



Request for Proposals:

NORTHEAST WISCONSIN INTERMODAL FREIGHT FACILITY STUDY - PHASE 2

East Central Wisconsin Regional Planning Commission

Date of Issuance: Tuesday, January 9, 2024

Proposals due: Wednesday, January 31, 2024 by 4pm CST

Catalog of Federal Domestic Assistance (CFDA) Number: 20.205

EC Project ID: 1321-01-024

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Section 1 – General Information to Proposers

1. Background Information

About East Central Wisconsin Regional Planning Commission

East Central Wisconsin Regional Planning Commission is the official comprehensive, area-wide planning agency for the eight member-counties in the East Central Wisconsin including the counties of Calumet, Fond du Lac, Menominee, Outagamie, Shawano, Waupaca, Waushara and Winnebago. ECWRPC also serves as the Metropolitan Planning Organization for Appleton (Fox Cities) and Oshkosh, and as staff for the Metropolitan Planning Organization for Fond du Lac. East Central Wisconsin Regional Planning Commission, as the MPO and staff for the Fond du Lac MPO, receives PL funds for the MPO and follows the federal regulations as it relates to MPO Activities within 23 CFR 420 and 450.

About Green Bay MPO/Brown County Planning Commission

The Green Bay MPO is housed within the Brown County Planning Commission. As the MPO for the Green Bay Urbanized Area, staff works with communities, agencies, stakeholders, and the public to plan the area's multimodal transportation system for the safe and efficient movement of people and freight.

2. Project Summary

East Central WI Regional Planning Commission (ECWRPC) is issuing this "Request for Proposals" (RFP) to: Northeast Intermodal Freight Facility Study - Phase 2. Between the fall of 2020 and May of 2022, the East Central Wisconsin Regional Planning Commission worked with the Brown County Planning Commission/Green Bay MPO, Port of Green Bay, New North, Inc., private consulting firms, and a steering committee to develop an intermodal freight facility study for the northeast portion of the state. This study found that there is significant demand for intermodal freight shipping in Northeast Wisconsin and that a locally-based intermodal service may be fast and cost-effective enough to be an attractive option for shippers. However, the study also found that there are currently a variety of operational challenges associated with establishing intermodal service and that a strong business case needs to be built to justify establishing this type of service in Northeast Wisconsin.

The Consultant selected to complete this project will coordinate, work with, and work under the direction of ECWRPC staff for the completion of work described within this RFP. The deadline for completion of this project will be **March 31 , 2025**.

3. Purpose

The goals of this Phase 2 study will include (but will not necessarily be limited to):

- Working with the core team to identify potential project champions and creating an intermodal freight facility coalition.
- Determining if shippers and railroads are willing to cooperate with each other and possibly a third-party facilitator to establish and sustain an intermodal freight facility.
- Identifying specific preferred and secondary facility locations in Northeast Wisconsin.
- Determining the short- and long-term roles of the Port of Green Bay in a regional intermodal freight facility, including an analysis of the Port of Green Bay regarding short- and long-term opportunities for container shipping on the Great Lakes.
- Refining the facility cost estimates from the 2022 Northeast Wisconsin Regional Intermodal Freight Facility Study.
- Engineering and regulatory modifications necessary to make a site viable for an intermodal freight facility.
- Identifying potential funding sources to establish and operate an intermodal freight facility.

4. Project Timeline

The project will commence on or around March 1, 2024, and all tasks must be completed by **March 31, 2025**. The final invoice must also **be received no later than April 15, 2024**.

5. Request for Proposals (RFP) Process

This RFP will be publicly advertised and released in accordance with the applicable laws of the State of Wisconsin and shall include notification of the time and place when and where the RFP is issued. Vendors selected to enter into Contract for this project are considered subrecipients of federal funding, and will need to comply with 2 CFR 200 and 23 CFR 450 and 420. The RFP may be obtained from the primary contact:

Melissa Kraemer Badtke, Executive Director/MPO Director
East Central WI Regional Planning Commission
Attn: Northeast Intermodal Freight Facility Phase 2 Study
400 Ahnaip Street, Suite 100
Menasha, WI 54952
Email: mbadtke@ecwrpc.org
Phone: (920) 751-4770

6. RFP Inquiries/Questions

All questions/inquiries must be directed in an email format with a subject line “**Questions – Northeast Intermodal Freight Facility Phase 2 Study**” **no later than Monday, January 17th, 2024 at noon** to:

Melissa Kraemer Badtke, Executive Director/MPO director
East Central WI Regional Planning Commission (ECWRPC)
Email: mbadtke@ecwrpc.org

ECWRPC will review all inquiries and questions received prior to the RFP submittal deadline and will address these questions on its website and as an addendum in VendorNet by noon on Monday, January 22, 2024. It is the responsibility of each Proposer to check ECWRPC's website and/or VendorNet for questions and the corresponding answers. During the review or preparation of the RFP Proposal, if a Proposer discovers any errors, omissions, or ambiguities within the RFP, they should identify them in writing to ECWRPC *prior* to the RFP submission deadline.

7. RFP Proposal Submission

East Central Wisconsin Regional Planning Commission must receive all proposals no later than ***Wednesday, January 31, 2024 at 4pm CST. Late proposals will not be considered.***

An email confirmation will be sent upon receipt of proposal.

Applicants must submit **an electronic PDF version of the proposal.** Proposals must be emailed to: **Melissa Kraemer Badtke; Subject Line: Northeast Intermodal Freight Facility Phase 2 Study; Email: mbadtke@ecwrpc.org.**

a. General Instructions

The evaluation and selection of a contractor will be based on the information submitted in the proposal plus references and any required interviews/presentations or demonstrations. Proposers should respond clearly and completely to all requirements. Failure to respond to each of the requirements in the RFP may be the basis for rejecting a proposal. Elaborate proposals (e.g. expensive artwork), beyond what is sufficient to present a complete and effective proposal, are not necessary or desired.

Document requirements: Times New Roman, Size Font – 12.

Each proposal must include the following:

- Project Understanding and Work Plan
- Project Schedule and Timeline
- Description of Firm
- Project Team and Experience with Similar Projects
- Desired and Value-Added Capabilities
- Budget and Fee Information
- Completed forms provided in attachments A-C:
 - A: Confidential and Proprietary Information
 - B: Bidder's Opportunity List
 - C: Assurance of Eligibility and Compliance

Section 2 – Scope of Services

8. Scope of Services

The proposal should closely follow the format of the Scope of Services and describe the Consultant's approach to completing each of the tasks outlined below. The proposal should provide sufficient detail to enable the selection committee to thoroughly evaluate and compare it to other proposals. It should include information sufficient to detail the work performed to accomplish each point and any other materials/ideas/data your firm believes is pertinent to this project.

a. Study

Element 1: Study Initiation

The consultant (or consultant team) will be selected by the study's core team, which is comprised of representatives of the ECWRPC, Bay Lake WI Regional Planning Commission, New North, Inc., Port of Green Bay, and Brown County Planning Commission/Green Bay MPO.

After a consultant is selected, the study development process will begin by identifying potential project champions and creating an intermodal freight facility coalition that includes the members of the study's core team. Once the coalition is created, the coalition members will work with the consultant to achieve the goals listed in the Background section of this RFP as well as any additional goals that are identified at the beginning of the study development process.

The intermodal freight facility coalition will guide the consultant during the development of the study by:

- Assisting with the identification and acquisition of relevant data for the study.
- Assisting with the identification of stakeholders who should be interviewed during the study's outreach element.
- Reviewing and commenting on the draft findings of the study's data and outreach analysis.
- Reviewing and commenting on draft findings regarding an intermodal freight facility's location and cost.
- Reviewing, commenting on, and approving the full study document.

At least some of the data necessary for the successful completion of this study will be proprietary information obtained from businesses, industries, shippers, and possibly other stakeholders. To ensure these data remain private and are only used in an aggregate manner for the development of this study, the data will be retained by the consultant or subconsultants.

It is expected that the coalition will meet monthly/every other month during the development of the study, and these meetings may be conducted online using Teams or another videoconferencing system. The actual number of meetings will be determined by the selected consultant and the study's core team during the development of the project's contract.

Element 2: Data Collection

Based on the results of the Phase 1 study, inbound commodity flows were lower than outbound commodity flows in the region. In the Phase 2 study, the consultant will be expected to gather additional information and data regarding inbound and outbound commodity flows and this data can be gathered through additional data collection and/or stakeholder interviews. The selected consultant will be responsible for identifying the data necessary to complete the study. Consultants who respond to this RFP are expected to identify the data they believe are necessary for the study in their applications.

Although it is anticipated that the selected consultant or its subconsultants will have experience identifying and acquiring the necessary data and literature, the consultant will be expected to ask the intermodal freight facility coalition if there are additional data and literature that should be collected, the sources of the additional data and literature, and methods of acquiring the additional data and literature.

The data should, at a minimum, address the following factors that are believed to be essential to the success of an intermodal freight facility in Northeast Wisconsin:

- An even import/export balance for domestic and international goods.
- The use of consistent shipping routes.
- Commodity destinations that are served by the rail companies that serve Northeast Wisconsin.
- Group of industries that would support the businesses – coalition that would/could support a facility somewhere in Northeastern Wisconsin.
- The development of a business model that would be successful for an Intermodal Freight Facility in Northeastern Wisconsin.

Element 3: Stakeholder Outreach

The selected consultant, in cooperation with the intermodal freight facility coalition, will identify stakeholders who will be interviewed for the study and collect additional data and information as necessary. These stakeholders will include (but will not necessarily be limited to):

- Logistics and shipping experts within the rail, trucking, marine, and other freight industries.
- Representatives of freight rail and marine shipping companies.
- Intermodal freight facility operators around the Great Lakes.
- Potential freight facility host communities.

- Other stakeholder suggestions as provided by the consultant or others from the list provided above.

The stakeholder outreach will occur as data are being collected is being reviewed at the beginning of the study development process. It is anticipated that stakeholders will be engaged individually and possibly in groups, and each consultant who responds to this RFP will be expected to identify a stakeholder engagement strategy in its application.

Element 4: Analysis of Data and Outreach

As part of the Phase 1 study, it was identified that there was a lack of inbound commodity flow. The consultant will collect additional information regarding inbound and outbound commodity flows along with additional site analysis for a potential site. For these two components of the Phase 2 study, additional stakeholder interviews may need to be conducted in order to gain additional information regarding the commodity flows and the site analysis. After the additional data sets data are collected and stakeholder interviews are completed, the consultant will develop an analysis of the findings of these efforts. This analysis will be presented to the intermodal freight facility coalition, and coalition members will be asked to provide feedback about the analysis. The coalition will also have an opportunity to recommend collecting additional data, reviewing additional literature, and interviewing additional stakeholders if the coalition believes it is necessary.

Element 5: Determination of Intermodal Freight Facility Viability, Location, and Cost

After the data and outreach analysis is completed and accepted by the intermodal freight facility coalition, the consultant will use the information to determine the existing, short-term, and long-term viability of an intermodal freight facility in Northeast Wisconsin.

Determining Existing Viability

The consultant will first determine if current conditions support the establishment of an intermodal facility in Northeast Wisconsin. Based on the information provided by regional stakeholders during the development of the 2022 Northeast Wisconsin Intermodal Freight Facility Study, these conditions include:

- An even import/export balance for domestic and international goods.
- The use of consistent shipping routes.
- Commodity destinations that are served by the rail companies that serve Northeast Wisconsin.

Determining Short-Term Viability

If current freight conditions do not support the establishment of an intermodal freight facility in Northeast Wisconsin, the consultant will determine if there are viable short-

term strategies that can be implemented to create the necessary conditions relatively quickly.

If the consultant finds that short-term strategies would likely be effective, the consultant will then identify one preferred and two secondary intermodal facility sites and the estimated costs of establishing and operating facilities at these sites based on this analysis.

Determining Long-Term Viability

The consultant should examine long-term viability in two ways.

First, if it appears that short-term strategies would work and the region's existing industries and shippers would be willing and able to establish and support a new intermodal facility in Northeast Wisconsin, the consultant should also recommend long-term strategies that will maximize the chances the intermodal facility will continue to be used for many years after it is established (and the public/private financial investment in the facility will not be lost).

Second, if it does not appear that it is possible to quickly create the necessary freight conditions by working with existing industries and shippers, the consultant will determine if there are viable long-term strategies that can be implemented over time to create the necessary conditions.

If the consultant finds that an intermodal freight facility is not viable in the short-term and that only long-term strategies will likely be effective, the consultant will then identify one preferred and two secondary intermodal facility sites and the estimated costs of establishing and operating facilities at these sites based on this long-term analysis.

After the consultant is finished with this element of the study, the findings will be presented to the intermodal freight facility coalition for review and comment.

Element 6: Development of Final Study Document

After the intermodal freight facility coalition has reviewed and commented on the study's Intermodal Facility Viability, Location, and Cost Section, the consultant will develop the final study document.

The final document will be presented to the intermodal freight facility coalition at its final meeting, and the coalition will be asked to approve the document at this meeting.

The consultant will present to the Brown County Planning Commission/Green Bay MPO Policy Board and the East Central Wisconsin Regional Planning Commission Transportation Committee/Appleton (Fox Cities) and Oshkosh MPO Technical Advisory Committee meetings.

Element 7: Project Management Meetings

The Consultant will have regular check-in meetings with ECWRPC staff, Brown County/Green Bay MPO staff, and the coalition regarding the study.

Section 3 – Proposal Requirements and Evaluation**9. Proposal Requirements and Evaluation (Maximum of 100 points)**

Document requirements: Times New Roman, Size Font – 12.

a. Evaluation and Scoring of Proposals

Accepted proposals will be reviewed by the ECWRPC selection team. The proposals will be scored using the following criteria:

Project Understanding and Work Plan	25 pts.
Experience with Similar Freight Studies	15 pts.
Project Schedule and Timeline	15 pts.
Description of Firm	15 pts.
Project Team and Experience with Similar Projects	15 pts.
Budget and Fee Information	<u>15 pts.</u>
Total Points	100 pts.

b. Estimated Schedule of Events

This schedule is preliminary and subject to change.

Issuance of RFP	Tuesday, January 9, 2024
Question Submittal Deadline	Wednesday, January 17 th , 2024 by noon CST
Addendum Posted on VendorNet	Monday, January 22 nd , 2023 by noon CST
Closing Date of RFP Response	Wednesday, January 31, 2024 by 4pm CST
Evaluation Committee Meets to Rank Proposals	Week of February 5 th , 2024
Interviews (only if needed)	Week of February 12 or February 19, 2024
Contract Negotiation Meeting	Week of February 19 th , 2024
Contract Approval	March 27, 2024
Begin Work on Contract	April 1, 2024

c. Project Understanding and Work Plan (25 possible points)

This section requires a discussion of the approach the firm will use to complete the project. The proposal shall include a clear and concise understanding of the project, the work to be completed, and the coordination required based on existing information.

Elements that will be evaluated are:

1. Demonstrates understanding of the project.
2. Clear and concise explanation of specific tasks needed to accomplish the project.
3. Defines issues to be resolved in the course of the project.

4. Previous work and tools.
5. Coordination efforts.
6. General tools that will help within the study.

d. Experience with Similar Freight Studies (15 points)

Demonstrated experience in preparing intermodal freight studies, working with diverse groups of stakeholders, finding and utilizing relevant information, and preparing comprehensive documents that are easily understood by decisionmakers and the public.

e. Project Schedule and Timeline (15 possible points)

This relates to the consultant's time requirements to complete those tasks identified. Elements that will be evaluated include:

1. Time required to complete individual tasks (duration).
2. Inter-relations between tasks (dependencies).
3. Key events during the project (milestones).
4. Critical input points from ECWRPC.

f. Description of Firm (15 possible points)

This is related to the firm and sub consultants. All sub consultants and their respective roles, qualifications, and experience must be clearly identified. This section will provide a basis for judging how well the firm's qualifications and experience relate to this specific project. Firm profile may be included. Elements that will be evaluated are:

1. Background & stability of firm (length of time in business, ownership, affiliations, financials, etc.).
2. Relevant projects the firm has completed (provide references).
3. Background of any sub consulting firm(s) used on this project, and an explanation of prior relationships with the consultant.
4. Relevant projects the sub consulting firm(s) has completed (provide references).
5. Provide three (3) references of individuals/agencies with contact information (i.e. phone numbers and e-mail) who can attest to your firm's ability to undertake and complete this project.

g. Project Team and Experience with Similar Projects (15 possible points)

This criterion relates to the project principal, project manager, key staff, and sub consultant staff. This section will provide a basis for judging how well the project team's qualifications, experience with similar projects, and time allocations related to this specific project. Individual resumes must be included. Elements that will be evaluated are:

1. Number of people and hours assigned to this project with information to be provided in a spreadsheet format that clearly identifies staff, hours, and associated costs.
2. Extent of principal and project manager involvement. Meeting with the Project Team as often as necessary to meet objective and additional meetings, as the consultant believes necessary to enhance this project.
3. Key project team members who worked on similar projects and unique qualifications that make them a valuable resource on this specific project, including experience with other consulting firms.
4. Key project team member roles during this project.
5. Does the project team cover all phases of this project?
6. Project Manager's technical and managerial experience with projects of similar scope and nature.

h. Budget and Fee Information (15 possible points)

Proposed Consultant fees for **each phase** of this project must be submitted in a spreadsheet format. The fee structure relates to the total fee for this project as described by the consultant in Section 2, Scope of Services. Proposed resources for each task must be identified, including hours and wage rates for consultants and sub consultants. Work that the consultant would not provide, and must be provided separately by the ECWRPC must also be identified. Elements that will be evaluated include:

1. Availability of resources from the consultant and the sub consultant(s) for the project.
2. Estimated hours and fees to complete individual work elements.
3. Estimated total fee for the project, based on hourly rates including a not-to-exceed cap.
4. List of tasks not performed by the consultant or sub consultant(s) for project, which must be performed by the ECWRPC.
5. Identify what your firm considers reimbursable expenses and detailed costs of each. All costs, as requested, for furnishing the product(s) and/or services must be included in this proposal.

The proposed budget will be 15% of the overall score.

All prices must be quoted in U.S. Dollars.

Section 4 – Proposal Terms and Conditions

10. RFP Document

Information provided herein is intended solely to assist Proposers in the preparation of their Proposals. To the best of the ECWRPC's knowledge, the information provided is accurate. However, ECWRPC does not warrant such accuracy and any errors or omissions subsequently determined will not be construed as a basis for invalidating this RFP.

11. Ownership of Records

ECWRPC will retain ownership of all interim and final documents and related materials that are either produced or developed in conjunction with the Consultant's contract. The Consultant is prohibited from copying or distributing any of these documents or other reports developed in conjunction with the East Central WI Regional Planning Commission (ECWRPC) without written permission from ECWRPC.

12. Acceptance of Proposal Content and Public Information

Proposals will be treated as proprietary and confidential from the time of the receipt and throughout the review process; however, the Proposer shall understand that all submitted proposals become the property of the East Central WI Regional Planning Commission (ECWRPC) and information included therein or attached thereto shall become public record pursuant to Wisconsin State Statute after recommendation for endorsement of contract is made. Any specific portions of the proposals which the submitting firm desires to remain confidential due to legitimate "proprietary information" or "trade secret" must be identified in Attachment A. In the event that ECWRPC judges the information to be non-confidential, the Proposer will be notified and given the opportunity to change the designation or withdraw the proposal prior to evaluation.

13. Proprietary Information

All restrictions on the use of the data contained within a proposal and all confidential information must be clearly stated on the attached “Designation of Confidential and Proprietary Information” form (Attachment A). Proprietary information submitted in a proposal, or in response to the RFP, will be handled in accordance with the applicable Wisconsin State Statute(s).

To the extent permitted by the law, it is the intention of ECWRPC to withhold the contents of the proposal from public view until such times as competitive or bargaining reasons no longer require non-disclosure, in the opinion of ECWRPC. At that time, all proposals will be available for review in accordance with the Wisconsin Open Records Law.

14. Personnel and Subcontractors

1. The COMMISSION must approve or disapprove the selection of key personnel as identified in the application and/or this Agreement. Any new hires or changes in key personnel require prior written approval from the COMMISSION. Resumes, in sufficient detail to reveal the experience, education, and other general and specific qualifications for the position, must be submitted to the COMMISSION for its consent prior to approval of a candidate.
2. The CONSULTANT agrees to comply with the requirements regarding support of salaries and wages in 2 CFR Part 200.430, “Compensation-personal services.”

It is intended that a single contractor will have total responsibility for all services identified in this RFP. Therefore, any Proposer desiring to use a sub-contractor(s) must identify each on a document supplied as an attachment to the Proposal and titled attachment “Sub-contractors” and should include:

- their company’s name,
- the company’s principal owner(s),
- description of their involvement in the project, and
- qualifications for each aspect of this project they may work with.

The subcontractor(s) cannot be changed after submission of the Proposal without the written approval of ECWRPC. The Consultant is responsible for all actions, workmanship, performance, and payment for their subcontractor(s). A contract between the Consultant and the subcontractor must be signed within 14 business days of Consultant’s signed contract with ECWRPC. ECWRPC reserves the rights to a copy of the signed contract between the Consultant and the sub-contractors. ECWRPC reserves the right to terminate the terms of its contract in the event of Consultant’s failure to establish a signed contract between the Consultant and subcontractor within 14 business days. A copy of the final contract between the Consultant and the sub-contractor must be sent to ECWRPC within 21 business days of the Contract execution between ECWRPC and the Consultant.

15. RFP Proposal Costs

ECWRPC is not liable for any costs or expenses incurred by any Proposer in the preparation of the Proposal, attendance at any conference, or meeting related to this RFP. ECWRPC is not liable for payment of any amount to the selected proposer until the Contract has been awarded and executed by ECWRPC and the Contractor has performed

services pursuant to the Contract that entitle the Contractor to receive payment under the terms of the Contract.

16. Acceptance of Proposal Content

By submitting a proposal, the proposer agrees that all or portions of the proposal's contents may become part of a contract, if accepted, and ECWRPC will reject any proposal submitted by a proposer who does not accept this condition.

17. Rejection of Proposals

ECWRPC reserves the right to waive any informality, and/or to reject, at any time and for any reason, any and all Proposals received as a result of this RFP. East Central WI Regional Planning Commission's intent is to enter into a Contract as a result of this RFP. However, if, after reviewing the Proposals received, ECWRPC determines that ECWRPC should not enter into any contract, or to enter into a partial or different contract from the Contract contemplated by this RFP, ECWRPC will act in accordance with what ECWRPC determines at that time to be in its best interest. No Proposer or any other party has any entitlement, interest, or right in this decision by the ECWRPC and by submitting a Proposal, acknowledges ECWRPC's right to exercise its discretion in this regard without any right of recourse by the Proposer.

18. Insurance and Hold Harmless

Per ECWRPC's Competitive Bid Policy and 2 CFR 200, the successful proposer will be required to provide proof of insurance prior to the signing the contract, which shall include the following types and amounts:

1. Comprehensive General Liability - \$1,000,000 combined single limits per Occurrence;
2. Auto Liability - \$300,000 combined single limits per occurrence; and
3. Worker's Compensation – coverage satisfying statutory provisions of Chapter 102, Wis. Stats.; not less than \$100,000 employer's liability.

In addition, "hold harmless" provisions will be contained in the contract with the successful proposer.

19. Contract Negotiations

East Central Wisconsin Regional Planning Commission (ECWRPC) reserves the right to negotiate the award and conditions of the proposal prior to entering into a written agreement.

20. Applicability of State and Federal Regulations

The selected contractor shall comply with all applicable terms and conditions of ECWRPC, the Wisconsin Department of Transportation, Federal Highway Administration.

The consultants and subcontractors will comply with federal regulations for 2 CFR 200 and 23 CFR 450 and 420.

1. 23 CFR 450.308 Funding for transportation planning and unified planning work programs.
 - a. Funds provided under 23 U.S.C. 104(d), 49 U.S.C. 5305(d), and 49 U.S.C. 5307, are available to MPOs to accomplish activities described in this subpart

2. 23 CFR 450.336 Self-certifications and Federal certifications.

- a. For all MPAs, concurrent with the submittal of the entire proposed TIP to the FHWA and the FTA as part of the STIP approval, the State and the MPO shall certify at least every 4 years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:
 - i. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
 - ii. In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
 - iii. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
 - iv. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
 - v. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;
 - vi. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
 - vii. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
 - viii. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
 - ix. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
 - x. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

21. Nondiscrimination & Equal Opportunity

As a recipient and sub recipient of state and federal funds, ECWRPC complies with State of Wisconsin and Federal Equal Opportunity Regulations (s. 16.765, Wis. Stats., s.51.01 (5), Wis. Stats.; Section 109 of the Housing and Community Development Act of 1974). ECWRPC also complies with Title VI of the Civil Rights Act of 1964, and the Civil Restoration Act of 1987 (P.L. 100.259). Any contract resulting from this RFP shall contain provisions referencing ECWRPC's and the Contractor's compliance with these regulations. ECWRPC has also complied with Title 15: Commerce and Foreign Trade, Section 24.36€ regarding affirmation steps to encourage small and minority firms, women's business enterprise and labor surplus area firms to respond to this RFP.

The Commission shall provide a copy of its Affirmative Action Plan and Title VI/Americans with Disabilities Act and Limited English Proficiency Plan to prospective proposers, if requested.

22. Audits

1. The CONSULTANT agrees to comply with audit requirements as specified in 2 CFR Part 200.
2. The CONSULTANT shall ensure audits are properly performed, and furnish the required data collection forms and audit reporting packages to the Federal Audit Clearinghouse (FAC). The CONSULTANT shall upload audit reports into the FAC through the Internet Data Entry System (IDES) at <https://harvester.census.gov/fac/collect/ddeindex.html#>.
3. The CONSULTANT shall provide any audit with findings related to this award, with copies of the reporting package (including corrective action plans), management letters issued by an auditor, and audit working papers, to the COMMISSION.
4. The COMMISSION will seek to issue a management decision to the CONSULTANT within six months of receipt of an audit report with findings, and the CONSULTANT shall take timely and corrective action to comply with the management decision.
5. The COMMISSION reserves the right to conduct an independent follow-up audit.

23. National Policy Requirements

1. Debarment and Suspension

The CONSULTANT agrees to comply with 2 CFR Parts 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," and 1125, "Department of Defense Nonprocurement Debarment and Suspension." The CONSULTANT also agrees to communicate the requirement to comply with Parts 180 and 1125 to entities and persons at the next lower tier with whom the recipient enters into transactions that are "covered transactions" under Parts 180 and 1125.

2. Drug-Free Workplace

The CONSULTANT agrees to comply with Subpart B, "Requirements for Recipients Other Than Individuals," of 32 CFR Part 26, "Governmentwide Requirements for Drug- Free Workplace (Financial Assistance)."

3. Hatch Act

The CONSULTANT is advised that its employees may be subject to the Hatch Act (5 U.S.C. § 1501-1508). If doubt exists in particular cases, the CONSULTANT should seek legal counsel.

4. Universal Identifier Requirements and Central Contractor Registration

The CONSULTANT agrees to comply with the requirements of 2 CFR Part 25, as amended, "Universal Identifier and Central Contractor Registration." The System for

Award Management (SAM) has replaced the CCR system. Any bidder must be registered in SAM.gov *prior* to responding to this RFP.

5. Trafficking Victims Protection Act of 2000

The CONSULTANT agrees to comply with the requirements of 2 CFR Part 175, "Award Term for Trafficking in Persons."

6. Reporting Sub-award and Executive Compensation Information

The CONSULTANT agrees to comply with the requirements of 2 CFR Part 170, "Reporting Sub-award and Executive Compensation Information."

7. Restrictions on Lobbying

The CONSULTANT agrees to comply with the requirements of 31 U.S.C. § 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Appropriated funds cannot be used to pay any person to influence or attempt to influence employees of any agency or Congress. Links to the requirements referenced above as well as the full listing of all National Policy Requirements are provided on the FHWA/DOT website at <https://highways.dot.gov>.

24. Prior Written Approval

The purpose of this project is to work with ECWRPC, Brown County/Green Bay MPO, and the coalition that oversees the study. Any changes in the project/program described in the application to include those identified below require prior written approval from the COMMISSION in the form of an amendment request:

1. Changes in the specific activities described in the application
2. Changes in key personnel as specified in the application and/or this agreement
3. Changes in the scope of work contained in any solicitation and/or request for proposals
4. Need for additional Federal funds
5. Budget reallocations that exceed 10 percent of the total budget among approved direct cost categories or are transferred to new budget line items
6. Changes in indirect cost rates or recertification of expired indirect cost rates during the project period unless otherwise specified in this Program agreement
7. Requests to purchase equipment (including software) with an estimated acquisition cost of more than \$5,000
8. Requests to use Federal and/or non-Federal match funds for food and/or beverages in conjunction with meeting costs

25. Separate Bank/Fund Accounts

1. The CONSULTANT is not required to establish a separate bank account but may do so. The CONSULTANT, however, must maintain accounting records to adequately identify the source and application of Program funds. Other considerations, such as Federal Deposit Insurance Corporation coverage, shall be in accordance with the provisions of 2 CFR Part 200.

26.Reimbursement for Travel

- 1.Reimbursement for travel (transportation, food, and lodging) in the performance of Program activities shall be consistent with those normally allowed in like circumstances in Federally sponsored activities of the CONSULTANT. CONSULTANTS may follow their own established rate but any travel allowance policies in excess of Federal limits must receive prior approval from the COMMISSION.

ATTACHMENT A: Designation of Confidential and Proprietary Information

____ This firm is NOT designating any information as proprietary and confidential under Sect 19.36(5) of Wisconsin State Statute or under the Wisconsin Open Records law.

____ This firm IS designating the below information as propriety and confidential under Sect 19.36(5) of Wisconsin State Statute or under the Wisconsin Open Records law. *(If checked, please complete all portions below.)*

The attached material submitted in response to this Proposal includes propriety and confidential information which qualifies as a trade secret, as provided in Sect 19.36(5), Wisconsin State Statutes, or is otherwise material that can be kept confidential under the Wisconsin Open Records law. As such, we ask that certain pages, as indicated below, of this proposal response be treated as confidential material and not be released without our written approval.

Prices always become public information when proposals are opened; therefore, they cannot be designated as confidential.

Section	Page Number	Topic

Attach additional sheets, if necessary.

Other information cannot be kept confidential unless it is a trade secret. Trade secret is defined in Sect. 134(90)(1)(c) Wis. State Statutes as: "information, including formula, pattern, compilation, program, device, method technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

In the event the Designation of Confidential of this information is challenged, the undersigned hereby agrees to provide legal counsel or other necessary assistance to defend the Designation of Confidentiality.

Failure to include this form in the proposal response may mean that all information provided as part of the proposal response will be open to examination or copying. East Central Wisconsin Regional Planning Commission considers other marking of confidential in the proposal document to be insufficient. The undersigned agrees to hold East Central Wisconsin Regional Planning Commission harmless for any damages arising out of the release of any material unless they are specifically identified above.

Signature

Date

Name (type or print)

ATTACHMENT B: Bid Opportunity List

49 Code of Federal Regulations Part 26.11 requires the Wisconsin Department of Transportation to develop and maintain a "bid opportunity list." The list is intended to show all firms that are participating, or attempting to participate, on DOT-assisted contracts. The list must include all firms that bid on prime contracts or bid or quote sub-contracts and materials and supplies on DOT-assisted projects, including DBEs and non-DBEs. For consulting companies, this list must include all sub-consultants contacting you and expressing an interest in teaming with you on a specific DOT-assisted project. Vendors must complete and submit this form with all bids and/or proposals.

Vendors **MUST** complete and submit this form with all bids and/or proposals. Note that there are two sections to this attachment: one for the Prime Contractor; and one for Subcontractors and Sub-consultants, which consists of two parts. ***Please review this attachment thoroughly as Sections 1 and 2 MUST both be completed.***

Section 1: Prime Contractor/Consultant Bidding on this Project (Proposer)

Name of Bidder:

Bidder Contact Information (address, phone, email):

DBE Status:

Age of Firm:

Type of Work:

Annual Gross Receipts:

Annual Gross Receipts (please selection one):

Less than \$500,000

\$500,000 - \$999,999.99

\$1 million - \$1,999,999.99

\$2 million - \$4,999,999.99

\$5 million and above

Section 2: Subcontractors and Sub-consultants

Prime Contractor to complete "Name of Bidder" and "Bidder's Contact Information", plus any information available in the remaining categories. Please complete one for each subcontractor/sub-consultant contacting you and expressing an interest in teaming with you on this project. For multiple sub-contractors, you may attach as many additional pages necessary.

Section 2A *MUST* be completed by all Prime Contractors bidding on this project to indicate interest from potential subcontractors/sub-consultants.

Section 2A: Subconsultant/Sub-contractor

Prime Consultant's firm was contacted by subcontractor/sub-consultant expressing interest in teaming on this project (*please continue to section 2B*)

Prime Consultant's firm was NOT contacted by subcontractor/sub-consultant **expressing interest** in teaming on this project (*no need to continue on to Section 2B*)

Section 2B: Subcontractor/Sub-consultant Contact Information

Name of Subcontractor/Sub-consultant:

Subcontractor/Sub-consultant Contact Information (address, phone, email):

DBE Status:

Age of Firm:

Type of Work:

Annual Gross Receipts:

Annual Gross Receipts (please selection one):

Less than \$500,000

\$500,000 - \$999,999.99

\$1 million - \$1,999,999.99

\$2 million - \$4,999,999.99

\$5 million and above

ATTACHMENT C: Assurance of Eligibility and Compliance**Part 1: Proposer's Assurance of Eligibility and Compliance**

In submitting this proposal, the Proposer agrees, to the best of its knowledge, that the following eligibility criteria have been met. Failure to indicate Proposer's ability to comply with any of the following will disqualify a Proposer from consideration. Indicating ability to comply to the following provisions does not automatically guarantee Proposer will be granted the Contract, as the assurance only indicates Proposer's eligibility to be considered.

By signing below, the Proposer, to the best of his/her/their knowledge, assures the following eligibility conditions are met:

- Proposer's firm is registered in sam.gov and is eligible to work on federal contracts in the United States
- Proposer meets the following minimum insurance requirements and is able to provide certificates of insurance upon Contract execution:
 1. Comprehensive General Liability - \$1,000,000 combined single limits per Occurrence;
 2. Auto Liability - \$300,000 combined single limits per occurrence; and
 3. Worker's Compensation – coverage satisfying statutory provisions of Chapter 102, Wis. Stats.; not less than \$100,000 employer's liability.

In addition, "hold harmless" provisions will be contained in the Contract with the successful proposer.

- Ability to comply with the Contract's terms and provisions and all applicable statutes, laws, and regulations as outlined in the Request for Proposals in Section 4 – Proposal Terms and Conditions.

Signature_____

Name and Title _____

Date__

Part 2: Notice of Intent to Sub-Contract

If selected to enter into Contract with ECWRPC, the Proposer (please check one):

will be engaging with sub-contractors to fulfill the terms of the Contract

will not be engaging with sub-contractors to fulfill the terms of the Contract

If the Proposer will be engaging with sub-contractors to fulfill the terms of the Contract, please complete the following section by checking the applicable boxes below.

The sub-contractor(s) has/have been identified in the attached proposal.

If awarded the Contract, Proposer agrees to execute a signed Contract between Proposer and sub-contractor(s) as outlined in the RFP.

If awarded the Contract, Proposer agrees to send a signed copy of the executed Contract between Proposer and sub-contractor(s) to ECWRPC as outlined in the RFP.

Signature _____

Name and Title _____

Date _____