

What?! A Standard LRV RFP?

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2011 Rail Conference

Agenda

- History
- The Document
- Moving Forward

History

- July 31, 2006 – Formulation of APTA's Procurement Standards Working Groups, including Terms & Conditions
 - Initiated under guidance of APTA's Procurement Standards Oversight Committee

History

- June 2008 - First introductory meeting between T&Cs and Rail Vehicle Tech Standards Committee in Philadelphia
- July 2008 – FTA/APTA meeting to refocus attention on rolling stock (Bus and Rail)
- August 2008 – T&Cs/Rail Tech groups meet to discuss business risks in rail vehicle contracts

History

- 2009/2010 – Terms and Conditions Working Group develops and finalizes RFP documents for both Bus and Rail
- May 2011 – Meeting between T&Cs and Technical Specification groups to merge, edit and finalize LRV RFP

The Document

Designed for

- Fairness
 - Consistency
 - Flexibility

The Document

The **Notice of Request for Proposals (RFP)** (Section 1) contains general information to prospective proposers regarding the RFP package and can also be used as notification of the RFP to the public or an advertisement of the procurement opportunity.

The **Instructions to Proposers** (Section 2) provides detailed requirements that proposers must follow in submitting their proposals. This section also includes evaluation criteria and information of interest to the Proposer regarding Agency contract award procedures.

The **General Conditions** (Section 3), once customized by each Agency, should contain the standard terms and conditions and should be modified only by language added in the Special Provisions section.

The **Special Provisions** (Section 4) should be customized to meet the Agency's specific requirements for each individual project or contract, as well as local and state requirements. They are intended to amend and supplement the General Conditions to meet the individual requirements of each project.

The **Federal Clauses** are included as Section 5.

The **Technical Specifications** are attached as Section 6.

The **Warranty Provisions** are contained in Section 7.

Quality Assurance (Section 8) covers manufacturing, inspection and acceptance procedures.

Under normal practice, **Forms and Certifications** (Section 9) are submitted with the proposal or the Proposal may be considered nonresponsive.

Appendixes are included as Section 10.

The Document

- Each Section can be tailored by Agency:

IP 16. Agency-Specific Provisions
[Insert as required]

- Contains examples of multiple evaluation and selection processes
- Contains sample milestones and milestone payment tables

The Document

Appendixes contain samples of:

- Guidelines for calculating Liquidated Damages
- Option Assignment and Release Agreement
- Vehicle Forms (Release for Shipment; Delivery Notice and Receipt; Conditional/Final Acceptance and Inspection; Certificate of Title; etc.)
- Software Escrow Agreement and Associated Documentation
- And More

The Document

Consensus based agreement between Agency and Industry on areas such as:

- Data Rights
- Force Majeure events
- Sustainability
- Cap on Liquidated Damages
- Warranty duration on Major Subsystems
- Extended warranties at Agency cost

Moving Forward

- Document is both *highly* organized and *logically* organized. Intended to minimize "*hunt and search*" for related requirements
- It's standardized solicitation and proposal format should make the process easier for all parties
- The T&Cs are "*reasonable*" and intended to share the risks between the Agency and the Vehicle Manufacturer

Moving Forward

What's left

- Try It !
 - Modify It !
 - Ballot It !