

**THIS PRINT COVERS CALENDAR ITEM NO. : 18.8**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** TAXIS AND ACCESSIBLE SERVICES

**BRIEF DESCRIPTION:**

Authorizing the Executive Director/CEO or his designee to issue a Request for Proposals for Paratransit Broker services, evaluate the proposals, and negotiate a contract with the selected proposer for a five-year term, commencing April 1, 2010, with an optional five-year extension.

**SUMMARY:**

- For the past 28 years, SFMTA has contracted out paratransit services to a Paratransit Broker who performs many important functions such as managing subcontracts with paratransit service providers, monitoring service quality, administering client eligibility, managing the sale of fare instruments, and acting on behalf of the Agency as the principal customer service representative for paratransit services.
- The current Paratransit Broker contract began on April 1, 2000 for a five-year period and was extended twice by the SFMTA Board -- on December 29, 2004, for an additional three-year period through March 31, 2008, and on March 28, 2008, for an additional two-year period through March 31, 2010.
- SFMTA is issuing a Request for Proposals (RFP) to solicit bids for the new contract period beginning April 1, 2010 and ending June 30, 2015, with an optional five-year extension, to administer a cost plus fixed fee contract for approximately \$116 million for the provision of paratransit services. Generally, 86% of the budget is spent on direct service costs and 14% on Paratransit Broker administrative costs.
- The RFP outlines the scope of work and requisite organizational capacity necessary to administer the distinct service characteristics of SFMTA's paratransit program and provides an option for firms to propose an alternative contracting structure than the one that currently exists. This option would allow for a direct contract between the SFMTA and a contractor who provides both administrative functions and acts as a Paratransit Transportation Service Provider.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Request for Proposals for Paratransit Broker Services

**APPROVALS:**

**DATE**

DIRECTOR OF DIVISION

PREPARING ITEM \_\_\_\_\_

\_\_\_\_\_

FINANCE \_\_\_\_\_

\_\_\_\_\_

EXECUTIVE DIRECTOR/CEO \_\_\_\_\_

\_\_\_\_\_

SECRETARY \_\_\_\_\_

\_\_\_\_\_

San Francisco Municipal Transportation Agency  
Request for Proposals for Paratransit Broker Services

ADOPTED RESOLUTION BE RETURNED TO     Annette Williams    

**ASSIGNED SFMTAB CALENDAR DATE:** \_\_\_\_\_

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**PURPOSE**

To seek the SFMTA Board approval to release the RFP for Paratransit Broker services, evaluate the proposals, and negotiate a contract with the selected proposer.

**GOAL**

The Paratransit Broker RFP process helps the SFMTA meet the following goal and objective of the 2008-2012 Strategic Plan:

Goal 1: Customer Focus -- To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First policy.

- Objective 1.4 Improve accessibility across transit service.

**DESCRIPTION**

For the past 28 years, SFMTA has contracted out paratransit services to a Paratransit Broker who performs many important functions such as managing subcontracts with paratransit service providers, monitoring service quality, administering client eligibility, managing the sale of fare instruments, and acting on behalf of the San Francisco Municipal Transportation Agency (SFMTA) as the principal customer service representative for paratransit services. The current Paratransit Broker contract began on April 1, 2000 for a five-year period and was extended twice by the SFMTA Board of Directors. Amendment No. 4 to the Agreement, executed on December 29, 2004, extended the contract for three years, through March 31, 2008. On March 28, 2008, the parties executed Amendment 7 to the Agreement, which extended it for an additional two-year period through March 31, 2010.

The SFMTA will be soliciting interested parties to submit proposals for an agreement for a Paratransit Broker to administer paratransit services. These services include the management of a comprehensive program for the delivery of subsidized accessible van and taxi services for persons with disabilities who reside in or visit San Francisco. This cost plus fixed fee agreement will begin with transition tasks during the period of January 1 to March 31, 2010, if a Proposer other than the current Contractor is selected, and will include the management of paratransit services for the City and County of San Francisco for the five-year period beginning April 1, 2010 and ending June 30, 2015. The SFMTA may also exercise an option to extend the contract an additional five years, through June 30, 2020, if satisfied with the services rendered. The total amount of this agreement will be subject to the availability of funds which must be approved annually.

The SFMTA values flexibility and innovation and toward that end, a second option has been included in the RFP to provide an opportunity for firms to propose an alternative contracting structure than the one that currently exists. This would allow for a direct contract between the SFMTA and a contractor who provides both administrative functions and acts as a Paratransit Transportation Service Provider.

The award of this agreement will be made to the prospective contractor whose proposal outlines a program for efficient administration of services, appropriate and customer service oriented services for senior and disabled clients, and cost-effectiveness in transportation service delivery

San Francisco Municipal Transportation Agency  
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that best meets the requirements of the SFMTA's SF Paratransit Program. The services to be provided by the applicant selected by the SFMTA will continue the commitment of the City to maintain a comprehensive program of van and taxi paratransit services which is compliant with the Americans with Disabilities Act (ADA) and meets the **PAGE 3**.

needs of its diverse customer base. The program is also part of a larger system of accessible services which includes the San Francisco

Municipal Railway's accessible fixed route diesel coach, trolley coach, light rail, and historic streetcar services.

San Francisco has a mature paratransit program, which began in 1979, long before the ADA required paratransit services in 1990. The program has evolved over time to respond to the needs of San Francisco's senior and disabled residents. Additionally, the program has undergone significant changes to achieve compliance with federal mandates. Paratransit Brokers have historically worked closely with the SFMTA, as well as the Paratransit Coordinating Council, to implement modifications to improve the quantity, quality, and cost-effectiveness of services. Flexibility and innovation has been required on the part of the Paratransit Broker as opportunities have arisen to test and develop promising concepts.

The attached Paratransit Broker Request for Proposals outlines the scope of work and requisite organizational capacity of the Paratransit Broker and specifies the tasks necessary for the administration of paratransit services. Exhibits to the RFP are available for inspection upon request from the Accessible Services Program at 415.701.4485.

A small subcommittee of the Paratransit Coordinating Council has reviewed and provided input into the Request for Proposals. The Request for Proposals will be advertised and available for download on the Office of Contract Administration's website ([www.sfgov.org/oca](http://www.sfgov.org/oca)), and advertised in public transit publications and as an official public notice in the *San Francisco Examiner*.

An evaluation of proposals submitted by the anticipated deadline will be made by an evaluation team consisting of employees of the SFMTA, members of the disability community, and one or more independent specialists in transportation services for persons with disabilities. An SFMTA Contract Compliance Officer will also be present.

The evaluation team will review the written proposals, assess each proposal's strengths and weaknesses, and make a selection of finalists to be invited to an oral presentation and interview. Following these interviews, the evaluation team will rank the proposals. SFMTA staff will initiate contract negotiations with the highest ranked proposer. By late fall 2009 a contract will be negotiated with the prospective contractor, including the establishment of a final list of tasks, special conditions, and terms and costs of services to be performed. This contract will be presented to the SFMTA Board for approval.

### **ALTERNATIVES CONSIDERED**

Accessible Services staff, through the annual Proposition J submittal process, has explored providing the paratransit services in-house. Each year, staff goes through an extensive review process of the costs to provide paratransit services in-house as compared to contracting out to a Paratransit Broker. The Controller's office also provides an independent analysis of the cost of

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the City service compared with contractor's cost. According to the Fiscal Year 2009-10 Proposition J analysis, the SFMTA is budgeting for a maximum of 1,152,290 passenger trips of paratransit service. Providing this service level via private contractors will cost \$20,844,421. The cost of maintaining a paratransit operation with City employees capable of providing this service level for the same time period would be at least \$28,157,398. The major reason for this large difference is the ability to take advantage of the economies of scale and available service capacity in the taxicab industry.

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**FUNDING IMPACT**

Operating funds required for the paratransit contract are budgeted in the Accessible Services budget.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The final Paratransit Broker contract will be presented to the Board of Supervisors for final approval subsequent to approval by the SFMTA Board.

The SFMTA's Contract Compliance Office has reviewed the RFP and established a Small Business Enterprise participation goal of 20 percent on the administrative services portion of the contract.

**RECOMMENDATION**

Staff recommends approval of the Request for Proposals and approval to initiate the contractor selection process.

The Contract Compliance Office and the City Attorney's Office have reviewed this calendar item.

San Francisco Municipal Transportation Agency  
Request for Proposals for Paratransit Broker Services

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, For the past 28 years, the San Francisco Municipal Transportation Agency (SFMTA) has contracted out paratransit services to a Paratransit Broker who in turn manages subcontracts with paratransit service providers, monitors service quality, administers client eligibility, manages the sale of fare instruments; and acts on behalf of the SFMTA as the principal customer service representative for paratransit services; and,

WHEREAS, The current Paratransit Broker contract began on April 1, 2000 for a five-year period; Amendment No. 4 to the Agreement, executed on December 29, 2004, extended the contract for three years, through March 31, 2008, and on March 28, 2008, the parties executed Amendment 7 to the Agreement, which extended it for an additional two-year period through March 31, 2010; and,

WHEREAS, SFMTA intends to issue a Request for Proposals to solicit proposals for the new contract period beginning April 1, 2010 and ending June 30, 2015, with an optional five-year extension; and,

WHEREAS, The Request for Proposals outlines the scope of work and requisite organizational capacity necessary to administer the distinct service characteristics of SFMTA's paratransit program and incorporates feedback from consumers and stakeholders regarding performance expectations of the Paratransit Broker; now therefore be it

RESOLVED, That the Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO to issue a Request for Proposals for Paratransit Broker services, evaluate the proposals, and negotiate a contract with the selected proposer for a five-year term, with an option for five additional years.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

**SFMTA**

Municipal Transportation Agency

# Request for Proposals for Paratransit Broker Services

**Contract No. SFMTA 2008/09-54**

**CCO No. 09-1078**

For Period of April 1, 2010  
through June 30, 2015



**DATE: JUNE 26, 2009**

**MANDATORY PRE-PROPOSAL CONFERENCE: JULY 9, 2009, 10:00 A.M.**

**DEADLINE FOR SUBMISSION: AUGUST 14, 2009, 4:00 P.M.**

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**REQUEST FOR PROPOSALS FOR PARATRANSIT BROKER SERVICES**

**I. INTRODUCTION AND BACKGROUND**

**A. Introduction**

The San Francisco Municipal Transportation Agency (SFMTA) invites interested parties to submit proposals for an exclusive agreement to provide paratransit brokerage Services for administration and oversight of the City's Paratransit Program. These Services include the direct management of a comprehensive program for the delivery of subsidized accessible van and Taxi services for persons with disabilities who reside in or visit San Francisco. The program meets the requirements of the transportation provisions of the Americans with Disabilities Act (ADA) of 1990, and is an integral component of a system of accessible services, which includes the San Francisco Municipal Railway's accessible fixed route diesel coach, trolley coach, light rail, and historic streetcar services.

On behalf of the City and County of San Francisco, management of the Paratransit Broker contract is overseen by the SFMTA, which is comprised of Parking and Traffic and the Municipal Railway.

This exclusive agreement will begin with start-up tasks (if required) during the period of January 1 through March 31, 2010. The agreement includes the management of paratransit Services for the City and County of San Francisco for the period beginning April 1, 2010 and ending June 30, 2015. Upon completion of this contract period, the SFMTA may also exercise an option to extend the contract an additional five years, through June 30, 2020. The total amount of this agreement is subject to the availability of funds, which must be approved annually.

The award of this agreement will be made to the prospective contractor whose proposal best:

- Demonstrates the ability to carry out appropriate and customer service-oriented programs for senior and disabled clients;
- Provides a plan to manage the delivery cost-effective transportation service that meets the requirements of the SFMTA's Paratransit Program in compliance with the ADA;
- Describes an efficient approach for the administration of Services; and
- Meets the minimum qualifications detailed in Section IV.A of this RFP.

**B. Proposal Options**

**1. Option A: Existing Model**

**Option A** is the currently existing model in San Francisco, which consists of paratransit brokerage Services for administration and oversight of the City's Paratransit Program. Under this option, the Paratransit Broker is excluded from providing Paratransit Transportation Provider Services in San Francisco.

**2. Option B: Alternate Model**

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The SFMTA values flexibility and innovation and toward that end, a second option, **Option B**, has been included in the RFP to provide an opportunity for firms to propose an alternative contracting structure than the one that currently exists. **Option B** would allow for a direct contract between the SFMTA and a contractor who provides both administrative functions and acts as a Paratransit Transportation Service Provider. **Option B** proposals must address how transportation services would be distributed if there will be multiple Transportation Service Providers.

Proposers may submit proposals for Option A or Option B or for both options.

Proposers submitting an **Option B** proposal may substitute the term “Contractor” whenever the term “Broker” is used in the RFP.

The following language in Section IV.A.4. shall not apply to **Option B**: “To avoid any potential conflict of interest, the Broker must be a separate legal entity from, and not have a financial interest in, any of the Transportation Service Providers.” However, Option B proposals must detail how service quality will be monitored and complaints handled for transit services provided by the Contractor.

### C. Background

The San Francisco Municipal Railway (Muni) has offered paratransit services since 1978, 12 years before the Americans with Disabilities Act of 1990 (ADA) required paratransit services to be offered as a matter of federal law. Because paratransit in San Francisco was provided prior to the passage of the ADA, many of the service elements of the SF Paratransit Program exceed the minimum requirements of the ADA. Over the past 26 years, the SF Paratransit Program has been contracted out to a paratransit broker, and the program has matured and evolved in order to best respond to the needs of San Francisco's senior and disabled citizens. The program has periodically undergone significant changes to achieve compliance with federal mandates and local policy choices.

Proposers should note that previous paratransit brokers have historically worked closely with Muni, its governing bodies—the Public Utilities Commission (PUC), the Public Transportation Commission, and now the SFMTA and its Board of Directors -- as well as the San Francisco Paratransit Coordinating Council (PCC) -- to implement modifications to improve the quantity, quality, and cost-effectiveness of Services. Flexibility and innovation have been required on the part of the Paratransit Broker as opportunities have arisen to test and develop promising concepts. Proposers should also note the close liaison between Muni's paratransit and accessible fixed-route services.

**Exhibit 1** documents the history and timeline of key activities and milestones of the program since its inception. The current rules and regulations governing the SF Paratransit Program are set forth in detail in **Exhibit 2** (SFMTA Rider's Guide for the SF Paratransit Program) and **Exhibit 3** (SFMTA Rules of Operation for the SF Paratransit Program).

The SF Paratransit Program is in the process of significantly upgrading its infrastructure. The current Broker is implementing an upgraded Customer database, reservations and scheduling system (Trapeze PASS, see **Exhibit 4**), and the SFMTA is in the process of acquiring the hardware and software necessary to convert the paper scrip currently used by paratransit Taxi Customers for Fare Media to a Paratransit Debit Card System (PDCS). The goal of these hardware and software upgrades is to increase

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the efficiency, accuracy and flexibility of the SF Paratransit Program, to reduce reliance on paper transaction records and to increase tracking, monitoring and reporting capabilities. It is anticipated that the PDCS will be fully implemented during the summer of 2009. See **Exhibit 5** for a description of the PDCS.

For an organizational chart depicting the participants in the Paratransit Program and their relationships, see **Exhibit 6**.

Capitalized terms used in this RFP shall have the meanings specified in **Exhibit 7**, "Agreement for Professional Services."

**D. Elements of the SF Paratransit Program**

The following are components of the SF Paratransit Program:

1. **SF Access**

SF Access provides pre-scheduled, door-to-door van Services for ADA paratransit-eligible individuals, which must be arranged one to seven days in advance. For qualified wheelchair users who are unable to independently negotiate the steps of their residences, SF Access also provides a limited number of stair assist Services. For a more complete description, please refer to **Exhibits 2 and 3**.

SF Access service is delivered by means of a service agreement executed between the Broker and Transportation Service Providers. Currently there is only one SF Access service agreement in place with Mobility Plus Transportation (MPT), formerly known as Trans Metro Express (**Exhibit 8**).

The City owns 60 paratransit vans; 40 are used in the SF Access service and 20 are used in the Group Van service. The Broker is responsible for subleasing the vans to Transportation Service Providers. Currently there are six subleases (**Exhibit 9**) between the Paratransit Broker and MPT to operate the 60 City-owned paratransit vans. See **Exhibit 10** for a list of the City-owned vehicles.

The SF Access service agreement and two vehicle subleases have a term that ends on March 31, 2011. Four vehicle subleases end on March 31, 2010 to coincide with the end of the Broker contract term. The Successor Contractor will be required to assume the existing subleases and service agreement for the remainder of their terms. The Contractor will also be required to extend the terms of the four vehicle subleases to coincide with the end of the term of the service agreement.

Currently, the Broker sells approximately 3,000 SF Access Fare Media tickets to paratransit Customers each month. There are approximately 12,000 registered SF Access Customers in the SF Paratransit Program.

2. **Group Van Services**

Group Van Services are routine, pre-scheduled group trips transporting ADA-eligible Customers to and from the facilities of approximately 35 San Francisco social service agencies. Group Van service is not required by the ADA but it is a cost effective approach to providing paratransit service to groups of ADA-eligible customers going to/from a single location. Group Van Services to social service agencies are currently provided by Transportation Service Providers using vans and buses that accommodate both ambulatory Customers and wheelchair users. Some Group Van Services are funded by the Department of Aging and Adult Services (DAAS), which also funds a small number of shopping trips

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for seniors (9,319 shopping trips in Fiscal Year 2007-08).

The Current Contractor manages agreements with six Group Van Transportation Service Providers listed in **Exhibit 11**. See **Exhibit 12** for a sample agreement in place between the Current Contractor, van providers, and social service agencies. The current Group Van Provider agreement terms expire on March 31, 2010.

Tickets are not usually provided to Group Van participants; typically, service fares are billed monthly to agencies receiving Group Van Services. There are approximately 1,100 registered Group Van Customers in the SF Paratransit Program.

3. **Taxi Services, Including Sedans and Ramped Taxis**

As of March 1, 2009, the SFMTA has regulated and monitored the City's public Taxicab service. The San Francisco Municipal Code requires that all Taxi companies operating in San Francisco participate in the SF Paratransit Program provided they meet SFMTA's minimum participation requirements (**Exhibit 14**). The Current Contractor manages 14 contracts with Taxi companies and dispatch services governing their participation in the program.

The San Francisco Taxi fleet consists of 1,400 sedans and 100 wheelchair-accessible ramped mini-vans. The entire fleet of 1,500 vehicles is equipped with two-way radios for dispatching and other communication needs, e.g., medical emergencies and road-call service. The paratransit Taxi Customer is able to use the general public Taxi system like any other Taxi patron by either calling or hailing a Taxi.

Though Taxis do serve ADA-eligible Customers, Taxi service is not required under the ADA or subject to all ADA paratransit requirements. For example, the paratransit Taxi service is not subject to ADA rules regarding trip denials (there are limits on available Taxi service) and fare limits (some long distance fares may exceed ADA maximums). All ADA-eligible Customers are entitled to use SF Access service if a Taxi does not meet their needs, but for many customers, Taxi Services are more convenient and better meet their transportation needs.

The SFMTA is in the process of replacing the current fare payment system, which consists of paper-based Taxi scrip booklets, with an electronic debit card processing system. The Paratransit Debit Card System (PDCS) is an account-based application that will allow ADA-eligible patrons to use a debit card for Taxi fare payment. The PDCS will use a magnetic stripe card with the Customer's name, unique identification number and photograph. Participating Taxi companies will have equipment in their vehicles to read and recognize the debit card and transmit the transactions back to the Debit Card Application servers for authorization, reconciliation, and data collection and analysis. See **Exhibit 5** for a description of the PDCS system. The SFMTA anticipates that the PDCS will be fully implemented during the summer of 2009.

The SFMTA has developed and is contemplating implementing a Ramped Taxi driver incentive program, which would include monthly payments to cab companies for distribution to ramped taxi drivers. The intent of the Ramped Taxi driver incentive program is to provide incentives to Ramped Taxi drivers to achieve better on-demand, accessible Ramped Taxi service to persons who use wheelchairs. This program is also intended to help compensate drivers for the additional cost of providing Ramped Taxi

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service and improve driver retention. Implementation is dependent upon funding availability.

The Broker's management tasks related to the Ramped Taxi incentive program would include reviewing electronic ramp taxi trip data, ascertaining that the trips were valid paratransit wheelchair trips, and developing a reimbursement protocol and schedule.

Currently, the Broker sells approximately \$650,000 worth of scrip/debit card value to paratransit Customers each month. There are approximately 12,000 registered paratransit Taxi Customers in the SF Paratransit Program.

4. **Inter-County Paratransit Service**

In an effort to better coordinate paratransit Services for Customers travelling between San Francisco and Marin County or the East Bay, direct regional paratransit service is available through agreements with local transit agencies to provide Inter-County Paratransit Services. Service is provided according to regional guidelines for Inter-County Paratransit Service as established by Metropolitan Transportation Commission (MTC), the nine-county San Francisco Bay Area regional transportation planning agency, and the Partnership Transit Coordinating Council's (PTCC) Accessibility Committee. The PTCC is a body comprised of the general managers of each transit agency in the nine-county Bay Area. The SFMTA has entered into on-going agreements with the Golden Gate Bridge, Highway and Transportation District in Marin County and the East Bay Paratransit Consortium serving BART and AC Transit, see **Exhibit 15**. The agreements stipulate that both Whistlestop Wheels (on behalf of Golden Gate Bridge, Highway and Transportation District) and East Bay Paratransit will provide certain paratransit services in the Muni service area and the SF Paratransit Broker will process, on behalf of MUNI, payments due to Whistlestop Wheels and East Bay Paratransit for providing such paratransit services on behalf of Muni.

Although the SFMTA does not have an agreement with SamTrans, the public transit operator for San Mateo County, SamTrans provides some direct paratransit service between San Francisco and San Mateo County. To complement its fixed route service to some areas of San Francisco, SamTrans provides paratransit service within three-quarters of a mile of SamTrans' routes. Transfer trips are also available for Customers traveling to or from San Mateo County from other parts of San Francisco.

5. **Shop-n-Roll Shuttle**

The SFMTA is in the process of establishing a shopping shuttle service for seniors and persons with disabilities funded with New Freedom and Lifeline Transportation grants. The New Freedom grant is expected to be expended over a two-year period and the Lifeline will be programmed over a three-year period. The service is expected to begin implementation by the fall of 2009.

The Shop-n-Roll Shuttle will provide group grocery shopping trips and escort Services (carrying of groceries from the store into the van and from the van to the residence) twice a month to low-income seniors and persons with disabilities who live in targeted public housing buildings and neighborhoods that have limited grocery shopping opportunities (fewer stores and less direct transit to stores than in other neighborhoods).

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The selected Contractor will be responsible for the management of the Shop-n-Roll Shuttle, including managing provider contracts, participant registration, trip verification, and service quality oversight. See **Exhibit 16** for Shop-n-Roll eligibility guidelines and registration form.

**6. Service Utilization Data**

The following table illustrates a three-year trend of total number of trips, expenditures, complaints and on time reliability percentages for all of the modes of service described above.

**FIGURE 1: THREE-YEAR PARATRANSIT GENERAL STATISTICS**

	FY07-08	FY06-07	FY05-06
<b>Trips</b>			
Taxi	597,406	593,534	608,043
Ramp Taxi	46,038	34,953	34,259
Debit Card	1,214	1,748	1,952
<b>Total Taxi</b>	<b>644,658</b>	<b>630,235</b>	<b>644,254</b>
ADA Access	88,588	99,250	137,231
Lift Van	67,405	70,561	85,533
Intercounty	12,583	12,549	10,766
Group Van	287,784	283,864	280,447
OoA	57,618	54,640	53,796
Shopping Trips	9,319	7,383	6,285
<b>Total Trips</b>	<b>1,167,955</b>	<b>1,158,482</b>	<b>1,218,312</b>
<b>Expenditures</b>			
Taxi	\$7,233,481	\$7,270,259	\$6,837,606
ADA Access	\$1,956,683	\$2,039,622	\$2,602,617
Lift Van	\$2,787,232	\$2,540,013	\$3,141,263
Intercounty	\$111,600	\$94,387	\$83,469
Group Van	\$3,616,786	\$3,515,065	\$3,275,903
OoA	\$726,614	\$694,431	\$618,641
Broker	\$2,764,143	\$2,546,361	\$2,592,860
<b>Total Expenditures</b>	<b>\$19,196,539</b>	<b>\$18,700,138</b>	<b>\$19,152,359</b>
<b>Complaints</b>			
Taxi	9	25	19
Ramp Taxi	7	11	3
ADA Access	188	333	289
Lift Van	235	416	376

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	FY07-08	FY06-07	FY05-06
<b>Group Van</b>	<b>15</b>	<b>22</b>	<b>6</b>
<b>Broker</b>	<b>6</b>	<b>6</b>	<b>3</b>
<b>On Time Reliability</b>			
<b>Taxi</b>	<b>99.02%</b>	<b>98.56%</b>	<b>97.30%</b>
<b>TME SF Access*</b>		<b>86.05%</b>	<b>90.38%</b>
<b>MPT SF Access**</b>	<b>92.76%</b>	<b>89.68%</b>	
<b>Group Van</b>	<b>94.35%</b>	<b>94.08%</b>	<b>93.84%</b>

\*7/1/06 - 4/30/07

\*\*5/1/07 - present

**7. ADA Paratransit Certification Process**

A key element of the Services to be provided under the Agreement is the evaluation of all applicants for eligibility for ADA paratransit Services. ADA eligibility for paratransit is limited to persons whose disability prevents independent use of fixed route transit some or all the time. See 49.C.F.R. § 37.123. The PTCC Accessibility Committee, in conjunction with MTC, has developed regional certification guidelines that are used by public transit operators within the Bay Area. Certification information is uploaded to a regional database, called the Regional Eligibility Database (RED), that is accessible to all participating transit agencies. Participating transit agencies have agreed to honor each other's eligibility decisions. See **Exhibit 17** for the ADA application currently in use by most participating operators.

Currently, approximately 15,000 ADA-certified paratransit Customers are enrolled in the Program, of which 11,139 are considered Active Users. Most ADA-certified individuals must undergo a re-certification process every three years, unless they were temporarily certified and thereby have a shorter eligibility period. Approximately 250 new applications are received each month (all of which are processed within 21 days). On average, 500 new and re-certification applications are received each month.

Approximately 24% of applicants who are denied eligibility request an appeals hearing. In Fiscal Year 07-08, there were 347 denials out of 5,984 total applications processed (6% denial rate). Of those 347 denials, 81 were appealed. Of the 81 denials that were appealed, 26 were overturned by the Appeals Panel.

**8. Paratransit Plus Program**

The Paratransit Plus Program is a limited Taxi program for persons who do not qualify for paratransit Services under the eligibility criteria of the ADA, but who have demonstrated a high level of difficulty using public transit. Paratransit Plus Customers are able to purchase a maximum of \$60 worth of taxi service per month at the same subsidized cost as ADA paratransit eligible taxi Customers (\$4.00 per \$30.00 worth of service before July 1, 2009. Fares will increase after July 1, 2009 to \$5.00 per \$30.00 worth of taxi service.)

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The Broker works in conjunction with SFMTA staff to accept applications for participation in the Paratransit Plus program and certify Paratransit Plus Customers who do not meet ADA-eligibility criteria but have a physical difficulty that makes use of regular transit service difficult (**Exhibit 18**).

There are currently 198 participants enrolled in the Paratransit Plus program.

9. **Customer Database**

The Current Contractor manages the Customer database. Currently the database contains approximately 15,000 registered Customers, and operates on Mobility Master software owned by Trapeze. Customers may be registered in more than one mode of paratransit service. The Mobility Master software program is used by the Current Contractor to register eligible Program participants, to confirm Services provided to Customers in order to validate subcontractor invoices, and to track financial and other contract statistics in order to generate invoices and statistical reports.

The Current Contractor is in the process of upgrading the Customer database to new software, Trapeze PASS. The City anticipates that the PASS database will be fully installed and operational by fall 2009. The City will hold the license to use the new database software.

10. **Customer Service**

Approximately 975 Customers visit the Broker's Office each week. Of those, approximately 85 Customers come in for photo ID appointments, and about 50 Customers come in for in-person second level assessment interviews that are conducted weekly as part of the process for certification of eligibility. The remaining Customers come in to purchase Fare Media (scrip and van tickets).

The Broker's Office receives approximately 700 phone calls per week.

**II. SCOPE OF WORK**

**A. Scope of Work Tasks.** The selected Contractor shall monitor and track the provision of Services through three delivery Modes (SF Access, Group Van and Taxi) in accordance with the Americans with Disabilities Act and Muni policies, as well as the Service Standards for persons who meet established Program eligibility requirements, and shall report to the SFMTA as required by the Agreement. The Service Standards for the SF Paratransit Program are established in the SF Access and Group Van provider contracts (**Exhibits 8 and 13**) and the SF Paratransit Rules of Operation (**Exhibit 3**). The Scope of Work tasks listed in this Section II are a general guide. The SFMTA encourages proposers to identify innovative and creative options and ideas for meeting program goals, lowering costs, increasing efficiencies and improving Customer service.

The duties of the selected Contractor may, at the City's discretion, be modified during the contract negotiation or during the term of the contract.

Option B proposals must address how services would be allocated if the proposer proposes multiple Group Van providers.

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1. **Start-up Tasks if the Current Contractor is not the Selected Contractor.** If the Successor Contractor is not the Current Contractor, then the Successor Contractor shall perform the following start-up tasks:

a. Coordinate with the Current Contractor to implement an orderly transfer of all records, equipment, materials, supplies and anything else purchased with SFMTA funds or necessary for the performance of the Agreement to ensure that there is no interruption in paratransit Services to Customers or deterioration of the quality of paratransit Services resulting from any transition between Contractors.

b. Assume Current Contractor's existing vendor leases, subcontracts and subleases for the remainder of their terms. Option B proposals must identify how the SF Access service will be performed when the current subcontract expires on March 31, 2011. See **Exhibit 19** for a list of vendor contracts and leases with terms beyond the term of the current Broker contract. **Exhibit 20** and **21** contain agreements related to the operation and of the Broker's Office.

2. **Start-up Tasks for the Selected Contractor, Whether a Successor Contractor or the Current Contractor.** Any selected Contractor shall perform the following start-up tasks:

a. Enter into contracts with Taxi and Taxi company subcontractors by screening for compliance with minimum requirements for Program participation, as described in **Exhibit 14**.

b. Selection of Group Van Transportation Service Providers by a competitive solicitation, if applicable. The selection of Group Van and SF Access contractors must include an opportunity for protests of the contract award to be directed to the SFMTA's Executive Director/CEO or his or her designee. Proposers may extend the group van transportation contracts for up to nine months to be able to transition effectively.

c. Provide administrative and fiscal oversight for all subcontracts and subleases.

d. Monitor and document Transportation Service Provider performance and enforce subcontractor compliance with all applicable requirements of the Agreement. The Contractor's monitoring tasks shall include effective monitoring for fraud and misuse of the Program by Customers and Transportation Service Providers.

e. Extend sublease agreements of City-owned vehicles to subcontractors and implement an on-going inspection program to ensure that the SF Access sublessees provide regular maintenance of City-owned vehicles and documentation of such maintenance.

f. Coordinate and distribute reference and training materials between and among City, the selected Contractor, subcontractors and Customers as required by SFMTA.

g. Develop and maintain a structured asset management protocol for all assets purchased with City funds, including but not limited to City-owned vehicles, PDCS In Taxi Equipment (ITE) and all office furniture and equipment. See **Exhibit 22** for a current list of inventory of furnishings and equipment at the Paratransit Broker's Office.

3. **Staffing Requirements.** The selected Contractor shall provide staff in adequate numbers and with adequate qualifications to perform all requirements of the Agreement. In addition to the staff required to generally perform all work required by the Agreement, the selected Contractor must provide the following resources:

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- a. A Project Manager to act as a single point of contact for SFMTA.
- b. Management level staff to conduct administrative review of appeals of denial or determination of conditional eligibility for Services, and for appeals of suspension decisions.
- c. Staff to participate in and report on public meetings and working groups on paratransit service issues, including Customer and stakeholder committees of the Paratransit Coordinating Council (PCC). The selected Contractor will be responsible for staffing the three modal subcommittees of the PCC Executive Committee -- the Taxi/Ramped Taxi Subcommittee, the Group Van Subcommittee and the SF Access Subcommittee. Duties include developing the agendas, taking minutes, and mailing the agenda packets in conjunction with the Chair of each subcommittee. Typically there is one subcommittee meeting per month. The selected Contractor must prepare meeting minutes following each meeting, including any recommendations to SFMTA that result from the meeting.
- d. Technical staff with sufficient skills and expertise to maintain the on-going operation and maintenance of the PDCS, Customer database, RED uplink and all associated interfaces, manage the contract with the PDCS host vendor (**Exhibit 23**) and who are qualified to oversee the on-going operation and maintenance of ITE in Taxis (**Exhibit 24**).
- e. Provide one out-stationed employee to serve as the fixed route accessibility coordinator at the SFMTA. See **Exhibit 25** for a job description and cost information to include in the Cost Proposal.

4. **On-Going Tasks: Service Monitoring**. As part of the requirement of the Agreement that the Contractor monitor subcontractor performance for each Mode, the selected Contractor shall perform the following tasks:

- a. Coordinate with the SFMTA Taxis and Accessible Services Division to ensure that all Taxis participating in the Program are in compliance with all City permit requirements.
- b. Monitor paratransit debit card reports daily to track all aspects of paratransit service usage.
- c. Monitor and maintain ongoing cost-effectiveness of Services by tracking unit costs per trip for all Modes.
- d. Implement a comprehensive Service Quality Monitoring Program that is based upon systematic monitoring and does not depend solely on Customer complaints to track performance issues such as on-time reliability, telephone response time, driver performance, etc. Ensure systematic monitoring of key service standards in all subcontracts. For an **Option B** submittal, proposal must address how service quality monitoring will be conducted with the proposer as a Transportation Services Provider.
- e. Implement a problem-solving component to the monitoring program to develop long-term solutions to service quality issues.
- f. Assure compliance of all SF Access and Group Van subcontractors with U.S. Department of Transportation drug testing requirements. This requirement does not apply to Section 5310 Vehicles that are owned by third parties. In the administration of drug testing, coordinate with and cooperate with SFMTA's Substance Abuse Program.

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5. **On-going Tasks: Customer Service**. The selected Contractor shall serve as the principal Customer service representative for San Francisco Paratransit Customers, and shall be available to Customers through in-person visits to the Broker's Office, by telephone, by mail and through the internet.

**a. Customer Service Requirements.** Customer service must be performed in accordance with the following requirements:

**i.** Written, telephone and in-person Customer services under the Agreement must be made available in Chinese, Russian, and Spanish.

**ii.** All primary written information that the Broker provides to Customers must be available in large print, American Braille, ASCII, electronic text file, audio recording or other format required by the ADA upon Customer request.

**iii.** Customer information services shall be accessible via TTY (or other comparable telecommunications access methods, such as but not limited to, video relay services or California Relay Service).

**iv.** The Broker is required to maintain a website that complies with the City's Department of Telecommunications and Information Services standards for website accessibility. All electronic information shall comply with all accessibility standards of Section 508 (29 U.S.C. § 794d) of the Rehabilitation Act.

**v.** The selected Contractor shall endeavor to provide American Sign Language interpretation or real-time captioning at the Broker's Office if a Customer gives at least 72 hours notice of the request for such accommodations.

**b. Fare Media Sales.** The selected Contractor shall sell Fare Media to Customers in accordance with all requirements of the Agreement and any additional requirements generally applicable to paratransit Fare Media vendors that are communicated to Contractor by SFMTA in writing.

**i.** Fare Media shall be available for purchase from Contractor during business hours at the Broker's Office, or by telephone order. The selected Contractor shall make Fare Media sales information available by internet as of the effective date of the Agreement, and shall implement a website capable of receiving secure Fare Media payments via internet in accordance with a schedule to be negotiated.

**ii.** Contractor shall accept at a minimum cash and personal checks with valid ID card as proof of identity. Broker Office staff shall be trained in procedures to accept payments when electronic cash registers or Contractor's computer systems are not operational.

**c. Broker's Office.** The selected Contractor, if not the Current Contractor, shall be required to assume the existing lease for Broker facilities. See **Exhibit 21**. The Broker's Office shall be open to the public for purposes related to the Program, including, but not limited to, the purchase of paratransit Fare Media, obtaining application forms or submitting applications for eligibility certification, obtaining Customer identification, taking photos for Customer identification, filing a complaint, or obtaining written instructional materials or in-person assistance regarding Program participation. At a minimum, the office shall be open to Customers between 9:00 a.m. and 4:45 p.m.

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**d. Telephone Service.** At a minimum, the selected Contractor shall be available to Customers by telephone between 9:00 a.m. and 4:45 pm in accordance with the following standards:

**i. Customer Service Availability:** A Customer service representative shall be available to answer the phones on a daily average of 98% of the 465 minutes during each business day.

**ii. Average Speed to Answer:** 80% of all calls in during business hours must be answered by a person in 45 seconds or less. All calls put on hold must be answered by a person or be transferred to an answering machine within one minute.

**iii. Average Call Hold Time:** Average call hold time during a business day may not exceed 20 seconds.

**e. TTY Service.** Eighty percent of all TTY calls in a business day must be answered by a person within 45 seconds or less. All TTY calls must be transferred to an answering machine if not answered by a person within one minute.

**f. Website.** The Contractor shall update and maintain the SF Paratransit internet site ([www.sfparatransit.com](http://www.sfparatransit.com)) that provides general information about the SF Paratransit Program, eligibility requirements and application forms. The SF Paratransit website shall operate in accordance with the following standards for availability, speed and security of data:

**i. Website Availability:** The website must be available 99.5% of the 1440 minutes in a calendar day, 365 days a year. With prior SFMTA approval of proposed website maintenance dates, the website may be taken down for maintenance between the hours of midnight and 6 a.m.

**ii. Website Speed:** The average page load time into the network may not exceed four seconds on any ISP with a connection speed faster than 56kb.

**iii. Website Security:** Zero failures in encryption level and standardized intrusion testing routines.

**g. Customer Resources and Feedback.** The selected Contractor shall make information available to and actively solicit information from Customers for the purpose of continually improving Customer satisfaction with the Program. In fulfilling this requirement, The selected Contractor shall perform the following tasks:

**i. Conduct a minimum of 20 Customer information sessions and/or workshops annually.** The selected Contractor shall maintain documentation of all such workshops with records of attendance and all instructional materials provided to attendees.

**ii. Develop, implement and administer a Paratransit Grievance Committee for Customers to submit grievances against Transportation Service Providers.**

**iii. Develop, implement and administer a Customer feedback system, which shall include but not be limited to telephone and in-person processing of Customer complaints and commendations; detailed electronic logs of Customer complaints and commendations that can be sorted by Mode, Customer, driver, date and general subject matter category; and an annual, statistically significant,**

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independent Customer satisfaction survey to measure Customer satisfaction with Contractor and with  
Transportation Service Providers.

**iv.** Provide travel training using certified travel trainers to encourage persons with disabilities to use the Muni system by increasing public transit skills and comfort level. The selected Contractor shall conduct outreach to appropriate agencies to identify suitable candidates for travel training, as well as make travel training available to individuals who applied for paratransit Services and were determined not eligible. The selected Contractor shall maintain documentation of all such training with records of attendance and all instructional materials provided to attendees.

**h. Certification of Eligibility.** The selected Contractor shall perform the following tasks to certify the eligibility of San Francisco residents and visitors to participate in the Program:

**i.** Make SFMTA-approved Program application (see **Exhibit 17**) available without charge to San Francisco residents at the Broker's Office, by mail or fax when requested, and through the website. Broker shall also distribute application forms to social service agencies serving senior citizens and persons with disabilities.

**ii.** Accept applications for Program participation by mail, in-person delivery or fax.

**iii.** Evaluate applicants for eligibility in accordance with all requirements of the Agreement, including new Customers and existing Customers who want to be recertified. In addition to reviewing the information provided on the application form, the selected Contractor shall verify the eligibility of at least 90% of new applicants who are San Francisco residents through a second level assessment by telephone, in-person interview, and/or verification by a medical professional. At least 50% of those second level assessments of new applicants must be conducted by in-person interviews. At least 30% of San Francisco resident applicants for recertification shall undergo a second level assessment.

**iv.** Conduct a functional assessment of an applicant when necessary to verify eligibility for participation in the Program.

**v.** Send notice of eligibility, conditional eligibility or denial of eligibility to the applicant.

**vi.** Offer any applicant who is found ineligible or conditionally eligible an opportunity to appeal the determination by presenting evidence and arguments for reconsideration in person or in writing, including the forms necessary to file such an appeal. See **Exhibit 3** for more specific details and appeal timeline.

**vii.** Conduct a management-level administrative review of the appeal.

**viii.** If the denial of eligibility or conditional eligibility is upheld following administrative review, convene the appeals panel in conjunction with SFMTA staff and conduct a hearing of the appeal.

**ix.** Following the hearing and in coordination with SFMTA staff, send a Notice of Appeal Status to the applicant with the decision of the appeals panel and information on how and under what circumstances the applicant may re-apply.

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- x. Train new appeals panel members in ADA paratransit requirements and SF Paratransit procedures as necessary.
- xi. Issue a photo identification card to registered Customers that includes a description of the categories of service for which the applicant is eligible, any limitations or conditions on the Customer's eligibility, and the date that their eligibility expires. For paratransit taxi Customers, their debit card is also their photo identification card.
- xii. Re-assess or revoke the eligibility of any Customer who Contractor determines to be ineligible due to information on the application that is false, inaccurate, or that has changed sufficiently to warrant a change in eligibility with due process for an appeal.
- xiii. Provide for the use of Paratransit by qualified visitors to San Francisco.
- xiv. Enter Customers' eligibility status into the Customer Database and then upload the information daily on business days into the Regional Eligibility Database so that current eligibility certification information may be viewed by other participating transit agencies.
- xv. In conjunction with SFMTA staff, offer applicants the ability to participate in the Paratransit Plus program when they do not meet ADA-eligibility criteria but who have demonstrated a high level of difficulty using regular bus and light rail service. (See **Exhibit 18**).
- xvi. Administer and conduct eligibility certification and fare subsidy disbursements from donated private funds for the Helping Wheels Fund Fare Assistance Program, which provides financial assistance to low income individuals who are ADA-eligible and who have a sudden and unexpected need for paratransit. (See **Exhibit 26**)
- xvii. Administer and conduct eligibility certification for Shop-n-Roll participants. (See **Exhibit 16**)
- i. **Suspension of Service.** The selected Contractor shall document any basis for suspension of paratransit services to any Customer and shall issue a warning notice to Customers in advance of any suspension that Contractor determines is required. A Notice of Suspension shall include the date and duration of the suspension of paratransit services to the Customer, the reason for the suspension, and forms and instructions for the Customer to appeal the suspension decision. The selected Contractor shall implement all required appeal procedures for suspension determinations (See **Exhibit 3**) and document the process and outcome of the appeal.

6. **On-going Tasks: Records.**

- a. The selected Contractor shall maintain Records and prepare reports of all elements of the performance of the Agreement, transactions and communications as required by the Agreement or by any federal state or local law or regulation related to the performance of paratransit services, conduct of financial transactions or documentation of expenditures under the Agreement, or as required by SFMTA.
- b. The selected Contractor shall maintain and secure personal information of Customers in its possession, including but not limited to legal documents such as powers of attorney and guardianship, contact information and medical information, in a manner that protects all rights of privacy of Customers.

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c. The selected Contractor shall maintain a secure location for computer equipment and for archiving all electronic records.

7. **On-going Tasks: Financial.**

a. Manage and document all transactions related to Fare Media and billing for Group Van, SF Access and Taxi services, disbursing, collecting and maintaining fiduciary control over Fare Media. Contractor shall not charge any Customer amounts in excess of the amounts approved by SFMTA.

b. Prepare monthly invoices of Contractor and subcontractor expenses and income and submit to SFMTA for reimbursement in accordance with all requirements of the Agreement.

c. Manage and document all Customer information and transactions conducted as part of the Paratransit Debit Card System. (see **Exhibit 5**).

d. Manage and document payments made and received in accordance with regional Inter-County Paratransit Service agreements.

e. Disburse monthly Ramped Taxi driver incentive payments to Taxi companies, which in turn disburse the funds to the drivers.

f. Fund a Paratransit Drivers of the Year Program to award \$100 for one driver from each of the van and Taxi Paratransit Service Providers, as well as two overall awards for a van driver and a Taxi driver of the year, as nominated by Customers. At least 15 drivers shall receive awards each year.

8. **On-going Tasks: Reports.** In the course of performing the Agreement, the selected Contractor shall submit reports as described in the Agreement or as requested by SFMTA, with format and content subject to approval by SFMTA, including, but not limited to:

a. **Management Reports.** Monthly and annual Performance Indicator Reports documenting all elements of Services provided under the Agreement, including but not limited to compliance with Service Standards, summaries of financial transactions, Customer feedback, paratransit service statistics, outreach and training activities, summaries of the number of applications for certification of eligibility received, certification decisions, number of eligibility appeals processed, and any Contractor recommendation for solutions to paratransit service quality issues. See **Exhibit 27** for a sample Monthly Performance Indicator Report.

b. **FTA National Transit Database Section 15 Annual Report.** Collection and compilation of all information requested by the SFMTA for the SFMTA's preparation of an annual audited independent report to the FTA.

c. **Deliverables Status Report.** A full status report on each contract deliverable and its completion or progress to meet that deliverable, provided at least once a year.

d. **Daily Incident Reports/Monthly Incident Report Summaries.** Daily reports to be filed by each of Contractor's and subcontractors' employees who personally witness any vehicle accident, incidents involving any violation of law, personal injury or property damage, safety violations, and Customer No-Shows. The selected Contractor shall provide accident reports to the SFMTA within 24 hours, and monthly Incident Report Summaries to SFMTA for each subcontractor.

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**e. Paratransit Operations Manual.** Development and implementation of an Operations Manual specifying procedures for certain material requirements of the Agreement. The Manual will be reviewed by the Paratransit Coordinating Council prior to submittal to the SFMTA. The deliverable and the due date of each element of the Operations Manual is listed below. On the date specified after each deliverable, Contractor shall submit a written draft of the deliverable to the SFMTA for approval. Following approval of the draft by the SFMTA, Contractor shall incorporate SFMTA comments into a final deliverable within 30 days. Once the final deliverable is approved by the SFMTA in writing, Contractor shall distribute such deliverable to the SFMTA and to all Transportation Service Providers for their reference, and Broker shall comply and shall require all Transportation Service Providers to comply with the procedures set forth in the approved Operations Manual. The selected Contractor shall deliver the following documents, which together shall make up the San Francisco Paratransit Operations Manual:

**i. Emergency Preparedness Protocol.** To (a) provide continuity of paratransit services in the event of any foreseeable interruptions in the availability of labor, vehicles, materials, supplies, power or communications, and (b) to provide emergency transportation as directed by SFMTA in the event of a disaster (within 120 days of the Effective Date).

**ii. Service Quality Monitoring Program.** To ensure systematic and comprehensive monitoring of key Service Standards for all subcontractors, including a problem-solving component to develop long-term solutions to service quality issues (within 90 days of the Effective Date).

**iii. Driver Training Protocol.** To ensure safe and courteous Customer service in compliance with Service Standards (within 60 days of the Effective Date).

**iv. Scheduling Protocol.** To minimize delays in response to Customer requests for paratransit service (within 60 days of the Effective Date).

**v. IT Back-Up Procedures.** To ensure regular archiving of all electronic data associated with the performance of the Agreement regardless of the failure of IT equipment or the intentional or negligent acts of any person that results in deletion or corruption of data (within 60 days of the Effective Date).

**vi. Vehicle Maintenance Inspection Procedures.** For City-owned paratransit vans leased to the Broker (within 60 days of the Effective Date).

**vii. Asset Management Protocols.** To track and monitor the condition of all assets purchased with City funds, including vehicles, hardware and software, furniture and equipment (within 60 days of the Effective Date)

**viii. Paratransit Grievance Committee Forms and Procedures.** Written grievance forms and procedures for Customer complaints (within 90 days of the Effective Date).

**ix. Customer Feedback Forms and Procedures.** Written Customer feedback forms and procedures for responding to comments (within 90 days of the Effective Date).

**x. Fraud Prevention Procedures.** For controlling fraud and misuse of Fare Media (within 90 days of the Effective Date).

**xi. Customer Survey Form and Methodology.** The form of a Customer survey and a methodology for implementing the survey (within 120 days of the Effective Date).

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**III. SUBMISSION REQUIREMENTS**

**A. Time and Place for Submission of Proposals**

Proposals meeting all requirements of this RFP must be received by 5:00 p.m. on **August 14, 2009**, at the following address:

Mikhael Hart  
San Francisco Municipal Transportation Agency  
1 South Van Ness Avenue, 3rd floor  
San Francisco, California 94103

Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

**B. Format of Proposals**

Proposals must be received in sealed package(s) identified with the proposer's name and address and the Project Title. Each proposal shall be marked as an **Option A** or **Option B** proposal and be submitted in the following formats:

1. Hard copy format: Proposers shall submit one original (marked "original" with the original signature of the responsible officer of the proposer) and nine paper copies of the proposal. The proposal shall be contained on 8 1/2" by 11" paper with fold-outs from this size utilized as required. The proposal shall be limited to no more than 60 pages, exclusive of Exhibits, where a sheet having printing on both sides constitutes two pages. The proposal should be bound along the long side.

2. CD ROM: A copy of the proposal on CD ROM in Microsoft Word

3. Proposers may also be requested to provide audio tape, Braille, and/or large print versions of their proposal, though such formats are not required for initial submittal of the proposal.

**C. Content of Proposals**

Firms interested in responding to this RFP must submit the following information, in the order specified below:

**1. Letter of Introduction and Executive Summary**

**a.** The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the proposal.

**b.** If the proposer is a joint venture, the proposal must designate only one individual principal authorized to conduct business and make commitments on behalf of the joint venture and to obligate all members to meet the terms of any agreement reached with SFMTA.

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c. For proposals submitted by firms other than the Current Broker, the letter must include a statement indicating the proposer's agreement to assume existing leases and contracts that will expire after the Current Broker's contract expires, which are listed in **Exhibit 19** and reproduced in their entirety in **Exhibits 4, 8, 9, 13, 15, 20, 21, 23 and 24.** .

**2. Statement of Organizational Capacity; Experience and Qualifications**

Describe in detail the proposed organizational structure of the proposing firm or joint venture. Provide organizational or staffing charts or other supporting materials as needed to provide the following information:

**a.** A concise overview of the firm, including current organizational structure, when firm was established, subsidiary and parent companies (if any), identity of principals, office locations and size, and overall number of personnel by discipline. If the proposer is a joint venture of firms, furnish the above information for each member firm and clearly indicate the reason for the joint venture as it directly applies to this project.

**b.** Documentation of compliance with all Minimum Contractor Qualifications described in Section IV.A of this RFP.

**c.** A description of the role, function and composition of the board of directors and advisory bodies of the firm.

**d.** A description of the proposed staffing for work to be performed under the Agreement, including an organizational chart with names of key staff members. Provide job descriptions for key staff responsible for carrying out the specific functions called for in this RFP.

**e.** A description of the qualifications, background and experience of key personnel who will be performing services, and include resumes for these staff. Describe the tasks currently performed by these staff.

**f.** A description of the firm's experience conducting procurements under Federal Transit Administration (FTA) guidelines.

**g.** Description of two specific challenges the firm has experienced in providing ADA paratransit services in an efficient manner, and the firm's strategies for handling these challenges.

**h.** A list of at least three recent clients (including contact name(s), address, phone and email address) for whom work relevant to paratransit brokerage services has been performed. Provide references from such recent clients for key personnel identified in your proposal. Identify specific problems that your firm and/or proposed key personnel encountered in providing related services and how these problems were addressed.

**i.** A list of all locations where the Proposer currently provides paratransit brokerage services. Include location, agency name and contact information.

**j.** A description of the positions responsible for management information systems, including the collection of data, maintenance of records, and both program and financial reporting. Identify computer hardware and software resources proposed for use in performing this contract.

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**k.** Identify (by case name and court number and location) any criminal or civil actions filed by or against your company (or an affiliate providing paratransit services) in the last seven years on a matter related to the provision of paratransit services. Provide information regarding the status of the lawsuit(s) (e.g., case, pending, decision, appeal, settlement). Include any allegations of fraudulent conduct made by any transit agency against your company that resulted in a settlement or other resolution prior to the filing of an action.

**l.** Identify any complaints to the Federal Transit Administration within the last seven years regarding provision of paratransit services by your company; include information on the status of the complaints).

### 3. Technical Proposal

In preparing the technical proposal, proposers should respond with a summary work plan that describes each task in Section II, Scope of Work of this document and provides a detailed methodology to carry out the task. Proposals must address all requirements of the Technical Proposal, but may provide additional information on alternatives to the Scope of Work task details that meet the Paratransit Program objectives and that provide cost savings, process efficiencies or improved Customer service. Proposals must identify how tasks and functions listed in the Scope of Work would be performed, and by what team member or other entity. Include an organizational chart to illustrate your approach.

Proposers should assume annual service levels noted in Figure 1: Three-Year Paratransit General Statistics” as well as the description of current paratransit services, as the basis for the Technical Proposal. Proposers may discuss alternative assumptions in their Technical Proposals. The Technical Proposal shall be structured in the following order:

**a. Start-Up Tasks:** This section should anticipate the transition between the current and successor Broker Agreements, whether or not the Current Contractor is selected as the Broker. This section should anticipate implementing contract standards for the Program.

**b. Administrative Tasks:** Contract procurement and management, record-keeping, reporting, secure financial transaction processing, computer hardware and software installation and maintenance.

**c. Customer Service Tasks:** Broker's Office, Customer database, Fare Media sales, telephone system, website, taking Complaints and Commendations and providing Customer feedback and response, eligibility certification, staff services to PCC modal sub-committees, Taxi, Group Van and SF Access. Proposals under both **Option A** and **Option B** must identify the expected customer service benefits as compared to the other Option. Proposals must describe how Broker administrative complaints and transportation-related complaints will be handled.

**d. Service Monitoring Tasks:** Subcontractor performance monitoring and enforcement, data collection and analysis, regulatory compliance, vehicle and equipment maintenance, improving processes for greater efficiency, cost savings and improved Customer service.

**e. Mobile Data Terminal (MDT) Option:** As an optional task, proposers should detail their experience purchasing and installing on-board computers with GPS capability on paratransit vehicles. The SFMTA is anticipating equipping all SF Access vehicles to allow interactive connectivity to the paratransit routing & scheduling system and management software at the Paratransit Broker's office. There are approximately 125 paratransit vans providing nearly 11,000 trips per month. The GPS system

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will be used to increase the monitoring of paratransit vans including their location and to aid in the reporting back of completion of assigned trips by enhancing communications between dispatchers and drivers and allowing for improved customer service reliability including more timely response to "where's my ride" phone calls, and to generate more accurate on-time performance reports. This equipment would also greatly improve the efficiency and accuracy of reporting trip cancelations to drivers and "add-on" trips.

#### 4. Cost Proposal

It is anticipated that compensation for the Broker Administrative Services performed under the Agreement will be structured on a cost plus fixed fee basis. Proposers are required to complete the Cost Proposal Worksheet (**Exhibit 28**) indicating projected costs for (i) Start-Up Tasks (**January 1 - March 31, 2010**), (ii) three months (**April 1, 2010 – June 30, 2010**) and (iii) annual Administrative Expenses for the five years, service provision (**July 1, 2010 through June 30, 2015**). Total costs must not exceed the anticipated program revenues as presented in Figure 2. The Cost Proposal must be signed and dated by the responsible officer, with the copy containing the original signature marked "original."

Proposals under both **Option A** and **Option B** must identify expected cost savings as compared to the other Option.

Proposers should state clearly and precisely all operating expenditures attributable to carrying out Broker activities as described in this RFP as follows:

- a. Describe the positions of each individual employee directed by the Broker, state each position's hourly salary and indicate that portion of the position's time in tenths of a full time equivalent (FTE) to be spent on this contract. (E.g., 100% of a position is 1 FTE, 50% is .5 FTE, etc.)
- b. Estimate the corresponding costs for personnel fringe benefits
- c. Estimate the expenditures for each service Mode
- d. For **Option B** Proposals: Detail the cost per trip proposed for each service Mode and for each Provider if there are multiple Providers in one mode. For the taxi mode, the per trip amount shall be the current average paratransit taxi trip rate.
- e. Estimate additional related expenses (*i.e.*, rent, insurance, supplies and equipment, printing, postage, utilities, etc.)
- f. Estimate the Administrative Costs associated with Mobile Data Terminal procurement option.

#### Budget projections for contract

The following are budget projections based on current budget assumptions. Actual budgets for Broker services will be revised on an annual basis based on projected service level expenditures and anticipated demand. Broker Administrative Expenses are to be funded from these revenues. Costs should be expressed in current dollars. **Figure 2** presents projected program revenue for the duration of the primary contract period. The projected revenues for the optional five-year period are detailed in **Figure 3**.

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**FIGURE 2: PROJECTED PROGRAM REVENUES**

Fiscal Year	Projected Program Revenues
FY10-11	\$21,573,976
FY11-12	\$22,329,065
FY12-13	\$23,110,582
FY13-14	\$23,919,453
FY14-15	\$24,756,634
<b>Total</b>	<b>\$115,689,710</b>

**FIGURE 3: PROJECTED PROGRAM REVENUES, FY14-FY16**

Fiscal Year	Projected Program Revenues
FY15-16	\$25,623,116
FY16-17	\$26,519,925
FY17-18	\$27,448,122
FY18-19	\$28,408,807

**5. SBE Forms**

In addition to the requirements on the content of the proposal, Proposers must submit the following required SBE Forms as appendices to their proposals (See **Exhibit 29**):

- a. Consultant/Joint Venture and Subconsultant Participation Report (SFMTA SBE Form 1)
- b. SBE Consultant/Subconsultant Participation – Good Faith Efforts (SFMTA SBE Form 2)
- c. Bidders List (SFMTA SBE Form 2A)
- d. SBE Consultant/Joint Venture Partners/Subconsultant – Gross Revenue Declaration (SFMTA SBE Form 2B)
- e. SFMTA Questionnaire on Recruitment, Hiring and Training Practices for Consultants (SFMTA SBE Form 3)

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- f. SBE Subconsultant Participation Declaration (SFMTA SBE Form 4)
  - g. SBE Acknowledgement Declaration (SFMTA SBE Form 5)

h. A copy of the firm's Nondiscrimination Program or Equal Employment Opportunity (EEO) Policy Statement.

#### 6. Other City Forms

Proposers are responsible for submitting all required City forms. See the listing of City contracting requirements and forms in **Exhibit 30**.

#### 7. Attestation Statements and Certifications

The **proposer and all subcontractors named in a proposal** must individually sign the Attestation Statement and Certification included herein as **Exhibits 31 and 32**. Any proposal that does not include the executed Attestation Statement and Certification as required by the RFP **will be deemed non-responsive and will not be scored**. Any proposer who violates representations made in the Attestation Statement and Certification, directly or through an agent, lobbyist or subcontractor, will be disqualified from the selection process for this contract.

### IV. PROPOSAL EVALUATION & CONTRACTOR SELECTION PROCESS

#### A. Minimum Contractor Qualifications

**In order for a proposer to be responsive to this RFP, the Proposal must document the proposer's compliance with the following minimum qualifications:**

1. The proposer or another member of its team must have at least five years' experience functioning as a broker operating a complete ADA paratransit system delivering at least 1,000 trips a day.
2. The proposer and its key management staff must have at least two years of experience in managing multiple service providers for seniors and people with disabilities with a total fleet of at least 100 vehicles.
3. The designated Project Manager must have a minimum of five years of increasingly responsible management level experience in the paratransit industry and at least two years experience in ADA paratransit operation.
4. To avoid any potential conflict of interest, the Broker must be a separate legal entity from, and not have a financial interest in, any of the Transportation Service Providers.
5. The proposer must demonstrate that it has maintained an average annual positive net worth of at least \$2.5 million over the past three years, and submit audited financial statements for the past three years.
6. The proposal must include a written commitment to provide a letter of credit in the amount of \$4,500,000.. If the agreement is extended beyond its original term, the letter of credit would be required to increase to \$5,000,000..

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7. The proposal must include a written commitment from a surety to provide a fidelity bond in an amount of not less than \$300,000 covering all officials, employees and agents handling or having access to funds received or disbursed by the Contractor for services performed or who are authorized to sign or countersign checks.

**B. Selection Criteria**

The selection of a responsible, qualified contractor to perform Paratransit Broker services will be made by the SFMTA. A selection committee appointed by the SFMTA will review and evaluate all written proposals from Options A and B based on the scoring criteria listed below. Following the scoring of the written proposals, the SFMTA will short-list those proposals determined to be in the competitive range. The short-listed proposers will be invited to an oral presentation and interview, during which the selection committee will ask proposers questions regarding their proposals and their presentations, which may include information obtained from reference checks. After the oral presentation and interview, the selection committee will re-score the short-listed written proposals using the same criteria identified below. Only the final set of scores will be used to determine the highest-scoring proposal. The proposer with the highest-ranked proposal will be invited to negotiate a contract with the SFMTA.

All proposals will be evaluated on the basis of the following criteria, with the weights noted assigned to each criterion:

**1. Proposer Background and Experience; Organizational Capacity (50 points/25%)**

- a. Understanding and knowledge of multi-modal, coordinated paratransit systems such as San Francisco's Paratransit Program
- b. Knowledge of paratransit industry regulation, especially the ADA
- c. Relevant experience
- d. Creative and productive problem-solving that increases efficiency, lowers costs and/or improves Customer service while meeting the goals of the Program.
- e. Experience and ability of key personnel assigned to tasks in the work plan.
- f. Experience conducting procurements under FTA guidelines
- g. References

**2. Content of the Technical Proposal (90 points/45%):**

- a. Start-Up Tasks: Does proposal indicate a clear understanding, readiness and provide a work plan for the efficient implementation of the start-up tasks? Does proposal clearly describe how each start-up task detailed in the Scope of Work would be performed, and by whom?
- b. Administrative Tasks: Does proposal indicate a clear understanding of the Administrative tasks, and provide a well-articulated work plan and a detailed methodology to carry out the tasks? Does proposal clearly describe how each administrative task detailed in the Scope of Work would be performed, and by whom?

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**c. Customer Service Tasks:** Does proposal indicate a clear understanding of the Customer Service tasks, and provide a well-articulated work plan and a detailed methodology to carry out the tasks? Does proposal identify how each customer service task detailed in the Scope of Work would be performed, and by whom? Does proposal describe and substantiate customer service benefits and provide a comparison to benefits that may be realized by performing services under the other Option?

**d. Service Contracting and Monitoring Tasks:** Does proposal indicate a clear understanding of the Service Contracting and Monitoring tasks, and provide a well-articulated work plan and a detailed methodology to carry out the tasks? Does proposal describe how each service contracting and monitoring task detailed in the Scope of Work would be performed, and by whom?

3. **Cost Proposal** (60 points/30%)

**a. Completeness:** Did the proposer include all budget items necessary to manage and operate a paratransit program?

**b. Cost Savings:** How did the proposer's estimated cost savings compare to the other Option? Were the costs realistic and did they include reasonable assumptions?

**c. Reasonableness:** Are the costs allotted to the budget items reasonable? Do they indicate that the proposer is knowledgeable about operating a paratransit program in San Francisco?

**d. Management Fee:** Is the administrative management fee reasonable and within industry norms?

4. **Labor Code 1070 Points** (10% preference points)

See Section VII.E.

**SFMTA reserves the right to verify any or all statements received in any proposal and to conduct reference checks, whether or not particular references were included in the proposal.**

## V. SCHEDULE

Potential proposers are required to attend the mandatory pre-proposal conference which will be held on **July 9, 2009** at 10:00 a.m. at the San Francisco Municipal Transportation Agency, Third Floor Conference Room, 1 South Van Ness Avenue, San Francisco, CA. The meeting location is wheelchair accessible.

Representatives of the Contract Compliance Office will be present at the pre-proposal conference to answer questions regarding the SBE/Nondiscrimination Requirements. A written list of attendees will be available at the end of the meeting.

Any requests for information concerning the RFP must be in writing, whether submitted before or after the mandatory pre-proposal conference, and any substantive replies will be issued as written addenda

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which will be posted on the Office of Contract Administration's website at [www.sfgov.org/oca](http://www.sfgov.org/oca).. Questions raised at the pre-proposal conference may be answered orally. If any substantive new information is provided in response to questions raised at the pre-proposal conference, it will also be memorialized in a written addendum to this RFP and will be posted on the Office of Contract Administration's website at [www.sfgov.org/oca](http://www.sfgov.org/oca) .

The planned timeline for award of a contract is:

Request for Proposals Release Date	June 29, 2009
Mandatory Pre-Proposal Conference	July 9, 2009, 10:00 a.m.
Deadline for Questions	July 22, 2009 5:00 p.m.
Deadline for Receipt of Proposals	August 14, 2009 4:00 p.m.
Approval by SFMTA	October 2009
Approval by Board of Supervisors	December 2009

**VI. TERMS & CONDITIONS FOR RECEIPT OF PROPOSALS**

**A. Contract Award**

SFMTA will commence contract negotiations with the highest-ranked proposer. The selection of any proposal shall not imply acceptance by the City of all terms of the proposal, including compensation, which may be subject to further negotiation and approvals. If a satisfactory contract cannot be negotiated in a reasonable time, the SFMTA, in its sole discretion, may terminate negotiations with the highest ranked proposer and begin contract negotiations with the next highest ranked proposer.

No proposal may be accepted and no contract may be awarded until such time as (a) the Executive Director/CEO of the San Francisco Municipal Transportation Agency recommends the Agreement for award and (b) the SFMTA Board of Directors adopts a resolution approving the Agreement. The final contract must also be approved by the San Francisco Board of Supervisors.

**B. Errors and Omissions in RFP**

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify SFMTA, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other errors in the RFP. Any such notification should be directed to SFMTA promptly after discovery, but in no event later than 10 business days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

**C. Questions Regarding RFP**

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Questions regarding this RFP should be addressed in writing to:

Attn Mikhael Hart  
San Francisco Municipal Transportation Agency  
One South Van Ness Avenue, 3<sup>rd</sup> Floor  
San Francisco, California 94103-1267

Email: [mikhael.hart@sfmta.com](mailto:mikhael.hart@sfmta.com)

Any requests for information concerning the RFP, whether submitted before or after the mandatory pre-proposal conference, must be in writing, and any substantive replies will be issued as written addenda to which will be posted on the Office of Contract and Administration's website at [www.sfgov.org/oca](http://www.sfgov.org/oca). No questions or requests for interpretation will be accepted after **5:00 p.m. on July 22, 2009**.

#### **D. Objections to RFP Terms**

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not more than 10 calendar days after the RFP is issued, provide written notice to the SFMTA setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

#### **E. Addenda to RFP**

SFMTA may modify the RFP prior to the proposal due date by issuing written addenda. Addenda will be posted on the Office of Contract and Administration's website at [www.sfgov.org/oca](http://www.sfgov.org/oca). The proposer shall be responsible for checking the website to ensure that its proposal reflects any and all addenda issued by SFMTA prior to the proposal due date, regardless of when the proposal is submitted. Therefore, SFMTA recommends that prior to submitting a proposal, proposers check the Office of Contract and Administration's website to determine that proposer has received all addenda. For information, call Mr. Mikhael Hart at 415-701-4429.

#### **F. Revisions to Proposal**

A proposer may revise a proposal at the proposer's own discretion at any time before the deadline for submission of proposals. The proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.

At any time during the proposal evaluation process, SFMTA may require a proposer to provide oral or written clarification of its proposal. SFMTA reserves the right to make an award without further clarification of proposals received.

#### **G. Term of Proposal**

Submission of a proposal signifies that the proposer's offer remains open for one year from the proposal due date and that the offer is genuine and not the result of collusion or any other anti-competitive activity.

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**H. Errors and Omissions in Proposal**

Failure by the SFMTA to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the proposer from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

**I. Resource Conservation**

All documents submitted in response to this RFP must be on recycled paper and printed on double-sided pages to the maximum extent possible unless otherwise required herein.

**J. Proposers' Obligations Under the Campaign Reform Ordinance**

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves. If a proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (i) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (ii) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

- (a) Criminal. Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
- (b) Civil. Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.

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- (c) Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

**K. Communications Prior to Contract Award**

It is the policy of the SFMTA that only employees identified in the RFP as contacts for this competitive solicitation are authorized to respond to comments or inquiries from Proposers or potential Proposers seeking to influence the contractor selection process or the award of the contract. This prohibition extends from the date the RFP is issued until the date when the contractor selection is finally approved by the SFMTA Board of Directors and, if required, by the San Francisco Board of Supervisors. All firms and subcontractor(s) responding to this RFP are hereby notified that they may not contact any SFMTA staff member, other than a person with whom contact is expressly authorized by this RFP (Mikhael Hart), for the purpose of influencing the contractor selection process or the award of the contract from the date the RFP is issued to the date when the contract award is approved by the Board of Directors of SFMTA and, if required, by the San Francisco Board of Supervisors. This prohibition does not apply to communications with SFMTA staff members regarding normal City business not regarding or related to this RFP.

All firms and subcontractor(s) responding to this RFP are hereby notified that any written communications sent to one or more members of the SFMTA Board of Directors concerning a pending contract solicitation shall be distributed by the SFMTA to all members of the SFMTA Board of Directors and the designated staff contact person(s) identified in the RFP.

Except as expressly authorized in the RFP, where any person representing a Proposer or potential Proposer contacts any SFMTA staff for the purpose of influencing the content of the competitive solicitation or the award of the contract between the date when the RFP is issued and the date when the final selection is approved by the SFMTA Board of Directors, and, if required, by the San Francisco Board of Supervisors, the Proposer or potential Proposer shall be disqualified from the selection process. However, a person who represents a Proposer or potential Proposer may contact City elected officials and may contact the Executive Director/CEO of the SFMTA if s/he is unable to reach the designated staff contact person(s) identified in the RFP or wishes to raise concerns about the competitive solicitation.

Additionally, the firms and subcontractor(s) responding to this RFP will not provide any gifts, meals, transportation, materials or supplies or any items of value or donations to or on behalf of any SFMTA staff member from the date the RFP is issued to the date when the contract award is approved by the Board of Directors of SFMTA and if required, by the San Francisco Board of Supervisors.

All lobbyists or any agents representing the interests of proposing prime contractors and subcontractor(s) shall also be subject to the same prohibitions.

An executed Attestation of Compliance (**Exhibit 31**) certifying compliance with this section of the RFP will be required to be submitted signed by all firms and named subcontractor(s) as part of the

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response to the this RFP. Any proposal that does not include the executed Attestation of Compliance as required by this section will be deemed non-responsive and will not be evaluated. Any Proposer who violates the representations made in such Attestation of Compliance, directly or through an agent, lobbyist or subcontractor will be disqualified from the selection process.

**L. Certification Regarding Lobbying**

All prospective proposers are required to complete and submit along with their proposals, the certification form in **Exhibit 32** regarding lobbying. The same certification shall be obtained, and submitted along with the proposal, from all lower tier participants (sub consultants, suppliers, etc.) with work greater than \$100,000.

**M. Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945. The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into. By signing their Proposal, proposers certify that they are not excluded or disqualified from contracting as defined in 49 CFR 29.940 and 29.945.

If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to SFMTA, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer.

**N. San Francisco Sunshine Ordinance**

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

**O. Public Access to Meetings and Records**

If a Proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City-funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the San Francisco Administrative Code, the Proposer must comply with the reporting requirements of that Chapter. The Proposer must include in its Proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to Proposer's meetings and records, and (2) a summary of all complaints concerning the Proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the Proposer shall include a statement to that effect.

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Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in Proposer's Chapter 12L submission shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

**P. Reservation of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right, at any time, to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
  2. Reject any or all proposals;
  3. Reissue a Request for Proposals;
  4. Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
  5. Procure any materials, equipment or services specified in this RFP by any other means;
- or
6. Determine that no project will be pursued.

**Q. No Waiver**

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

**R. Financial Responsibility**

The SFMTA accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions in response to the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

**S. Protest Procedures**

The procedure for filing a protest is described in **Exhibit 33**.

**VII. CITY CONTRACT REQUIREMENTS**

**A. Form of Contract**

The successful proposer will be required to enter into a contract on terms substantially similar to the sample contract included as **Exhibit 7**. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsements, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another

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firm and may proceed against the original firm selected for damages.

**B. Nondiscrimination in Contracts And Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the HRC's website at [www.sfhrc.org](http://www.sfhrc.org).

**C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see §43 of the attached Agreement for Professional Services.

For the amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

All SF Access and Group Van contractors shall pay SFMTA-funded paratransit drivers a minimum wage as required by the City's Minimum Compensation Ordinance for the first 90 days of service and/or completion of the driver training requirements, whichever comes first. Currently the hourly wage required by the Minimum Compensation Ordinance is \$11.54 (\$11.03 per hour for non-profit entities). After that period, paratransit provider subcontractors shall pay SFMTA-funded SF Access drivers not less than \$14.80 per hour and Group Van drivers not less than \$12.97 per hour. These minimum wages shall increase on a yearly basis based on cost of living adjustments received by the contractors. All cost of living adjustments received by subcontractors shall be passed on to all SFMTA-funded paratransit drivers with at least a proportional wage adjustment.

**D. First Source Hiring Program (FSHP)**

If the contract is for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at [www.sfgov.org/moed/fshp.htm](http://www.sfgov.org/moed/fshp.htm) and from the First Source Hiring Administrator, (415) 401-4960.

**E. Labor Code Sections 1070 et. seq. See Exhibit 34.**

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1. **Bid Submittal Requirements.** Under Labor Code Sections 1070, *et seq.*, proposers shall declare as part of their proposer whether or not they will retain the employees of prior service contractors for a period of not less than 90 days. A "service contract" means any contract, the principal purpose of which is to provide public transit services through the use of service employees. In the context of the Paratransit Broker Contract, this requirement would apply to all employees of the Existing Broker except those executive, administrative or professional employees who are exempt from the payment of overtime compensation under Section 515 of the Labor Code. For those proposals under Option B, this requirement may additionally apply to any Transportation Service Provider employees whose services will be taken over by the Proposer.

2. **Preference.** The SFMTA will award a 10 percent preference to any proposer who agrees to retain the employees of the prior contract or subcontractor. The preference will be added to the total number of points attained by the proposer during the evaluation process.

3. **Information.** Potential proposers (other than the Existing Broker) who require information about the number of employees who are performing services under the service contracts, including the wage rates, benefits and job classifications of such employees, shall request such information from the SFMTA by July 20, 2009. SFMTA will furnish the information to bona fide proposers (those potential proposers who SFMTA determines may meet the minimum qualifications to submit a proposal) by July 30, 2009.

#### **F. Conflicts of Interest**

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 *et seq.* and Section 1090 *et seq.* of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

#### **G. Statements of Economic Interest**

Contractor's employees/subcontractors may be required to file Statements of Economic Interest annually under Government Code Section 87300 if, pursuant to a contract with the City, the individual makes certain governmental decisions; serves in a staff capacity and participates in making certain governmental decisions; or serves in a staff capacity and performs the same or substantially the same duties a regular City employee who would be required to file a Statement of Economic Interest.

#### **H. Small Business Enterprise (SBE)/Non-Discrimination Requirements**

The following information is provided to assist with the preparation of proposals. Please see **Exhibit 28** for a description of SFMTA's SBE Program, along with all forms required for submittal of

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proposals and for use by the Consultant.

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**1. Policy**

SFMTA is committed to a Small Business Enterprise (SBE) Program (“SBE Program”) for the participation of SBEs in contracting opportunities in accordance with the federal regulations in 49 CFR Part 26, issued March 4, 1999, as amended from time to time (the “Regulations”). The Regulations are incorporated into this SBE Program as though fully set forth herein. It is the intention of the SFMTA to create a level playing field on which SBEs can compete fairly for contracts and subcontracts relating to the procurement and professional services activities of the SFMTA.

**2. Questions**

Questions concerning SBE/Non-Discrimination Requirements may be addressed to:

Mr. André P. Boursse, Director  
SFMTA Contract Compliance Office  
One South Van Ness Avenue, 3<sup>rd</sup> Floor  
San Francisco, CA 94103  
Telephone: (415) 701-4443

Attn: Naomi Steinway, Contract Compliance Officer  
Telephone: (415) 701-4363

**3. Non-Discrimination in Employment**

SFMTA will evaluate the proposer's response to the Questionnaire on Recruitment, Hiring, And Training Practices (SFMTA SBE Form No. 3) to determine whether the proposer is in compliance with the Nondiscrimination Requirements.

Should SFMTA deem it necessary, the SFMTA will seek a written commitment from the proposer to use good faith efforts to provide equal employment opportunities during the term of the contract. One measure of such a commitment would be comparing utilization of women and minorities with the relevant labor market in order to improve parity between the composition of the proposer's workforce and the available labor market. The proposer may be required to provide the SFMTA with the relevant data regarding its labor market.

**4. SBE Goal**

The Contract Compliance Office has established an SBE participation goal of twenty percent (20%) of the total Administrative Expenses proposed for this contract. Small business firms may qualify for this program by enrollment in either the State of California's Small Business Program, the California Unified Certification Program (“Federal” DBE program), or the City and County of San Francisco's LBE program. Under 49 CFR Sections 26.3 and 26.51, and in response to the Federal Transit Administration's ("FTA") March 23, 2006, publication of the Department of Transportation's ("DOT") guidance concerning the federal Disadvantaged Business Enterprise (“DBE”) program that applies to grant recipients within the Ninth Circuit, the SFMTA, a recipient of federal financial assistance from the FTA, is required to implement race-neutral means of facilitating DBE participation. The SFMTA's SBE Program is

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in accordance with DOT's guidance that, absent a disparity study, the SFMTA must meet its overall annual DBE goal using race-neutral means. This Program applies to the following types of SFMTA contracts that are funded, in whole or in part, by DOT financial assistance: Construction – Building, Heavy; Construction – Dredging and Surface Cleanup; Construction (specialty trades); Electrical Contractors; General Freight Trucking; Hazardous Waste Collection, Trucking; Remediation; Testing Labs; Computer Programming and Design; Architecture & Engineering Services; Surveying and Mapping; Drafting (design services); Landscape Architecture; Building Inspection; Automotive Repair and Maintenance; Electronic and Precision Equipment Repair and Maintenance; Machinery and Equipment Rental (construction); Merchant Wholesalers, Durable Goods; Public Relations; and Telecommunications.

To be determined responsive, a proposer must demonstrate in its submittal that it will meet this goal in the performance of this contract; or if it is unable to meet the goal, the proposer must submit documentation (SFMTA Form 2 – SBE Consultant/Subconsultant – Good Faith Efforts) with its proposal that it performed good faith efforts, prior to submission of the bid or proposal, to meet this goal. A proposer that is not responsive shall be ineligible for award of the contract.

Proposers may contact Ms. Naomi Steinway of the SFMTA Contract Compliance Office at (415) 701-4363 to discuss SBE/Non-Discrimination Requirements before submitting a proposal.

**5. Nondiscrimination In Contract - Equal Benefits Ordinance**

**a.** Chapter 12B and 12C of the Administrative Code are incorporated by reference as though fully set herein. Chapter 12B and 12C prohibit discrimination by City contractors in employment, the use of property and the provision of employee benefits.

**i.** Please refer to **Exhibit 30** to find resources to assist with compliance with the Nondiscrimination in Contract/Equal Benefits Ordinance mandated by Chapter 12B of the San Francisco Administrative Code.

**ii.** The successful proposer must agree to abide by the following standard contract provisions regarding Chapter 12B and 12C. Documentation regarding Charter 12B and 12C compliance must be on file with or submitted to the Human Rights Commission (HRC). For further information, go [www.sfhrc.org](http://www.sfhrc.org).

**b. Nondiscrimination: Penalties**

**i. Contractor Shall Not Discriminate.** In the performance of this contract, Contractor agrees not to discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV) against any employee of, any City employee working with, or applicant for employment with Contractor, in any of Contractor's operations within the United States, or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social or other establishments, or organizations operated by contractor.

**ii. Subcontracts.** Contractor shall incorporate by reference in all subcontracts the provision of Sections 12B.2(a), 12B.2(c) - 12B.2(k) and 12C.3 of the San Francisco Administrative Code, and shall require all subcontractors to comply with such provisions. Contractor's failure to comply with obligations in this subsection shall constitute a material breach of the Agreement.

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**iii. Nondiscrimination in Benefits.** Contractor does not as of the date of the Agreement and will not during the term of this agreement, in any of its operations within the United States, discriminate in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees, where the domestic partnership has been registered with a governmental entity pursuant to state or local law authorizing such registration, subject to the conditions set forth in Section 12B.2(b) of the San Francisco Administrative Code.

**iv. Condition to Contract.** As a condition to the Agreement, Contractor shall execute the “Nondiscrimination in Contracts and Benefits” form and secure the approval of the form by the San Francisco Human Rights Commission.

**v. Incorporation of Administrative Code Provisions by Reference.** The provisions of Chapters 12B and 12C of the San Francisco Administrative Code are incorporated by reference and made a part of this agreement as thoughtfully set forth herein. Contractor shall comply fully with a be bound by all of the provisions that apply to the Agreement under Chapters 12B and 12C of the Administrative Code, including but not limited to remedies provided in such Chapters. Without limiting the foregoing, Contractor understands that pursuant to Section 12B.2(h) of the San Francisco Administrative Code, a penalty of \$50 for each person for each calendar day during which such person was discriminated against in violation of the provisions of this Agreement may be assessed against Contractor and/or deducted from any payment due Contractor.

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**LIST OF EXHIBITS**

1. PROGRAM HISTORY AND MILESTONES
2. RIDER'S GUIDE TO SF PARATRANSIT
3. SF PARATRANSIT PROGRAM RULES OF OPERATION
4. TRAPEZE SOFTWARE AGREEMENT
5. SF PARATRANSIT DEBIT CARD SYSTEM DESCRIPTION
6. SF PARATRANSIT PROGRAM ORGANIZATIONAL CHART
7. AGREEMENT FOR PROFESSIONAL SERVICE
8. SF ACCESS TRANSPORTATION AGREEMENT
9. VEHICLE LEASE AGREEMENTS (SIX AGREEMENTS TOTAL)
10. LIST OF CITY-OWNED VEHICLES
11. LIST OF CURRENT PARATRANSIT SERVICE PROVIDERS
12. SAMPLE MOU BETWEEN BROKER, VAN PROVIDERS AND SOCIAL SERVICE AGENCIES
13. SAMPLE GROUP VAN PROVIDER CONTRACT
14. PARATRANSIT MINIMUM REQUIREMENTS FOR TAXICAB COMPANY PARTICIPATION IN THE SF PARATRANSIT PROGRAM
15. INTER-COUNTY MEMORANDA OF UNDERSTANDING: GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT AND SFMTA; EAST BAY PARATRANSIT CONSORTIUM AND SFMTA
16. SHOP-N-ROLL ELIGIBILITY GUIDELINES AND REGISTRATION FORM
17. REGIONAL APPLICATION FOR ADA PARATRANSIT ELIGIBILITY
18. PARATRANSIT PLUS PROGRAM
19. LIST OF CURRENT VENDOR CONTRACTS AND LEASES THAT EXTEND BEYOND THE CURRENT PARATRANSIT BROKER'S CONTRACT TERM
20. ADT ALARM SERVICE AGREEMENT
21. E+M No. 1, LLC LEASE FOR BROKERS OFFICE AT 68 12TH STREET
22. CURRENT INVENTORY OF FURNISHINGS AND EQUIPMENT AT BROKERS OFFICE
23. CABCONNECT DEBIT CARD VENDOR CONTRACT
24. IN TAXI EQUIPMENT USE AGREEMENTS
25. JOB DESCRIPTION OF OUTSTATIONED STAFF
26. HELPING WHEELS FARE ASSISTANCE
27. MONTHLY PERFORMANCE INDICATOR REPORT
28. COST PROPOSAL WORKSHEET
29. SMALL BUSINESS ENTERPRISE PROGRAM FOR PROFESSIONAL AND TECHNICAL SERVICES; SFMTA SBE FORMS:

**PRE-AWARD FORMS:**

- SFMTA SBE FORM 1 -- CONSULTANT/JOINT VENTURE PARTNER AND SUBCONSULTANT REPORT
- SFMTA SBE FORM 2 -- SBE CONSULTANT PARTICIPATION GOOD FAITH EFFORT
- SFMTA SBE FORM 2A- BIDDERS LIST
- SFMTA SBE FORM 2B- SBE CONSULTANT/JOINT VENTURE PARTNER/SUBCONSULTANT-GROSS REVENUE DECLARATION
- SFMTA SBE FORM 3 -- QUESTIONNAIRE ON RECRUITMENT, HIRING, AND TRAINING PRACTICES FOR CONSULTANTS
- SFMTA SBE FORM 4 -- SBE SUBCONSULTANT PARTICIPATION DECLARATION
- SFMTA SBE FORM 5 -- SMALL BUSINESS ENTERPRISE ACKNOWLEDGMENT DECLARATION

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**POST-AWARD FORMS:**

- SFMTA SBE FORM 6-- AMENDMENT/MODIFICATION DECLARATION PROFESSIONAL SERVICES & CONSTRUCTION CONTRACTS
  - SFMTA SBE FORM 7-- CONSULTANT EXIT REPORT AND DECLARATION
  - SFMTA SBE FORM 8-- AMENDMENT/MODIFICATION DECLARATION PROFESSIONAL SERVICES & CONSTRUCTION CONTRACTS
  - SFMTA SBE FORM 9-- CONSULTANT EXIT REPORT
30. STANDARD FORMS: LISTING AND INTERNET ADDRESSES OF FORMS RELATED TO CHAPTERS 12B AND 12C OF THE S.F. ADMINISTRATIVE CODE, BUSINESS TAX AND EMPLOYER IDENTIFICATION NUMBER
  31. ATTESTATION OF COMPLIANCE
  32. CERTIFICATION REGARDING LOBBYING
  33. PROTEST PROCEDURES FOR BIDDING AND AWARD OF FEDERALLY ASSISTED THIRD PARTY CONTRACTS
  34. LABOR CODE 1070