

REQUEST FOR PROPOSAL NO. – FP540082

Sealed Request for Proposal will be received in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, prior to **3:00 O'CLOCK P. M., FRIDAY, JANUARY 8, 2016.** **One (1) original, One (1) electronic copy and twelve (12) copies of the proposal are required.** Envelopes must be marked "Request for Proposal FP540082" and show **Due Date and Time** to identify contents. "Request For Proposal" submittal letter must be signed and dated to submit a proposal for:

WICHITA AREA METROPOLITAN PLANNING ORGANIZATION

Project Tracking Software

AS PER SPECIFICATIONS

F.O.B.: Wichita, KS

Specifications for the sealed proposals are on file in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, (316) 268-4636. This information is also available on the City of Wichita Web Site at <https://ep.wichita.gov>.

A **PRE-PROPOSAL TELEPHONE CONFERENCE** will be held in the 12th Floor Finance Conference Room, City Hall, 12th Floor, 455 North Main Street, Wichita, Kansas, on **Tuesday, December 15, 2015, at 10:00 a.m.** The purpose of the meeting will be to answer questions from vendors regarding the specifications and proposal procedure. Please dial 1-888-337-0215, Access Code 8587290# to access conference.

Sealed proposals shall be received in the office of the City Purchasing Manager prior to 3:00 o'clock p.m., Friday, January 8, 2016.

The review and evaluation of the submitted Proposals will take estimated 60 to 90 days before notification from the City of Wichita that a contract has been approved by City Council. If the Purchasing Division may be of further assistance, please contact us at (316) 268-4636.

Dated at Wichita, Kansas, on the 30th day of November, 2015.

Melinda A. Walker
Purchasing Manager

ATTENTION

A PRE-PROPOSAL TELEPHONE CONFERENCE WILL BE HELD

AT 12TH FLOOR FINANCE CONFERENCE ROOM
455 N MAIN
WICHITA, KS

AT 10:00 A.M.

ON

TUESDAY, DECEMBER 15, 2015

THE PURPOSE OF THE MEETING WILL BE TO REVIEW
REQUIREMENTS AND SPECIFICATIONS
CONTAINED IN THIS PROPOSAL PACKAGE AND TO CORRECT
ANY ERRORS OR TO MAKE ANY NECESSARY CHANGES.

ATTENDANCE AT THIS PRE-PROPOSAL IS **RECOMMENDED**
FOR THOSE FIRMS SUBMITTING PROPOSAL
AS A PRIME CONTRACTOR.

NOTICE...NOTICE...NOTICE

NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

AFFIRMATIVE ACTION PROGRAM REQUIREMENTS

1. It is the policy of the City of Wichita to require that all contracts of the City and its agencies include provisions to ensure that applicants for employment with its contractors, subcontractors, vendors and suppliers are selected and employees are treated during employment, without regard to race, color, sex, religion, national origin, ancestry, disability, or age except where age is a bona fide occupational qualification.

2. The Kansas Act Against Discrimination (Kansas Statutes Annotated 44-1001 et. seq., as amended) requires every person who enters into a contract with the City of Wichita for construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services to:

- a. Observe the provisions of the Kansas Act Against Discrimination and not to discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, or age unrelated to such person's ability to engage in the particular work.
- b. In all solicitations or advertisement for employees, the contractor shall include the phrase "EQUAL OPPORTUNITY EMPLOYER" or a similar phrase to be approved by the Kansas Human Rights Commission.
- c. Upon request, inform the Kansas Human Rights Commission and/or the City Of Wichita Finance Department in writing the manner in which such person will recruit and screen personnel to be used in performing the contract.
- d. Contractor shall include the provisions of Paragraphs (a), (b), (c), and (d) of this Paragraph 2, in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- e. EXEMPTED from these requirements are:
 - (1) Any contractor who has already complied with the provisions set forth in these sections by reason of holding a contract with the federal government or a contract involving federal funds. (Proof of compliance is required).
 - (2) Contracts entered into by any contractor who employs fewer than four (4) employees during the term of such contract.
 - (3) Contractors who hold contracts with the City of Wichita with a cumulative total value of five thousand dollars (\$5,000.00) or less during the City fiscal year.
- f. Reports requested by the Kansas Human Rights Commission shall be made on forms prepared by the Commission, copies of which are available from the Kansas Human Rights Commission, Contract Auditor, 900 S.W. Jackson Street, Suite 851 S., Topeka, Kansas, 66612.

3. During the performance of any City contract or agreement, the contractor, subcontractor, vendor or supplier of the City shall comply with all the provisions of the Civil Rights Act of 1964, as amended; The Equal Employment Act of 1972, Executive Orders 11246, 11375, 11141, Part 60 Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, The Americans with Disabilities Act and/or any law, regulation or amendments as may be promulgated thereunder.

4. Failure of any contractor, subcontractor, vendor or supplier to report to the Kansas Human Rights Commission as required by K.S.A. 1976 Supp. 44-1031 as amended or State statutes, Federal statutes or regulations pertaining to discrimination, which finding or decision or order has become final, shall be a breach of contract and any such contract may be canceled, terminated or suspended in whole or in part by the City or its contracting agency.

5. Compliance with the Equal Employment Opportunity requirements of the City of Wichita does not relieve the contractor, subcontractor, vendor or supplier of the necessity of also complying with the Kansas Act Against Discrimination.

Exemptions Claimed: Four (4) Employees or less; Federal Contract, Contract less than \$5,000.00.

NOTE: You will be contacted if you are the successful vendor and do not have a current EEO/AA submittal on file with the Purchasing Office and/or have not REGISTERED VIA THE CITY'S WEB SITE: <https://ep.wichita.gov> . Questions about the City of Wichita's EEO/AA submittal requirements should be directed to (316) 268-4417.



Request for Proposals

Project Tracking Software

Agency Overview

The Wichita Area Metropolitan Planning Organization (WAMPO) serves as the Metropolitan Planning Organization (MPO) for the greater Wichita, Kansas metropolitan area.

WAMPO is responsible, in cooperation with the Kansas Department of Transportation (KDOT) and Wichita Transit, for carrying out the metropolitan transportation planning process. WAMPO facilitates regional discussions for transportation improvements for the twenty-two individual jurisdictions and three counties that comprise the WAMPO region.

Background

As the region's designated Metropolitan Planning Organization, WAMPO is responsible for developing a Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP), including the selection of projects to receive funding through WAMPO, maintaining listings of regionally significant transportation projects funded from other sources, and producing associated reports such as the Annual Listing of Obligated Projects.

Scope of Services

WAMPO is requesting proposals from qualified vendors to provide software application and hosting services that would allow WAMPO to track and monitor projects in the TIP and MTP, as well as potential TIP and MTP projects submitted as part of the amendment process or the process of drafting a new TIP or MTP. The vendor, or team of sub-vendors working with the prime vendor, will be required to deliver the software and hosting services in accordance with the scope of services identified in RFP Attachment 1. WAMPO is seeking these services for a period of up to five years.

Proposal Content

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of firms seeking to provide comprehensive services specified herein for WAMPO, in conformity with the requirements of the RFP. The proposal should demonstrate qualifications of the firm and the staff to undertake this project. It should also specify the proposed approach that best meets the RFP requirements. The proposal must address each of the service specifications under the Scope of Services. WAMPO is asking qualified vendors to supply the following information. Please include all requested information in the proposal to the fullest extent practical.

- 1) A detailed list of tasks and subtasks to be completed, including a description of how they will be completed. Milestones for the development of the project and completion of individual tasks should be submitted with the proposal.
- 2) A timeline for completion of the requested services.
- 3) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past.
- 4) List of the proposed principal who will be responsible for the work, proposed project manager, and project team members with resumes.

Request for Proposals

Project Tracking Software



- 5) A list of any subcontracted agencies, the tasks they will be assigned, the percent of work to be performed, and the staff that will be assigned.
- 6) List of client references for similar projects described within the RFP.
- 7) Ability of firm to meet required time schedules.
- 8) Cost structure for services, including:
 - a. Actual cost.
 - b. Man hours, itemize to include category (project manager, modeler, etc.), estimated hours, rate per hour, and total costs.
 - c. Supplies and materials.
 - d. Travel.
 - e. Sub-vendor(s), if necessary. (Please note that the same detailed information for cost and price information must be shown for sub-vendors.)
 - f. Overhead.
- 9) Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:
 - RFP Attachment 2 (CERTIFICATION OF POTENTIAL CONTRACTOR REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS)
 - RFP Attachment 3 (CERTIFICATION OF RESTRICTIONS ON LOBBYING)
 - RFP Attachment 4 (DBE CERTIFICATION)
 - RFP Attachment 5 (JOINT VENTURE FORM)
 - RFP Attachment 6 (VENDORS LIST INFORMATION)
 - RFP Attachment 7 (CITY OF WICHITA PROCUREMENT CERTIFICATIONS)
 - RFP Attachment 8 (DRUG FREE WORKPLACE)
 - RFP Attachment 9 (CONTRACTOR ASSURANCE SPECIAL ATTACHMENT #1)

Note that Attachment 10 and 11 are for informational purposes only and do not need to be included as part of the proposal.

To be considered, proposing firms need to provide the following information:

- Twelve (12) hard copies of the proposal
- One electronic (e.g., pdf) copy of the proposal
- Copies of the completed attachments included in the RFP
- Proprietary business information included in the response to this Request for Proposal should be marked clearly as such. Information that is strictly proprietary and not subject to release, as a component of an open record request should be marked as such on each page on which the information occurs.

Vendors will also be required to submit an electronic copy of the proposal and all required attachments. The electronic copy ONLY can be emailed to hlang@wichita.gov or vendors can submit a CD with their manual copies. Vendors must still submit One Original and 12 Copies of their proposals.



Request for Proposals

Project Tracking Software

Project Schedule

WAMPO requests the system be up and running no later than October 2016. Thereafter the system will remain in use for up to five years. The vendor will submit invoices for the initial setup within 30 days of the system becoming operational. Invoices for subsequent hosting and maintenance services will be provided no later than 30 days after the end of each period.

Proposal Evaluation and Selection Process

Vendor proposals will be evaluated by a Vendor Screening and Selection Committee. At the discretion of the Vendor Screening and Selection Committee, selected firms submitting the top ranked proposals based from the evaluation criteria shall be requested to make presentations as part of the evaluation process. Each vendor chosen to give a presentation will be required to be available for the interview. Vendors should be prepared to make a presentation on one week's notice. Presentations can be made either in person or via teleconference/screen sharing at the vendor's option.

All proposals, including supporting documentation, shall become the property of WAMPO. The Vendor Screening and Selection Committee and WAMPO reserve the right to reject any and all proposals. During the evaluation process, WAMPO may request additional information or clarification from proposers or allow corrections on omissions.

The Vendor Screening and Selection Committee will make recommendations regarding the selection to the WAMPO Transportation Policy Body (TPB) and request authorization to enter into a contract with the approved firm.

Evaluation Criteria – Includes but not limited to:

The Vendor Screening and Selection Committee will base its selection on:

- Proposed Approach (45%).
 - Demonstrated understanding of services requested
 - Ability of firm to provide services within requested time frame.
 - Value added services
- Vendor Experience, Competence, and Available Resources (45%)
 - Demonstrated familiarity with MTP and TIP processes and governing regulations.
 - Quality of professional staff assigned and adequacy of resources
 - Demonstrated experience with developing and hosting customized project tracker software
- Cost (10%)
 - Proposed fees

Cost will not be the sole criteria for selection of a firm.



Request for Proposals

Project Tracking Software

Tentative Schedule

Note: The following schedule is tentative and subject to change.

Selection Committee Meetings: January 2016

Vendor Contract Approval: March 2016

Project Start: March 2016

Use of Disadvantaged Business Enterprise (DBE) Firms

WAMPO is required by the Kansas Department of Transportation (KDOT) to follow the KDOT DBE review process for all procurement processes, as per the KDOT MPO DBE Program Guidance effective June 2011.

WAMPO encourages the use of Disadvantaged Business Enterprise (DBE) firms in this project.

All submitting vendors must review RFP Attachment 9 (CONTRACTOR ASSURANCE SPECIAL ATTACHMENT #1) and include it with their proposal.

Disclaimer

WAMPO reserves the right to retail all proposals or any ideas submitted in a proposal. Submission of a proposal indicates acceptance by the vendor of the conditions contained in the RFP and an agreement to enter into a contract. Receipt of the RFP by a vendor or submission of a proposal by a vendor confers no rights upon the vendor nor obligates WAMPO in any manner. WAMPO reserves the right to make an award based on the greatest benefit to WAMPO and not necessarily the lowest price. Firms submitting proposals are to absorb all costs in preparation and presentation of their proposals. WAMPO will not be liable for any costs incurred by vendors in the preparation and delivery of their responses to the RFP, nor for any subsequent discussions and/or product demonstrations. WAMPO will not be liable for any costs incurred by vendors while becoming familiar with the particulars stated in this RFP. All proposals, including supporting documentation, shall become the property of WAMPO. WAMPO reserves the right to negotiate separately with any proposer after the opening of the RFP when such action is considered in its best interest. Subsequent negotiations may be conducted, but such negotiation will not constitute acceptance, rejection, or a counter offer on the part of WAMPO.

Terms of Contract

The services will be procured through a contract between WAMPO and the selected vendor if and when the desired services become necessary. Contract negotiation will be expedited. During the contract negotiation process, the vendor may be required to provide the following:

- 1) Detailed break out of its payroll charges and general overhead rate items; and
- 2) Documentation that the proposed rates have been approved by a federal government agency or a cognizant state agency for use in a federally funded project.

The contract will be subject to cancellation by WAMPO upon thirty (30) days written notice.



Request for Proposals

Project Tracking Software

Payments

The selected vendor will submit invoices for work completed to WAMPO. Payments shall be made to the vendor by WAMPO on a monthly basis after all agreed-to services have been completed to the satisfaction of WAMPO.

Federal and State Funds

The services requested within this RFP will be partially funded with funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). As such, the services requested by this RFP will be subject to federal and state requirements and regulations. The services performed under any resulting agreement shall comply with all applicable federal, state, and local laws and regulations. Vendors will be required to adhere to the KDOT Contract Reimbursement for Hotel, Per Diem and Meal Policy (Attachment 10) and submit a Certificate of Subconsultant Work and Payment for payments to any subcontractor (Attachment 11). In addition, this contract will be subject to the requirements of 49 CFR 18 and KDOT's DBE Program requirements. Cost eligibility/requirement will be subject to 48 CFR 31.2.

Questions

Questions regarding the RFP should be submitted in writing or by electronic mail. Questions and answers will be included as amendments to the RFP if deemed relevant and/or important. Telephone inquiries will not be accepted. Questions should be addressed to:

Christopher Upchurch
WAMPO Project Manager
WAMPO
455 N. Main Street, 10th Floor
Wichita, Kansas 67202
cupchurch@wichita.gov



Attachment 1

Project Tracking Software Scope of Services

WAMPO is requesting proposals from qualified consultants, vendors, and firms to provide software application and hosting services that would allow WAMPO to track and monitor projects in the TIP and MTP, as well as potential TIP and MTP projects submitted as part of the amendment process or the process of drafting a new TIP or MTP. WAMPO is seeking these services for a period of up to five years.

This scope is divided into required features, optional features, and potential additional services. Required features are elements that WAMPO considers essential and must be addressed in the proposal. Optional features are desirable elements, and proposals including these features will be given extra consideration during the evaluation phase. Potential additional services are additional features or services which WAMPO may or may not request from the vendor. Potential additional services should be costed separately from the base proposal.

Required Features

User Functionality

WAMPO is looking for an application that will enable users to interact with the application via a web based interface, allowing registered users the ability to submit, review and modify all projects in the system specific to their own sponsoring agency. Registered users should also be able to view all projects, not just their own but should not permit them to alter projects submitted by other users. The WAMPO administrator should be able to control which data various users (or groups of users) have access to.

Registered users would be required to be approved and authorized by WAMPO before accessing the website beyond a basic account request screen. Upon approval, users will be assigned access privileges by the WAMPO administrator; such privileges will be modifiable by the WMAPO administrator at any time. All accounts will be password protected and will not be required to have expiring passwords.

The application should include access by users to a help or users guide to assist them with using the application and program/project planning process.

Approved users from WAMPO's project sponsors (including but not limited to member jurisdictions, transit agencies, and KDOT) will be able to input data on projects they desire to be included in the TIP or MTP approval process. Users will input data associated with the project. The software should include provisions for entering the geographic location of the project, and displaying the locations of selected projects on a map view. Once adequate information has been entered, the user should have the ability to save their work, generating an automatic notice to be sent via email to the WAMPO staff notifying them of a pending new project submittal. The WAMPO administrator(s) should be able to prevent users from making make changes to a project

Attachment 1

Project Tracking Software Scope of Services



while it is under review at the MPO level during the TIP or MTP development processes or to require that changes be approved by a WAMPO staff member after a project has been selected for inclusion in the TIP or MTP.

Project Fields and Hierarchy

Each project should have a unique, visible project ID number that remains consistent throughout the lifetime of the project:

The project database should also have the capability to include grouped projects and their underlying sub-projects (e.g., parent-child relationship). Projects are often split into multiple phases. The software should be capable of displaying funding and other data both for the entire project (all phases) and individual phases. It should accommodate both splitting existing projects into phases and having a project be initially entered with multiple phases.

WAMPO staff should be able to assign flags to projects indicating that project's status. Projects may have multiple status flags simultaneously (showing the status in both the TIP and MTP, for example).

Reporting Features

The software should be capable of generating reports on a project or group of projects. Reports should be both available for display as a webpage (HTML), tabular electronic format (Excel or an Excel compatible format) and printing (PDF). At a minimum these reports should include both a simple tabular listing of project names, ID numbers, and associated funding and a more detailed project by project listing showing sufficient information to satisfy 23 CFR 450.322(f)(6) (for the MTP) and 23 CFR 450.324(e) (for the TIP) including the additional requirements for non-attainment areas (in the event that the Wichita area is designated as a non-attainment area). For reports on groups of projects, users should be able to select the projects individually or using status flags.

Security Features

The vendor should describe and demonstrate security practices that are designed to protect the WAMPO site, our visitors, and our systems.

Training and On-Going Support

The vendor should describe the training and support they will provide over the lifetime of the service, as well as their plan for software updates and patches.



Attachment 1

Project Tracking Software Scope of Services

Optional Features

WAMPO would like a public portal to view, allowing members of the general public to search, and report on a selected project(s). The public portal should be accessible without requiring registration. The application should have the ability to integrate map and data elements dynamically to the WAMPO website.

We would consider the ability for members of the public to comment on individual projects and groups of projects (such as a proposed project list for a TIP or MTP) a valuable addition.

It would be desirable if WAMPO staff could create new types of status flags for projects themselves, without requiring action by the vendor.

WAMPO would also like the vendor to consider providing the ability for the application to download data specific to each project from Federal funding databases. External databases of importance at the present time include:

- Federal Highway Administration (FHWA) Fiscal Information Management System (FMIS)
- Federal Transit Administration (FTA) Transportation Electronic Award and Management database (TEAM)

It would be useful if forecast funding for various funding sources be entered allowing the software to automatically check for financial constraint. This would serve as a check to users when they add, edit or delete funds to guarantee that funding is constrained. If available funding is exceeded (i.e., over programmed), the user will receive a warning and will not be able to proceed unless they correct the error.

Potential Additional Services

WAMPO may require the vendor to import existing TIP and MTP project data. Existing TIP data is stored in a Microsoft Access database. Existing MTP data is stored in a series of comma separated value (CSV) tables, supplemented by image and PDF files. All of the data that would need to be imported is available upon request.

WAMPO has not yet decided whether these potential additional services will be required. Potential additional services should be costed separately from the base proposal. WAMPO and the chosen vendor will negotiate the terms of any potential additional services during contract negotiation.



Attachment 1

Project Tracking Software Scope of Services

Narrative

A narrative description of a how a project might progress through the project tracking system is included as Attachment 1A. The narrative is intended to illustrate how WAMPO envisions using this system and to aid potential vendors in understanding the scope of work. The narrative is not part of the scope of work and features described in the narrative are not required unless they are also listed in the scope of work under Required Features (above).

Attachment 1A

Project Tracking Software Narrative



This narrative describes of a how a project might progress through the project tracking. The narrative is intended to illustrate how WAMPO envisions using this system and to aid potential vendors in understanding the scope of work. The narrative is not part of the scope of work and features described in the narrative are not required unless they are also listed in the scope of work under Required Features (see Attachment 1).

Note that WAMPO's TIP and MTP processes are in flux. We are presently in the middle of an effort to revise and redefine our TIP process, which in turn will inform the project selection process used for the next MTP. The narrative below describes a possible (somewhat aspirational) future workflow. The software needs to be sufficiently flexible to accommodate the outcome of these efforts.

WAMPO Funded Project Narrative

The following narrative represents the progress of a typical WAMPO funded project through the project tracking system:

Sometime in the modestly distant future WAMPO puts out a Call for Projects for MTP 2045. Bob, the Public Works Director for the City of Acme, would like WAMPO funding for a regionally significant project on Main Street. Bob logs in to his project tracking system account and enters the details of the proposed project into the system, including the project name, description, funding sources and amounts, the project's location, project timeframe, project level EJ analysis, project sponsor, and his contact information. He also uploads some files with supporting documentation. At this point the project is in draft form and he can continue to make changes at any time.

Alice, a WAMPO staff member, logs in using a staff account and looks over the initial project submissions. She sees that the Main Street project lacks some detail in the description of the project scope, so she contacts Bob and asks him to update the project submission. Bob makes the necessary changes. After Alice reviews the changes she gives initial approval and the project leaves Draft status and becomes a MTP 2045 Candidate. The project sponsor can make changes, but they must be approved by a staff account before they can become final. It also has the Proposed WAMPO Funding status, indicating that the project sponsor is asking for funding from WAMPO and the project will have to go through the WAMPO project selection process.

Alice runs a report and gets nicely formatted project information for all projects that have both the MTP 2045 Candidate status and the Proposed WAMPO Funding status. She takes these to the Project Evaluation Committee, which examines each project and uses the project evaluation criteria to rate them as Excellent, Good, Acceptable, or Not Acceptable in each category. Some projects do not meet

Attachment 1A

Project Tracking Software Narrative



WAMPO requirements and fail at this stage and become Rejected Projects. Alice changes the status on the rejected projects and enters the project ratings for the remaining WAMPO Funded MTP 2045 Candidates into the system.

Alice runs a new report and gets back the project information, including evaluations, on each project. She presents this to the Project Selection Committee. The selection committee examines each project and uses the ratings to choose worthy projects for WAMPO funding in the MTP. The committee may choose to change details like the project cost, scope, or timeframe. The Main Street project is found worthy and is included in the MTP. Its status is no longer MTP 2045 Candidate, but Proposed MTP 2045 Project. Alice changes the status and enters any changes made by the PSC. The project retains the Proposed WAMPO Funding status.

Charles, the WAMPO staff member in charge of conformity and modeling, logs in using a staff account and runs a report to pull the Proposed MTP 2045 Projects in order to include them in the travel demand and emissions models. He provides the list to the Conformity Advisory Committee which decides which projects must be included in the model and which are exempt from emissions modeling. If a project does not need to be modeled, Charles flags it as Conformity Not Required. Once the other projects have been modeled Charles logs back in and notes which slate of projects for the TDM and emissions model this project is included in. After the conformity determination report is complete, Charles flags the project with a Conformity Complete flag and notes which conformity determination report the project is included in.

Donna, the WAMPO staff member in charge of Environmental Justice, logs in using a staff account and runs a report to pull the Proposed MTP 2045 Projects in order to perform an environmental justice analysis. She also double checks that each project has a project level EJ analysis. After the analysis is complete she enters adds an MTP EJ Complete flag to each project to show that they've undergone the EJ analysis.

Alice logs in and does a search to check whether all of the Proposed MTP 2045 Projects have undergone EJ analysis and been included in a conformity determination report if required. She runs a report to get the complete list of Proposed MTP 2045 Projects and includes that in the draft MTP 2045 document. This report is archived so there is a permanent record of the Proposed MTP 2045 projects. After the board approves MTP 2045, all Proposed MTP 2045 Projects have their status change to MTP 2045 Project. The Proposed WAMPO Funding status is changed to WAMPO Funded. This report is archived so there is a permanent record of the MTP 2045 projects. She generates a report for each project sponsor showing which projects were approved and which were not, along with any changes made during the process.

Attachment 1A

Project Tracking Software Narrative



Several years go by. Every time the Main Street project is included in a slate of projects for TDM or emissions modeling, or is included in a conformity determination report, Charles logs in and notes which the slate/report it is included in.

A few years later, WAMPO sends out a call for TIP projects for the 2024 TIP. The City of Acme is ready to proceed with design and right of way for the Main Street project, along with construction of the first mile of the project. So Bob logs in and splits the Main Street project, separating design, right-of-way acquisition, and construction of the first mile from the remainder of the project. He adds the 2024 TIP Candidate Project status to the first portion of the split project (it has this status in addition to its ongoing MTP 2045 Project status). Bob also makes some changes to the project description and dollar amounts to reflect both the split and changed conditions since the project was initially submitted for MTP 2045. Like all changes to projects initiated by the project sponsor, this has to be approved by a WAMPO staff account before becoming final. At the end of the project submission period Alice goes through all projects with a pending 2024 TIP Candidate Project status and approves the changes (if the changes were extensive enough to change the nature of the project, they would require some conversation with the project sponsor and potentially a MTP amendment before being approved).

Alice runs a report to get all of the 2024 TIP Candidate Projects which are also WAMPO Funded and prints off all of the project details, including any changes made since they were approved as part of MTP 2045 and whether or not the proposed TIP project completes the MTP project in whole or in part. She provides these to the Project Evaluation Committee, which goes through and decides if any of the changes require an update to the project ratings. Alice enters any updated ratings into the project tracking system.

Alice runs another report to get the updated project ratings and provides them to the Project Selection Committee, which chooses projects for the TIP. The Main Street project is selected for inclusion in 2027, the final year of the 2024 TIP. Alice changes the status from 2024 TIP Candidate Project, to Proposed 2024 TIP Project. She also changes the project's Timeframe from the time band used in MTP 2045 to the exact TIP year: 2027.

Charles pulls a report of all Proposed 2024 TIP Projects. Because all TIP projects must be in the MTP, all should already have a Conformity Complete flag (or a Conformity Not Required Flag). However, including them in the TIP may put project completion in a different year than was anticipated in the MTP. If this would require a change in the emissions analysis, Charles removes the Conformity Complete flag and includes them based on the new completion date when he re-runs the emissions model. Once the emissions model run is completed Charles notes which slate of projects for the TDM and emissions model each project is included in. After the conformity determination report for the TIP is complete, Charles flags any unflagged projects with a Conformity Complete flag and notes which conformity determination report the projects are included in.

Attachment 1A

Project Tracking Software Narrative



Donna runs a report to pull the Proposed 2024 TIP Projects in order to perform an environmental justice analysis. She also double checks that each project has a project level EJ analysis. After the analysis is complete she enters adds a TIP EJ Complete flag to each project to show that they've undergone the EJ analysis.

Alice logs in and does a search to check whether all of the Proposed 2024 TIP Projects have undergone EJ analysis and been included in a conformity determination report if required. She runs reports to get the complete list of Proposed 2024 TIP Projects and all of the other reports necessary for the public comment period and inclusion in the draft 2024 TIP document. The Proposed 2024 TIP projects report is archived so there is a permanent record of the Proposed 2024 TIP projects. After the board approves the 2024 TIP, all Proposed 2024 TIP Projects have their status change to 2024 TIP Project. A report is run and archived as a permanent record of the 2024 TIP Projects. She generates a report for each project sponsor showing which projects were included in the TIP and which were not, along with any changes made during the process. She also generates all of the other reports that are included in the TIP document and on the WAMPO website.

The years roll by and the City of Acme starts design work on their Main Street project when they discover that a drainage culvert will need to be completely replaced rather than rehabilitated. This necessitates a change to the project description and an increase in the budget. Bob goes in and enters the changes in the project tracking system. Alice is notified of the pending changes and reviews them. Some of the changes are sufficient to require an amendment to the TIP. The other changes can be handled through an Administrative Adjustment. She flags the project TIP Amendment Pending or TIP Administrative Adjustment Pending, designating that the changes to the project will be part of the next TIP Amendment and Administrative Adjustment change.

When the time for the next amendment rolls around, Alice generates a report with all of the TIP Amendment Pending projects and incorporates them into the amendment. This report is archived so there is a permanent record of the Proposed TIP Amendment projects. Once the board approves the amendment, Alice goes in and approves the pending changes, removes the TIP Amendment Pending flag from each project, and notes what was changed in this TIP amendment. This report is archived so there is a permanent record of the TIP Amendment.

Finally, 2027 rolls around and the City of Acme is ready to being their project. They put the project out to bid and select a firm to do the work. Bob enters this data into the project tracking system. As construction proceeds he updates the project tracking system on progress. Alice runs regular reports capturing the projects in various stages of design and construction (concept plan, preliminary engineering, obligated, under construction, complete, etc.) for distribution to our jurisdictions and the

Attachment 1A

Project Tracking Software Narrative



public. Finally, when the project is finished Bob marks it as such. Alice goes into the system to remove the project from the current TIP and MTP and archive it.

At the end of the year, Alice runs a report on all projects that obligated during the year to produce the Annual List of Obligated Projects.

ATTACHMENT 2
CERTIFICATION OF POTENTIAL CONTRACTOR
REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS

Page 1 of 2

The Potential CONSULTANT _____ certifies to the best of its knowledge and belief, that it and its principals;

- 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or The City of Wichita;
- 2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- 3) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (2) above; and
- 4) Have not within a three-year period preceding this Proposal had one or more public transactions (Federal, State or Local) terminated for cause of default.

Where the potential CONSULTANT is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Primary Participant Debarment and Suspension
Page 2 of 2

THE POTENTIAL CONSULTANT CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTAND THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

(Signature of Authorized Official)

(Title)

The undersigned chief legal counsel for _____ (the potential contractor) hereby certifies that the _____ has authority under State and Local law to comply with the subject assurance and that the certification above has been legally made.

(Signature of Applicant's Attorney)

(Date)

ATTACHMENT 3

CERTIFICATION OF RESTRICTIONS ON LOBBYING

Page 1 of 2

I, _____, hereby certify that I am
(Name of CONSULTANT'S Authorized Official)

authorized to execute this certification, and to the best of my knowledge after due

diligent inquiry, on behalf of _____ that:
(Name of CONSULTANT)

- (1) No Federally 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 an 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 any 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 Federally appropriated funds have been paid or will be paid 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 this 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 documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly. 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 this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Certification Restrictions on Lobbying
Page 2 of 2

THE CONSULTANT CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE CONTRACTOR UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

Executed this _____ day of _____, 20_____.

By: _____
(Signature of CONSULTANT'S authorized official)

(Name and Title of CONSULTANT'S Authorized Official)

ATTACHMENT 4 DBE CERTIFICATION

I, _____, hereby certify to the best of my
(Name of CONSULTANT'S Official)

knowledge on behalf of _____ that:
(Name of CONSULTANT)

_____ has complied with the requirements of
(Name of CONSULTANT)

49 CFR 23.67, Participation by Disadvantaged Business Enterprises in DOT Programs, and that its goals have not been disapproved by the Department of Energy Administration.

Executed this _____ day of _____, 20_____.

By: _____
(Signature of CONSULTANT'S authorized official)

(Name and Title of CONSULTANT'S Authorized Official)

ATTACHMENT 5 JOINT VENTURE FORM

Page 1 of 4

This form is to be completed ONLY if the CONSULTANT(S) is proposing a Joint Venture and must be included with the proposal.

WE THE UNDERSIGNED BEING DULY SWORN ACCORDING TO LAW, UPON OUR RESPECTIVE OATHS DEPOSE AND SAY THAT:

The CONSULTANT, under whose name we have affixed our respective signatures, has duly authorized and empowered us to execute this Statement of Joint Venture in the name of and on behalf of such CONSULTANT for the purposes herein set forth:

The following named CONSULTANTS:

- (a) _____ ; _____ ; _____
 () Individual () Partnership () Corporation
- (b) _____ ; _____ ; _____
 () Individual () Partnership () Corporation
- (c) _____ ; _____ ; _____
 () Individual () Partnership () Corporation
- (d) _____ ; _____ ; _____
 () Individual () Partnership () Corporation

Each of who have entered into a Joint Venture for the purpose of carrying on the work hereinafter described.

Under the provisions of such Joint Venture the assets of each of the CONSULTANTS named, and in the case of any CONSULTANT so named above is a partnership, the assets of the individual members of such a partnership will be available for the performance of such Joint Venture, and liable therefore and for all obligations incurred in connection therewith.

The Statement of Joint Venture is executed so that the named CONSULTANTS may under such Joint Venture proposal upon the work herein mentioned and they may, if the successful proposalder therefore, be awarded the contract for such work. Any proposal, proposed document, bond and contract relating to the work hereinafter specified shall be executed by any person authorized to bind any member of the Joint Venture and when so executed shall

Joint Venture Form
Page 2 of 4

bind this **Joint Venture** and each and every CONSULTANT named herein, severally and jointly. Simultaneous with the execution of the contract, the **Joint Venturers** shall designate and appoint a project supervisor to act as their true and lawful agent with full power and authority to do and perform any and all acts of things necessary to carry out the work set forth in said contract.

In consideration of being qualified to proposal upon such work as **Joint Venturers**, we bind the CONSULTANT for whom we respectively execute this **Statement of Joint Venture** in firm agreement with The City that each of the representations herein set forth is true.

The work for which this Joint Venture has been entered into is identified as:

Subscribed and sworn before me, this

_____ day of
_____, 20__

(a) _____
(Name of CONSULTANT)

BY _____
(Type or Print name of signer)

Subscribed and sworn before me, this

_____ day of
_____, 20__

(b) _____
(Name of CONSULTANT)

BY _____
(Type or Print name of signer)

Subscribed and sworn before me, this

_____ day of
_____, 20__

(c) _____
(Name of CONSULTANT)

BY _____
(Type or Print name of signer)

Subscribed and sworn before me, this

_____ day of
_____, 20__

(d) _____
(Name of CONSULTANT)

BY _____
(Type or Print name of signer)

Joint Venture Form
Page 3 of 4

TO BE EXECUTED BY EACH JOINT VENTURER

Authorization and designation of respective affiants to the Statement of Joint Venture hereto attached to act for and on behalf of the CONTRACTORS named herein:

(a) _____ hereby certifies that
(Name of CONSULTANT)
_____ has been and is hereby
(Name of Representative)
empowered to sign the Statement of Joint Venture attached hereto as the
authorized representative of _____
(Name of CONSULTANT)
for the special purpose therein expressed.

ATTEST DATE

***** SEAL NECESSARY IF CORPORATION *****

(b) _____ hereby certifies that
(Name of CONSULTANT)
_____ has been and is hereby
(Name of Representative)
empowered to sign the Statement of Joint Venture attached hereto as the
authorized representative of _____
(Name of CONSULTANT)
for the special purpose therein expressed.

ATTEST DATE

***** SEAL NECESSARY IF CORPORATION *****

Joint Venture Form
Page 4 of 4

(c) _____ hereby certifies that
(Name of CONSULTANT)
_____ has been and is hereby
(Name of Representative)
empowered to sign the Statement of Joint Venture attached hereto as the
authorized representative of _____
(Name of CONSULTANT)
for the special purpose therein expressed.

ATTEST

DATE

***** SEAL NECESSARY IF CORPORATION *****

(d) _____ hereby certifies that
(Name of CONSULTANT)
_____ has been and is hereby
(Name of Representative)
empowered to sign the Statement of Joint Venture attached hereto as the
authorized representative of _____
(Name of CONSULTANT)
for the special purpose therein expressed.

ATTEST

DATE

***** SEAL NECESSARY IF CORPORATION *****

Contractors List Information
Page 2 of 2

- * A disadvantaged business firm is defined as a small business concern:
1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
 2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Additionally, the person(s) meeting the criteria, as socially and economically disadvantaged, cannot have a person net value over \$750,000.00.

DBE firms are required to be certified by The City. For additional information on DBE certification, firms must contact:

Department of Finance
City of Wichita
455 N. Main
Wichita, Kansas 67202
(316) 268-4434

ATTACHMENT 7

CITY OF WICHITA PROCUREMENT CERTIFICATIONS

The CONSULTANT _____ hereby certifies that:

- A. The Consultant has not employed or retained for a commission, percentage, brokerage, contingent fee, override or other consideration, an firm or person at any time or for any purpose, (other than a bona fide employee working solely for the above consultant) to solicit or secure this Agreement.
- B. The Consultant has not agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement.
- C. The Consultant has not paid or agreed to pay to any firm organization, or person (other than a bona fide employee working solely for the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement, except as here expressly stated (if any)
- D. No Lobbying and Influencing Federal and / or City Employees or City Council Members.
 - (a) No Federal or locally appropriated funds shall be paid, by or on behalf of the contractor, or any person for influencing or attempting to influence an officer or employee of any agency, an officer or employee or City Council member of the City of Wichita, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant.
 - (b) 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 of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form – LLL, "Disclosure of Lobby Activities: in accordance with its instruction.

City of Wichita Procurement Certifications
Page 2 of 2

E. Conflict of Interest.

The Consultant certifies that no member, officer, employee, agent, or City Council Member of the City of Wichita exercising any functions or responsibilities with respect to the program outlined in this contract shall have any personal financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. The Consultant shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section. The Consultant shall use due diligence to ensure employees, Board Members, family members and officers do not participate in contracts receiving funds pursuant to this agreement.

Executed this _____ day of _____, 20_____.

By: _____
(Signature of CONSULTANT'S authorized official)

(Name and Title of CONSULTANT'S Authorized Official)

ATTACHMENT 8
DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)

Page 1 of 2

As required by the Drug-Free Workplace Act of 1988

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here.

ATTACHMENT 9

CONTRACTOR ASSURANCE

Special Attachment No. 1
Sheet 1 of 4

KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment
To Contracts or Agreements Entered Into
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,
REHABILITATION ACT OF 1973, and any amendments thereto,
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN
MINORITY POPULATIONS AND LOW INCOME POPULATIONS (1994), and any amendments thereto,
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

NOTIFICATION

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 State. 252), §504 of the Rehabilitation Act of 1973 (87 State. 3555) and the Americans with Disabilities Act of 1990 (42 USD 12101), the Age Discrimination Act of 1975 (42 USC 6101), the Regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such ACT, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively insure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following nine "Nondiscrimination Clauses".

CLARIFICATION

Where the term "consultant" appears in the following seven "Nondiscrimination Clauses," the term "consultant" is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

Nondiscrimination Clauses

During the performance of this contract, the consultant, or the consultant's assignees and successors in interest (hereinafter referred to as the "Consultant"), agrees as follows:

(Revised 07-29-1999)

- (1) **Compliance with Regulations:** The consultant will comply with the Regulations of the Regulations of the U.S. Department of Transportation (Title 49, Code of Federal Regulations, Parts 21, 23, and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The consultant, with regard to the work performed by the consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either competitive bidding or negotiation made by the consultant for work to be performed under a subcontract including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the consultant of the consultant's obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.
- (4) **Information and Reports:** The consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary and the Transportation of the State of Kansas will be permitted access to the consultant's books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information, the consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.
- (5) **Employment:** The consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or national origin.
- (6) **Sanctions for Noncompliance:** In the event of the consultant's noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the

(Revised 07-29-1999)

State of Kansas may determine to be appropriate, including, but not limited to,

- (a) withholding of payments to the consultant under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(7) **Disadvantaged Business Obligation**

- (a) Disadvantaged Businesses are defined in the Regulations, shall have a level playing field to compete fairly for contracts financed in whole or in part with Federal funds under this contract.
- (b) All necessary and reasonable steps shall be taken accordance with the Regulations to ensure that Disadvantaged Businesses have equal opportunity to compete for and perform contracts. No person(s) shall be discriminated against on the basis of race, color, gender, or national origin in the award and performance of federally-assisted contracts.
- (c) The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of Federally-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

(8) **Executive Order 12898**

- (a) To the extent permitted by existing law, and whenever practical and appropriate, all necessary and reasonable steps shall be taken in accordance with Executive Order 12898 to collect, maintain, and analyze information on the race, color, national origin and income level of persons affected by programs, policies and activities of the Secretary of Transportation and use such information in complying with this Order.

- (9) Incorporation of Provisions: The consultant will include the provisions of paragraph (1) through (8) in every subcontract, including procurements of materials and lease of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The consultant will take such action with respect to any subcontract or procurement as the Secretary of Transportation of the State of Kansas may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the consultant may request the State to enter into such litigation to protect the interests of the State.

(Revised 07-29-1999)

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Mike King, Secretary
Jim L. Kowach, P.E., Chief



Phone: 785-296-3531
Fax: 785-296-6946
Hearing Impaired - 711
publicinfo@ksdot.org
<http://www.ksdot.org>

Sam Brownback, Governor

CONTRACT REIMBURSEMENT for HOTEL, PER DIEM, and MEAL POLICY

Attention Contract Partners:

The allowance of "reasonable" rates for hotels and per diem in contracts has been vague for consultants and sub-consultants, but will now be defined as the amount allowed for state employees.

Beginning September 1, 2012, no out-of-state hotel bills will be reimbursed without advanced written approval (prime and/or sub-consultant). No additional markup will be allowed on in state (or approved out of state) hotel bills. A copy of the hotel receipt will be required for reimbursement (prime and/or sub-consultant). The amount allowed, not including taxes, will be \$83.00 per night, however there may be occasional instances when lodging cannot be secured for \$83.00 per night. In those cases, up to a maximum of \$125.00, not including taxes, will be allowed. Any amounts above these daily rates or un-approved out of state stays, will not be reimbursed.

Effective immediately, the maximum reimbursable rate for per diem for overnight travel instances will be \$46.00 per day (\$11 for breakfast, \$12 for lunch, and \$23 for dinner). Any amounts above these rates will not be reimbursed. No meal allowance/reimbursement will be made for those not on overnight travel per diem. All individuals on per diem are responsible for their own receipts. Please notify your sub-consultants of these changes and rates.

If you have any questions, please contact me.

Thank you.

A handwritten signature in black ink that reads "Jim L. Kowach". The signature is fluid and cursive.

Jim L. Kowach, P.E.

c: Ms. Rhonda Seitz - Chief, Bureau of Fiscal Services

Kansas Department of Transportation
Certificate of Subconsultant Work and Payment

_____ (MPO)

_____ (MPO Work Activity)

I certify that _____ received payment from the _____
 (Prime Consultant) (MPO)

on _____ for Invoice Number _____ and within 10 calendar days after
 (date check received)

this date, paid the subconsultants named below for the satisfactory work completed on or before the invoice "paid to date" in compliance with the Standard Specifications and Special Provisions in this contract.

_____ (Date)

_____ (Signature of Prime Consultant Representative)

Sub Consultant

Amount Paid
\$
\$
\$
\$
\$
\$
\$
\$

(Completed forms are to be submitted by the MPO to the KDOT
 Urban Planning Unit in requests for reimbursement.)

Challenges and Protests

Challenges

A challenge is defined as a written objection by any party interested in responding to either a bid or proposal (collectively referred to as solicitations), when that party wishes to have the City consider an addition, substitution or modification to the specifications stated in the outstanding solicitation.

The written challenge of the solicitation specifications must be filed with the Purchasing Manager located on the 12th Floor, Finance Department at City Hall, 455 N Main, Wichita, KS 67202, telephone number (316)268-4636, at least five (5) business days before the solicitation opening due date and time as listed on the solicitation documents. Any challenge to solicitation specifications received after the five (5) business days deadline will not be considered by the City. The Purchasing Manager will acknowledge receipt of the challenge. The written challenge is to include the name, address, email address and telephone number of the interested party, identification of the solicitation number and project title, a detailed statement of the reasons for the challenge, supporting evidence or documentation to substantiate any arguments, and the form of relief requested, e.g. the proposed addition, substitution or modification to the specifications. The Purchasing Manager will investigate the written challenge and any evidence or documentation submitted with the challenge.

In the event of a timely challenge of the solicitation specifications to the Purchasing Manager, the affected pending solicitation shall not proceed further until the challenge is resolved by Purchasing Manager decision. The Purchasing Manager will issue a written decision, which will be posted on the City's e-procurement website, <https://ep.wichita.gov>, for viewing by all interested parties. The decision rendered by the Purchasing Manager will be final.

Protests

A protest is defined as a written objection to a proposed award, or the award of a contract, with the intention of receiving a remedial result. In order to be considered valid, a protest must 1) come from an actual bidder or proposer for the contract, 2) who claims to be the rightful award recipient, 3) whose economic interest may be affected substantially and directly by the award of a contract or by the failure to award a contract. Suppliers or subcontractors to a bidder or proposer cannot file a valid protest. A valid protest can only be filed by a bidder or proposer which can show that it would be awarded the contract if the protest were successful. Therefore, all conditions numbered 1 through 3 listed above in this paragraph must be met.

The written protest for bids must be filed with the Contract Compliance Officer located on the 12th Floor, Finance Department, City Hall, 455 N Main, Wichita, KS prior to 9:00 a.m. of the Tuesday immediately following the posting of the notice of intent to award on the City's e-procurement website at <https://ep.wichita.gov> under the bid results tab. Failure of a protestor to file a written protest related to the award of a contract prior to the 9:00 a.m., Tuesday deadline will invalidate that protest and cause it not to be considered.

The written protest for proposals must be filed with the Contract Compliance Officer located on the 12th Floor, Finance Department, City Hall, 455 N Main, Wichita, KS prior to 5:00 p.m. on the third business day following the day of issuing an email or written notification of award. Failure of a protestor to file a written protest related to the award of a contract prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered.

The Contract Compliance Officer will acknowledge receipt of the written protest. The written protest is to include the name, address, email address and telephone number of the protestor, identification of the

solicitation number or contract number and project title, a detailed statement of the reasons for the protest which justify the relief sought, supporting evidence or documentation to substantiate any arguments, and a concise statement of the form of relief requested (e.g. reconsideration of the offer). All the above required information must be included in the protest at its submission. Untimely protests will be returned unopened. Incomplete protests will be rejected without consideration.

In the event of a valid, timely protest, the City shall not proceed with the execution of the contract until all City administrative remedies have been exhausted or waived, or until a determination is made that a contract award is required to protect the interests of the City.

The decision of the Contract Compliance Officer, based on review of the written protest and information available from City sources, will be rendered within ten (10) business days after receipt of protest, will recite the reasons for the decision, and be provided to the protestor by email or written notification.

The protestor may seek reconsideration of the decision of the Contractor Compliance Officer in writing to the Internal Auditor located on the 13th Floor, City Manager Office, City Hall, 455 N Main, Wichita, KS prior to 5:00 p.m. on the third business days following the day of issuing an email or written notification of decision. Failure of a protestor to file a written reconsideration request related to the Contract Compliance decision prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered. The Internal Auditor's decision will be issued by email or written notification within ten (10) business days after receiving the written reconsideration, unless this time for a response is extended in writing and agreeable by both parties.

The Internal Auditor's decision will be final, unless the protestor seeks a hearing before the City Council, by written request filed with the City Clerk, located on the 13th Floor, City Hall, 455 N Main, Wichita, KS, prior to 5:00 p.m. on the third business day following the day of issuing an email or written notification of the Internal Auditor's decision. Failure of a protestor to file a written reconsideration request related to the Internal Auditor's decision prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered.

If there is timely written reconsideration request, the protestor may seek reconsideration of the decision of the Internal Auditor by means of a hearing before the City Council. This hearing shall be in aid of the City Council's legislative authority to approve contracts for goods, services and public improvements on behalf of the City, and does not imply any due process right of the protestor in an unawarded, unexecuted contract. The hearing shall be scheduled as soon as practicable according to the City Council's calendar. The hearing shall be granted only upon such facts and issues as are presented in writing to the City Clerk for submission to City Council at or before noon on the Thursday preceding the scheduled hearing. No documents or other evidence shall be accepted at the hearing. The protesting party shall have available no more than 20 minutes for presentation of argument, followed by no more than 20 minutes of argument presented by City staff. The City Council may deliberate in executive session to seek the assistance of the City Attorney, but shall deliver its decision from the bench during the City Council meeting.

If a written protest is made against any proposed award or the award of a contract that relies in part on federal funding, then the Contract Compliance Officer shall notify the Granting Authority in writing with all information regarding the protest. **A protestor must exhaust all administrative remedies with the City of Wichita before pursuing a protest with the Granting Authority.** Protestors are put on notice that according to federal regulations, certain determinations made at the local level are not subject to appeal to the Granting Authority. If a review is granted by the Granting Authority, it will be limited to:

- (1) the City of Wichita's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or
- (2) violations of Federal law or regulations.

The Contract Compliance Officer will provide notice to the Granting Authority Regional Office or Headquarters Office of any request for reconsideration before the Internal Auditor, and also provide notice of the decision rendered by the Internal Auditor, or any alternative resolution reached.

LIABILITY INSURANCE SPECIFICATIONS

The **Successful Bidder** will be required to furnish a Certificate of Insurance (prior to the Purchase Order, Agreement, or Contract being issued) with the following minimum coverage:

1. Commercial General Liability
Covering premises—operations, xcu hazards, Product/Completed Operations, Broad Form Property Damage and Contractual Liability with minimum limits as follows:

Bodily Injury Liability	\$500,000 Each Occurrence \$500,000 Each Aggregate
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Property Damage Liability	\$500,000 Each Occurrence \$500,000 Each Aggregate
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Or

Bodily Injury and Property Damage Liability (Combined Single Limit)	\$500,000 Each Occurrence \$500,000 Each Aggregate
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2. Comprehensive Automobile Liability
All Owned, Non-Owned, and Hired vehicles with minimum limits as follows:

Bodily Injury Liability	\$500,000 Each Accident
Property Damage Liability	\$500,000 Each Accident

Or

Bodily Injury and Property Damage Liability (Combined Single Limit)	\$500,000 Each Accident
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3. Workers' Compensation Statutory

Employers Liability	\$100,000 Each Accident \$500,000 Aggregate \$100,000 Occupational Disease
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The Insurance Certificate must contain the following:

The City of Wichita shall be added as primary and non-contributory additional insured. The policy shall also provide coverage for contractor's/vendor's contractual obligations created in the Agreement.

The Certificate of Insurance must be submitted **within ten (10) days** after notification of award to the City of Wichita Purchasing Manager, City Hall, 12th Floor, 455 North Main, Wichita, Kansas, 67202-1694.

END OF SPECIFICATIONS

(R02/11)

RFP CONDITIONS

1. Certification 1-The Consultant hereby certifies that:

- A. The Consultant has not employed or retained for a commission, percentage, brokerage, contingent fee, override or other consideration, any firm or person at any time or for any purpose, (other than a bona fide employee working solely for the above Consultant) to **solicit** or secure this Agreement.
- B. The Consultant has not agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement.
- C. The Consultant has not paid or agreed to pay to any firm, organization, or person (other than a bona fide employee working solely for the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement, except as here expressly stated (if any).

2. Certification 2- The Consultant hereby certifies that:

No Lobbying and Influencing Federal and/or City Employees or City Council Members:

- (a) No Federal or locally appropriated funds shall be paid, by or on behalf of the contractor, to any person for influencing or attempting to influence an officer or employee of any agency, an officer or employee or City Council member of the City of Wichita, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant.
- (b) 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 of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities" in accordance with its instruction.

3. Certification 3-The Consultant hereby certifies that:

Conflict of Interest

The Consultant certifies that no member, officer, employee, agent, or City Council member of the City of Wichita member exercising any functions or responsibilities with respect to the program outlined in this contract shall have any personal financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. The Consultant shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section. The Consultant shall use due diligence to ensure employees, Board members, family members and officers do not participate in contracts receiving funds pursuant to this agreement.

KANSAS OPEN RECORDS ACT

Pursuant to the Kansas Open Records Act (K.S.A. 45-215 et seq.), all proposals received become a public record once award of the contract or agreement has been approved by the City Council. Bidders should not expect the City to seek confidentiality protection for any claimed privileged or proprietary information in the written proposal just because the material is marked "confidential" or "proprietary." For any essential information that the bidder reasonably believes can be defended as being exempt from disclosure under the Act, the bidder must be capable of being separated or redacted from the balance of the proposal and should be clearly and specifically marked as confidential or proprietary. For any material so designated, the City will seek to claim confidentiality if the justification for such confidentiality is readily apparent or if the bidder requests that the City to contact the bidders for guidance before making the material public. The City cannot guarantee the confidentiality of claimed material, however.

SUBCONTRACTING/JOINT VENTURES

Vendors are encouraged to consider subcontracting portions of the contract to emerging and disadvantaged businesses and women-owned businesses. A joint venture between two or more vendors is wholly acceptable if it serves the best interests of the City of Wichita. If this is done, the names of the proposed subcontracting vendors must be clearly identified in the proposal. Following an award of the contract, no additional subcontracting will be permitted without the express prior written consent of the City of Wichita. The firm receiving the contract award will be responsible for any work of such subcontractors and sign the contract with the City of Wichita.

EMERGING AND DISADVANTAGED BUSINESS PARTICIPATION

The City of Wichita encourages all bidders to include emerging and disadvantaged business participation in their proposals. Therefore, each vendor shall specifically identify the participation of emerging and disadvantaged contractors and subcontractors in the work to be performed by the vendor and shall list such emerging and disadvantaged contractors or subcontractors by name and show the dollar amount of work to be performed by each in the proposal.

GENERAL SPECIFICATIONS

PROPOSAL FORMS

All proposals **MUST** be submitted and signed by an officer or employee authorized to sign proposal. Any exceptions, to the specifications, terms and/or other conditions concerning the proposal, **must** be noted in the "Proposal" to be considered. The "Proposal" is to be submitted in an envelope showing a return address, the proposal number and due date. Vendors are requested to submit current literature or brochures relating to their proposal.

CONFLICT OF INTEREST

The firm is required to disclose that it has no conflict of interest with regard to any officer or employee of the companies involved including the City of Wichita.

LICENSE

Vendors bidding on commodities or services for the City of Wichita must be currently licensed by the City of Wichita or the State of Kansas, where applicable, before a purchase order or contract will be issued.

CONTRACT

The successful vendor agrees to enter into a contract with the City, and when required, as per specifications, to furnish bond by a surety company authorized to do business in the State of Kansas.

EMERGING & DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION ENCOURAGEMENT

The City of Wichita encourages all vendors to include emerging & disadvantaged business participation in their proposals.

ARBITRATION PROVISIONS

"Notwithstanding anything to the contrary contained in these proposal documents or the contract to be awarded herein, the City shall not be subject to arbitration and any clause relating to arbitration contained in these proposal documents or in the contract to be awarded herein shall be null and void."

ANTITRUST LITIGATION CLAUSE

"For good cause, and as consideration for executing a purchase order/contract, the contractor, acting therein by and through its authorized agent, hereby conveys, sells, assigns, and transfers to the City of Wichita, all rights title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of Kansas, relating to the particular product, products, or services purchased or acquired by the City of Wichita, Kansas, pursuant to a purchase order/contract.

CONSTRUCTION - PAVING PROJECTS

On construction or paving projects, contractors **MUST** contact the City Controller's Office, City Hall, 12th Floor, 455 North Main Street for a Kansas Sales Tax Exemption Certificate **prior** to starting work. Contractors will be responsible for paying Kansas Sales Tax on any purchase for these projects made **before** the certificate is issued.

RESTORATION

"Contractor shall, as a condition of final payment, restore all right-of-way and adjacent private property which has been disturbed, damaged or otherwise affected by construction to a condition equal to or better than existed prior to the commencement of construction. Such restoration shall include but not be limited to regrading and seeding of areas where grass was planted and growing prior to construction; provided, however, such regrading and seeding of lawn areas, when completed, shall be considered to be restoration of an area to a condition equal to or better than previously existing grass growth and Contractor shall have no responsibility to ensure growth of such seeded area(s). This restoration shall be considered part of the contract work and Contractor shall be responsible for the performance of such restoration work in the same manner as it is responsible for the performance of the contract work."

FEDERAL EXCISE TAX

The articles specified in this proposal are for the exclusive use of the City of Wichita, Kansas. Therefore, Federal Excise Tax shall not be imposed. The City of Wichita, Kansas Federal Excise Tax Exemption Certificate Number is 48 77 0021K.

ESTIMATED QUANTITIES

If estimated quantities are shown, on the "Request For Formal Proposal" form, they are used to evaluate the proposal only. The figure(s) listed is the estimated usage only and is not intended to limit or guarantee in any way, the amount the City may purchase under the purchase order/contract.

CITY OF WICHITA CREDIT CARD

Presently, many City Agencies use a City of Wichita Procurement Card (Visa) in lieu of a City warrant to pay for some of its purchases. No additional charges will be allowed for using the card.

DELIVERY

Delays in delivery caused by bona fide strikes, government priority or requisitions, riots, fires, sabotage, acts of God or any other delays deemed by the Purchasing Manager to be clearly and unequivocally beyond the contractor's control, will be recognized by the City, and the contractor will be relieved of the responsibility of meeting the delivery time, as stipulated in the contract, upon contractor's filing with the Purchasing Manager a notarized just and true statement signed by a responsible official of the contractor's company, giving in detail all the essential circumstances which, upon verification by the City, justifies such action by the Purchasing Manager.

AWARD

The City, through its Purchasing Manager reserves the right to accept or reject any or all proposals and any part of parts of any proposal and to waive formalities therein to determine which is the most beneficial proposal. Any proposal which is incomplete, conditional, obscure, or which contains additions not called for or irregularities of any kind, may be cause for rejection of the proposal. All proposals are awarded subject to a check of the computations shown on the "Request For Proposal" form. In the event of a discrepancy in the extension(s) or total for the item(s), the unit cost shall prevail.

Vendors must guarantee proposal prices for a period of ninety (90) days after the proposal.