'd)

<u>Responsibility</u>	<u>Action</u>
Professional Services/ Contracts Division	<p>5. Receive determination of insurance requirements from Risk Management. If insurance requirement is determined to be unnecessary, then delete this exhibit.</p> <p>6. Circulate the RFP with vendor list to the Requisitioner/User, DBE Administration, General Development Department, and Risk Management Division. Concurrently advertise the project in a newspaper of general circulation. Send the notice to each potential Offeror on the vendors list.</p>
Professional Services/ Contracts Division	<p>7. Schedule and host, if necessary, a pre-proposal conference and answer questions from potential Offerors to clarify requirements. Notify appropriate division/ department/offices of conference. Review the scope of work. Have the appropriate Metra staff available to answer questions on any portion of the RFP. Forward any modifications to the RFP to all interested parties in the form of an Addendum. Forward any modifications to the RFP to all interested parties in the form of an Addendum.</p>

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant

<u>Responsibility</u>	<u>Action</u>
	1. Receive proposals, record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date.
	2. Open proposals in the presence of a witness on the due date.
	3. Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions, insuring that each contains key elements of requested submissions.
	4. Forward copies of the proposals to DBE Administration and appropriate user department(s) for review.
DBE Administration	5. Receive copies of the proposals from Professional Services/Contracts. Prepare memo for distribution to the Requisitioner/User and to Professional Services/Contract Division detailing which Consultants are not in compliance with DBE requirements
Requisitioner/User and Professional Services/ Contracts Division	6. Review proposals from Offerors in compliance with DBE requirements. Rank Offerors' proposals using the evaluation method that was defined in the RFP. Send any or all written correspondence through the Professional Services/Contracts Division.

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Responsibility

Action

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**ARCHITECTURAL AND ENGINEERING
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V. INSTRUCTIONS (Continued)

C. Selection of Consultant (cont'd)

<u>Responsibility</u>	<u>Action</u>
Requisitioner/User and Professional Services/Contracts	7. Evaluate and then list at least the top three Offerors. Send a list of these Offerors and a list of possible meeting dates to Professional Services/Contracts. Prepare and maintain supporting documents regarding the firm selection.
Professional Services/Contracts	8. If less than three Offerors, conduct a canvass and document findings. 9. Notify these Offerors of their inclusion on a short list and arrange the date, time, and place for a separate discussion and notify DBE Administration and Requisitioner/User of date, time, and place of discussion.
Requisitioner/User and Professional Services/Contract Division	10. Document the proceedings and details of the discussions. 11. Re-evaluate the Offerors who are within the Scoring Range. The evaluation is to include additional information obtained in any discussion. Select the highest-ranked Offeror. 12. Request from the highest-ranked Offeror an RC4400 form, hourly burden rates, and any other schedule of rates and/or overhead rates.
Requisitioner/User and Professional Services/Contracts Division	13. Negotiate the offer, with the highest-ranked Offeror. In the event that the Metra staff is unable to reach an agreement with the highest-ranking Offeror, terminate negotiations and enter into negotiations with the next highest-ranking

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Responsibility

Action

Offeror:

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V. INSTRUCTIONS (Continued)

C. Selection of Consultant (cont'd)

<u>Responsibility</u>	<u>Action</u>
Requisitioner/User and Professional Services/ Contracts Division	14. If through negotiations, information on the RC4400 or schedule changes, then require the Offeror to submit an updated RC4400 form. Obtain the terms of the negotiated offer in writing from the Offeror. Perform a Cost Analysis and file a summary of the Cost Analysis with other significant documentation.
Professional Services/Contracts	15. Notify the Offeror firms which were not selected, by letter, that they will not be considered any further unless a candidate is not selected from those Offerors short listed.
Professional Services/Contracts	16. For each firm selected, prepare a recommendation memo (See Exhibit V in PU-06-RC, Professional Services Contracts) to the Executive Director, containing an executive summary. The memo should include: the description, the purpose of the contract, the number of proposals received, the source of funding related to the contract, the cost of the contract, the detailed basis for selection, and the specific reasons for the recommendation of the highest ranking Offeror to obtain Board concurrence.
Executive Director	17. Obtain Board concurrence (See Exhibit II).

<u>Responsible Party</u>	<u>Action</u>
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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
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<u>Responsible Party</u>	<u>Action</u>
<u>Professional Services/ Contracts Division</u>	<ol style="list-style-type: none"> 1. <ul style="list-style-type: none"> o <u>Receive proposals, and record the names of the Offerors on the RFP Tabulation Bid Sheet, (RC737 See Exhibit I in PU-04-RC, Informal Quotations And Award), and indicate respective due date.</u> o <u>Open proposals in the presence of a witness on the due date.</u> o <u>Review each proposal for general responsiveness, responsibility, completeness, and compliance with instructions (including inclusion of key elements of Evaluation Criteria, if any).</u> o <u>Complete Responsibility Determination Form for each proposal and file completed form in respective procurement file.</u> o <u>Forward copies of proposals accepted for consideration to DBE Administration (as applicable) and members of Evaluation Committee for review.</u> o <u>Complete applicable sections of Checklist - RFP's, if any.</u>
<u>DBE Administration</u>	<ol style="list-style-type: none"> 2. <ul style="list-style-type: none"> o <u>Receive and review copies of accepted proposals from Professional Services/Contracts Division.</u> o <u>Prepare memo for distribution to the Requisitioner/User, members of Evaluation Committee and to Professional Services/Contract Division detailing which Offerors, if any, are not in compliance with DBE requirements.</u>
<u>Evaluation Committee</u>	<ol style="list-style-type: none"> 3. <ul style="list-style-type: none"> o <u>Receive and review copies of the proposals from Professional Services/Contracts Division.</u> o <u>Receive and review memo from DBE Administration regarding Offeror compliance with DBE requirements (as applicable).</u> o <u>Have members of Evaluation Committee initially independently rank proposals from</u>

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
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<u>Responsible Party</u>	<u>Action</u>
<u>Professional Services/Contracts Division</u>	<p><u>Offerors in compliance with the Evaluation Criteria.</u></p> <ul style="list-style-type: none"> ○ <u>Have members of the Evaluation Committee meet to discuss independent rankings of Offerors and, through their discussions, obtain an initial consensus ranking with respect to each Offeror.</u> ○ <u>Identify no less than the three highest ranked Offerors (if possible) and provide Professional Services/Contracts Division with list of such Offerors.</u> ○ <u>Prepare and maintain supporting documents regarding Evaluation Committee's selection of Offerors.</u> ○ <u>Send any or all written correspondence with Offerors through the Professional Services/Contracts Division.</u> ○ <u>Identify any additional cost or other information with respect to an Offeror(s) to be requested or otherwise obtained by Professional Services/Contracts Division and provide Professional Services/Contracts Division with list of such information.</u> <p>4.</p> <ul style="list-style-type: none"> ○ <u>Receive and review list of highest ranked Offerors from Evaluation Committee. If less than three Offerors, conduct a canvass and document findings.</u> ○ <u>Receive and review list of additional cost or other information with respect to an Offeror(s) requested by Evaluation Committee (as applicable).</u> ○ <u>Notify selected Offerors of their inclusion on a short list and coordinate possible meeting dates with each such Offeror.</u> ○ <u>Schedule and host, if necessary, a pre-award conference to resolve and clarify any final questions or other matters.</u> ○ <u>Except in the case of a blanket RFP, Request</u>

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(BROOKS METHOD)**

<u>Responsible Party</u>	<u>Action</u>
<u>Evaluation Committee</u>	<p>5. <u>Receive and review all Price Analyses, RC4400 forms (as applicable) and all other cost and additional information received from Professional Services/Contracts Division.</u></p> <ul style="list-style-type: none"> ○ <u>Have members of Evaluation Committee independently re-evaluate and re-rank proposals from each of the Offerors, as necessary based on new information.</u> ○ <u>Have members of the Evaluation Committee meet to discuss revised independent rankings of each of the Offerors, as necessary, and through their discussions, obtain a revised consensus ranking with respect to each Offeror.</u> ○ <u>Identify highest ranked Offeror and ranking of remaining Offerors (if any) and provide Professional Services/Contracts Division with list of such Offerors.</u>

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

<u>Responsible Party</u>	<u>Action</u>
<u>Requisitioner/User and Professional Services/Contracts Division</u>	<ul style="list-style-type: none"> ○ <u>Prepare and maintain supporting documents regarding Evaluation Committee's re-evaluation and re-ranking of Offerors.</u> ○ <u>Compile all records connected with the evaluation and re-evaluation of each proposal, including without limitation all documentation relating to the basis of Evaluation Committee's Offeror selection/ rejection based on the Evaluation Criteria and Evaluation Committee's rankings (individual and group) with respect to each Offeror.</u> ○ <u>Forward all records connected with the evaluation and re-evaluation of each proposal to Professional Services/Contracts Division for inclusion in respective procurement file.</u> <p>6.</p> <ul style="list-style-type: none"> ○ <u>Receive and review list identifying highest ranked Offeror and ranking of remaining Offerors (if any).</u> ○ <u>Negotiate the offer/contract with the highest ranked Offeror. In the event Professional Services/Contracts Division is unable to reach an agreement with such Offeror, terminate negotiations with such Offeror and enter into negotiations with the next highest ranking Offeror (and so on).</u> ○ <u>Notify the Offerors which were not selected, by letter, that they will not be considered any further unless a candidate is not selected from the higher ranked Offerors.</u> ○ <u>Document all correspondence and discussions with Offerors, including substantive details of discussions with Offerors, and maintain all such records.</u> ○ <u>If through negotiations, information on the RC4400 changes or will change, then require the Offeror to submit an updated RC4400 form and forward revised RC4400 to Evaluation Committee and proceed back to step (C)(5)</u>

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

<u>Responsible Party</u>	<u>Action</u>
<u>Professional Services/ Contracts Division</u>	<u>above, otherwise proceed to step (C)(7) below.</u>
	<p><u>7.</u></p> <ul style="list-style-type: none"> o <u>Obtain the terms of the negotiated offer in writing from the Offeror.</u> o <u>Perform a revised Cost Analysis, as necessary, with respect to the negotiated offer and measure the cost reasonableness of negotiated offer.</u> o <u>For each Offeror selected, prepare a recommendation memo (See Exhibit V in PU-06-RC, Professional Services Contracts) to the Executive Director, containing an executive summary and including: a description of the contract, the purpose of the contract, the number of proposals received, the source of funding related to the contract, the total and incremental costs of the contract, the detailed basis for selection (including evidence of Evaluation Committee's ranking of such Offeror), and the specific reasons for the recommendation of the highest ranking Offeror to obtain Board concurrence.</u> o <u>Obtain Board Concurrence.</u> o <u>Complete applicable sections of Checklist - RFP's, if any.</u> o <u>File a summary of the Cost Analysis with other significant and/or supporting documentation in respective procurement file.</u> o <u>Receive all records connected with the evaluation and re-evaluation of each proposal from Evaluation Committee and file such records in respective procurement file.</u>

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V. INSTRUCTIONS (Continued)

D. Awarding the Contract

<u>Responsibility</u>	<u>Action</u>
Materials Management (Professional Services/ Contract)	1. After receiving Board concurrence, prepare two original copies of the contracts.
	2. Prepare contract(s) with appropriate detailed information for Blue Folder circulation. Prepare all appropriate documents for Blue Folder circulation. Concurrently, obtain the selected Offeror's signature on two original copies of the contract.
	3. Once all documentation is with the Blue Folder, internally route as set forth on the Routing Slip (See Exhibit V in PU-06-RC, Professional Services Contracts).
DBE Administration	4. Review to ensure all DBE requirements have been incorporated in the contract(s). If requirements are not incorporated correctly, take the appropriate actions.

VI. —

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(BROOKS METHOD)

INSTRUCTIONS (Continued)

D. Awarding the Contract (cont'd)

<u>Responsibility</u>	<u>Responsible Party</u>	<u>Action</u>
<u>Professional Services/ Contracts Division</u>	<u>1.</u>	<ul style="list-style-type: none"> ○ <u>After receiving Board Concurrence, prepare two original copies of the contracts with appropriate detailed information for Blue Folder circulation.</u> ○ <u>Prepare all other appropriate documents for Blue Folder circulation.</u> ○ <u>Concurrently with the preparation of the Blue Folder documents, obtain the selected Offeror's signature on two original copies of the contract.</u> ○ <u>Once all documentation is with the Blue Folder, internally route as set forth on the Routing Slip (See Exhibit V in PU-06-RC, Professional Services Contracts).</u> ○ <u>Complete applicable sections of Checklist - RFP's, if any.</u>
<u>DBE Administration</u>	<u>2.</u>	<ul style="list-style-type: none"> ○ <u>Review prepared contracts in the Blue Folder received from Professional Services/Contracts Division to ensure all DBE required attachments, if any, have been incorporated in the contract(s).</u> ○ <u>If required attachments have not been incorporated into the contract: (a) include a copy of the all such required attachments in Blue Folder and forward Blue Folder to General Development Department; and (b) forward copies of such attachments to Professional Services/Contracts Division to be sent to selected Offeror (proceed to step (D)(14) below).</u>
<u>General Development Department</u>	<u>3.</u> <u>-1</u>	<ul style="list-style-type: none"> ○ <u>Receive and review all appropriate documents in the Blue Folder. Forward any</u>

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
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Responsibility Responsible Party

Action

- Professional Services/
Contracts Division 4.
-1

 - appropriate documentation to the FTA and/or IDOT for concurrences, if required. ~~If changes in the information~~ Review and approve all appropriate documents in the Blue Folder received from DBE Administration.
 - If changes to any document(s) in the Blue Folder are is required, route the Blue Folder back to Professional Services / Contracts Division for changes (proceed to Step 7). ~~When concurrences are received from FTA and/or IDOT, the Blue Folder is sent on to Accounts Payable (Proceed~~ step (D)(4) below).
 - Forward any appropriate documentation to the FTA and/or IDOT for concurrences, as necessary.
 - When concurrences are received from FTA and/or IDOT, forward Blue Folder to Step 8). ~~Accounts Payable and proceed to step (D)(5) below.~~

- Accounts Payable 5.
-1

 - ~~If changes are required from General Development Department make appropriate requested corrections all appropriate documents in the Blue Folder and return Blue Folder to General Development Department for concurrence.~~
 - Complete applicable sections of Checklist - RFP's, if any.

- Risk Management 6.

 - ~~Review~~ Review all appropriate documents in the Blue Folder received from General Development Department. Encumber funds.
 - Prepare and file all necessary documents to encumber funds.
 - Forward Blue Folder to Risk Management.

- ~~Assure that the proper insurance~~

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

Responsibility
Responsible Party

Action

- 1

requirements are unincorporated in the contract(s). ~~Forward~~ Review prepared contracts in the Blue Folder received from Accounts Payable to ensure all applicable insurance requirement attachments, if any, have been incorporated in the contract(s).

 - If required attachments have not been incorporated into the contract: (a) include a copy of the all such required attachments in Blue Folder and forward Blue Folder to Professional Services/Contracts Division; and (b) forward copies of such attachments to Professional Services/Contracts Division to be sent to selected Offeror (proceed to step (D)(14) below).

- Professional Services/
Contract Division

7
~~0.1~~

 - Insert signed contracts into Blue Folder.
 - Receive Blue Folder from Risk Management.
 - Ensure copies of all DBE and Risk Management required attachments have been sent to the selected Offeror with instructions to treat such attachments as an addendum to the contract and obtain all acknowledgements/consents from such Offeror as may be necessary to evidence Offeror's receipt of the attachments and Offer's consent to so amend the contract.
 - Insert signed contracts into Blue Folder.
 - If contract(s) is a corporate administrative contract valued over \$10,000, forward Blue Folder to the Sr. Director, Corporate Administration, otherwise, proceed to **Step 12**. step (D)(8) below.
 - Complete applicable sections of Checklist - RFP's, if any.

- Sr. Director Corporate Administration (for corporate administrative

8

 - Review all appropriate documents in the Blue Folder received from Professional Services/Contracts Division.

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

<u>Responsibility</u>	<u>Responsible Party</u>	<u>Action</u>
<u>contract valued over \$10,000)</u>		<ul style="list-style-type: none"> o <u>If any one or more of the documents in the Blue Folder require modification prior to acceptance by Sr. Director Corporate Administration, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below).</u> o <u>Otherwise, if Sr. Director Corporate Administration is satisfied with the documents in the Blue Folder, approve contract and forward Blue Folder to Law Department.</u>
	<u>Law Department</u>	<p><u>9.</u></p> <ul style="list-style-type: none"> o <u>Review all appropriate documents in the Blue Folder received from Professional Services/Contract Division or Sr. Director Corporate Administration (as applicable) for legal compliance.</u> o <u>If any one or more of the documents in the Blue Folder require modification to comply with applicable laws, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below).</u> o <u>Otherwise, if Law Department is satisfied with respect to legal compliance of contract(s), forward Blue Folder back to Professional Services/Contracts Division (proceed to step (D)(10) below).</u>
	<u>Professional Services/Contract Division</u>	<p><u>10.</u></p> <ul style="list-style-type: none"> o <u>Review all appropriate documents in the Blue Folder received from the Law Department.</u> o <u>Revise compilation of Blue Folder documents as necessary.</u> o <u>Forward revised Blue Folder documents to Material Management Department.</u> o <u>Complete applicable sections of Checklist - RFP's, if any.</u>

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

<u>Responsibility</u>	<u>Responsible Party</u>	<u>Action</u>
<u>Material Management Department</u>	<u>11.</u>	<ul style="list-style-type: none"> ○ <u>Review all appropriate documents in the Blue Folder received from Professional Services/Contracts Division.</u> ○ <u>If any one or more of the documents in the Blue Folder require modification prior to acceptance by Material Management Department, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below).</u> ○ <u>Otherwise, if Material Management Department is satisfied with the documents in the Blue Folder, present Blue Folder documentation to Deputy Executive Director for approval (proceed to step (D)(12) below).</u>
<u>Deputy Executive Director</u>	<u>12.</u>	<ul style="list-style-type: none"> ○ <u>Review all appropriate documents in the Blue Folder received from the Material Management Department.</u> ○ <u>If any one or more of the documents in the Blue Folder require modification prior to acceptance by Deputy Executive Director, alert and coordinate with Professional Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below).</u> ○ <u>Otherwise, if Deputy Executive Director is satisfied with the documents in the Blue Folder, forward Blue Folder to the Executive Director for final approval (proceed to step (D)(13) below).</u>
<u>Executive Director</u>	<u>13.</u>	<ul style="list-style-type: none"> ○ <u>Review, as final approval, all appropriate documents in the Blue Folder received from Deputy Executive Director.</u> ○ <u>If any one or more of the documents in the Blue Folder require modification prior to acceptance by Executive Director, alert and coordinate with Professional</u>

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(BROOKS METHOD)**

<u>Responsibility</u>	<u>Responsible Party</u>	<u>Action</u>
		<p><u>Services/Contracts Division regarding required modifications to documents (proceed to step (D)(14) below).</u></p> <ul style="list-style-type: none"> ○ <u>Otherwise, if Executive Director is satisfied with the documents in the Blue Folder, grant final approval of the contract and forward approved contract and remainder of Blue Folder to Professional Services/Contracts Division (proceed to step (D)(15) below).</u>
	<p><u>Professional Services/ Contract Division (upon rejection of Blue Folder documents by DBE Administration/ Risk Management/ Sr. Director Corporate Administration/ Law Department/ Material Management Department/ Deputy Executive Director/ and/or Executive Director)</u></p>	<p><u>14. ○ Coordinate with DBE Administration/ Risk Management/ Sr. Director Corporate Administration/ Law Department/ Material Management Department/ Deputy Executive Director/ and/or Executive Director (as applicable) regarding required modifications to documents.</u></p> <ul style="list-style-type: none"> ○ <u>Ensure copies of all modifications/ addendums to Blue Folder documents are sent to selected Offeror and obtain all acknowledgements/consents from such Offeror as may be necessary to evidence Offeror's receipt of all modifications/ addendums to the Blue Folder documents and Offer's consent to so amend the contract.</u> ○ <u>Complete applicable sections of Checklist - RFP's, if any.</u>
	<p><u>Professional Services/ Contracts Division</u></p>	<p><u>15. ○ Process the approved contract.</u></p> <ul style="list-style-type: none"> ○ <u>Distribute signed copies of contract as follows:</u> <ul style="list-style-type: none"> <u>a. Selected Offeror - original, hand signed, w/cover letter and appropriate exhibits requesting insurance certificates to be submitted to Professional Services/Contracts Division. (See Exhibit II in PU-06-RC, Professional Services Contracts);</u>

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**ARCHITECTURAL AND ENGINEERING
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(BROOKS METHOD)**

Responsibility
Responsible Party

Action

	<ul style="list-style-type: none"> <u>b. Requisitioner/User - copy of original contract along with any exhibits.</u> <u>c. Accounts Payable - copy of contract(s), Account Data Sheet, and requisition.</u> <u>d. General Development Department - if grant funded, copy of contract(s) and Account Data Sheet.</u> <u>e. Retain in respective procurement file - original, hand signed, with any exhibits.</u> <ul style="list-style-type: none"> <u>o Receive and review Offeror's required insurance certificates. Forward copies of such certificates to Risk Management Division and/or DBE Department (if DBE participation is required) for approval.</u> <u>o If any one or more of the insurance certificates require prior to acceptance by Risk Management Division and/or DBE Department (as applicable), alert and coordinate with Offeror regarding required modifications to certificates and ensure receipt of revised certificates.</u> <u>o Otherwise, Risk Management Division and/or DBE Department (as applicable) approve received insurance certificates, issue a "notice to proceed" letter to selected Offeror. (See Exhibit VI in PU-06-RC, Professional Services Contracts).</u> <u>o Notify remaining non-selected Offerors by letter of decision to proceed with selected Offeror.</u> <u>o Compile all records connected with the history of the subject RFP procurement, including without limitation all documentation relating to the rationale for the method of procurement, the selection of contract type, the basis of Evaluation Committee's Offeror selection/ rejection based on the Evaluation Criteria, Evaluation Committee's rankings</u>
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SERVICES CONTRACTS
(BROOKS METHOD)

Responsibility
Responsible Party

Action

	<p><u>(individual and group) with respect to each Offeror and the basis for the contract price.</u></p> <ul style="list-style-type: none"> o <u>File all of the foregoing records in respective procurement file (other than large maps, drawing and plans which are to be kept in respective department file).</u> o <u>Finalize Checklist - RFP's and file in respective procurement file.</u>
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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

V. ~~INSTRUCTIONS (Continued)~~

D. Awarding the Contract (cont'd)

<u>Responsibility</u>	<u>Action</u>
Sr. Director Corporate Administration	11. Review and concur on any corporate administrative contract over \$10,000. Forward to Law Department.
Law Department	12. Review all relevant documentation for legal compliance.
Professional Services/ Contract Division	13. Forward to Material Management Department
Material Management Department	14. Present Blue Folder documentation to Deputy Executive Director.
Deputy Executive Director	15. Review and concur on contract(s) and then forward to the Executive Director for final approval.
Executive Director	16. Review as the final approval authority on Contract(s). Forward contract to Professional Services/Contract Division.
Professional Services/ Contracts Division	17. Process the approved contract.

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**ARCHITECTURAL AND ENGINEERING
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(BROOKS METHOD)**

V. INSTRUCTIONS (Continued)

D. Awarding the Contract (cont'd)

<u>Responsibility</u>	<u>Action</u>
Professional Services/ Contracts Division	<p>18. Distribute signed copies of contract as follows:</p> <ul style="list-style-type: none"> a. Selected Offeror – original, hand signed, w/cover letter and appropriate exhibits requesting insurance certificates to be submitted to Professional Services/Contracts Division. (See Exhibit II in PU-06-RC, Professional Services Contracts) b. Professional Services/ Contracts – original, hand signed, with any exhibits. c. Requisitioner/User – copy of original contract along with any exhibits. d. Accounts Payable – copy of contract(s), Account Data Sheet, and requisition. e. General Development Department – if grant funded, copy of contract(s) and Account Data Sheet. <p>19. Notify remaining non-selected Offerors by letter.</p> <p>20. Receive written approval of the Consultant's Insurance Certificates from the Risk Management Division, and DBE Department's approval (if DBE participation is required).</p> <p>21. Issue a "notice to proceed" letter to Offeror. (See Exhibit VI in PU-06-RC, Professional Services Contracts).</p>

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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

V. INSTRUCTIONS (Continued)

E. Administration of Contract

<u>Responsibility</u>	<u>Action</u>
<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	1. Retain records connected with the history of the procurement, including but not limiting to, records specified in Section II.
Requisitioner/ User Department	2. Monitor Consultant's compliance with the contract for the following: <ul style="list-style-type: none"> a. Timely submission of the periodic progress reports in the degree of detail required by the contract. b. Verification of the progress reported by the Consultant with the contract time schedule. c. Acceptance of the quality of work conforming to standards prescribed by the contract. d. Preparation of the invoices in accordance with the pricing/ payment schedule supported by adequate documentation to verify amount claimed.

Requisitioner/User	1. <input type="radio"/> <u>Monitor Consultant's compliance with the contract for the following:</u> <ul style="list-style-type: none"> a. <u>Timely submission of periodic progress reports in degree of detail required by the contract.</u> b. <u>Verification of the progress reported by the Consultant with the contract time schedule.</u> c. <u>Acceptance of the quality of work conforming to standards prescribed by the contract.</u> d. <u>Preparation of the invoices in</u>
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**ARCHITECTURAL AND ENGINEERING
SERVICES CONTRACTS
(BROOKS METHOD)**

<u>Responsibility</u>	<u>Action</u>
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<u>Responsible Party</u>	<u>Action</u>
Professional Services/ Contracts Division	<p><u>accordance with the pricing/ payment schedule supported by adequate documentation to verify amount claimed.</u></p> <ul style="list-style-type: none"> ○ <u>Notify Professional Services/Contracts Division if the Consultant has not complied with the contract, as necessary (proceed to step (E)(4) below).</u> ○ <u>At the conclusion of the contract, evaluate the Consultant's performance, complete the Contract Completion Form (See Exhibit VII in PU-06-RC, Professional Services Contracts), and forward completed form to Professional Services/Contract Division (proceed to step (E)(2) below).</u>
Professional Services/ Contracts Division <u>(as applicable and as necessary)</u>	<ul style="list-style-type: none"> ○ <u>Receive and review completed Contract Completion Form.</u> ○ <u>File completed Contract Completion Form in respective procurement file.</u>
Professional Services/ Contracts Division <u>(as applicable and as necessary)</u>	<ul style="list-style-type: none"> ○ <u>Receive notification of non-compliance from Requisitioner/User Department Receive notification of non-compliance from Requisitioner/User.</u> ○ <u>Contact the Consultant in writing to attempt to achieve the Consultant's rectification of the compliance deficiencies.</u> ○ <u>Receive report on Consultant's intent and monitor compliance efforts.</u> ○ <u>If Consultant response/action satisfactory, notify the Requisitioner/User of the Consultant's intent and request follow-up information on the Consultant's progress (proceed to step (E)(1) above).</u> ○ <u>Otherwise, either take further remedial action as permitted by Metra Administrative Operating Procedures, or take actions to</u>

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SERVICES CONTRACTS
(BROOKS METHOD)

<u>Responsibility</u>	<u>Action</u>
<u>Responsible Party</u>	<u>Action</u>
	<u>terminate the contract (See PU-12-RC, Termination of Contracts for Goods and Services), and notify Requisitioner/User of actions taken.</u>

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SERVICES CONTRACTS
(BROOKS METHOD)

V. INSTRUCTIONS (Continued)

E. Administration of Contract (cont'd)

VI. EXHIBITS

<u>Responsibility</u>	<u>Action</u>
	5. Notify the Requisitioner/User of the Consultant's intent and request follow-up information on the Consultant's progress.
Requisitioner/User	6. Receive report on Consultant's intent and monitor compliance efforts. If they are still unsatisfactory, notify Professional Service/ Contracts.
Professional Services/ Contracts Division	7. Receive notice of continuing or new, uncorrected deficiencies. Either take further remedial action as described in step #4, or take actions to terminate the contract (See PU-12-RC, Termination of Contracts for Goods and Services).
Requisitioner/User	8. At the conclusion of the contract, evaluate the Consultant's performance, complete the Contract Completion Form (See Exhibit VII in PU-06-RC, Professional Services Contracts), and forward to Professional Services/Contract Division.
Professional Services/ Contracts Division	9. Receive, review, and file the Contract Completion Form.

Exhibit I: **[**RFP Form**]**
 Exhibit II: Responsibility Determination Form

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- Exhibit III: Price Analysis Documentation
- Exhibit IV: **[**Board Concurrence Form**]**
- Exhibit V: Checklist - RFP's

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Document 1	iManageDeskSite://HC01-DMS/HCFIRM_ACTIVE/130147900/1
Document 2	iManageDeskSite://HC01-DMS/HCFIRM_ACTIVE/130147900/3
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved-deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	586
Deletions	290
Moved from	52
Moved to	52
Style change	0
Format changed	0
Total changes	980