

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)
ISSUANCE OF A REQUEST FOR)
QUALIFICATIONS AND A REQUEST)
FOR PROPOSALS TO SELECT)
CONSULTANT SERVICES FOR PHASE I)
OF REGION 2040, A COORDINATED)
TRANSPORTATION AND LAND USE)
STUDY.)

RESOLUTION NO. 91-1483A

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Regional Transportation Plan will need a major update reflecting changes in laws, rules and policies, as well as economic and demographic changes; and

WHEREAS, The Regional Growth Forecast and Allocation will need to be updated to provide a numerical basis for updating the Regional Transportation Plan as well as providing data for considering the sufficiency of land within the current Urban Growth Boundary; and,

WHEREAS, The assumptions about future land uses substantially affect the Regional Growth Forecast and Allocation as well as the transportation system needed to serve land use; and,

WHEREAS, the work outlined by the proposed RFQ/RFP, is the next logical step in the development of the concepts contained within the draft Regional Urban Growth Goals and Objectives; and

WHEREAS, The Transportation Department and Planning and Development Departments have prepared a coordinated interdepartmental FY 1991-92 Workplan, which anticipates the need for completing a detailed study of the interactions between land use and transportation and alternative transportation/land use development scenarios as a means to better assess growth and transportation needs; now therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District approves the Request for Qualifications and Request for Proposals in a form substantially consistent with "Attachment 1", attached herewith.

ADOPTED by the Council of the Metropolitan Service District this 12th day of September, 1991.


Tanya Collier, Presiding Officer

September 12, 1991

Re: REQUEST FOR QUALIFICATIONS
REGION 2040: TRANSPORTATION/LAND USE CONCEPTS, PHASE I

Attached for your consideration is a Request for Qualifications for a Region 2040: Transportation/Land Use Concepts, Phase I study.

Statements of Qualifications must be received at the Planning and Development Department office, Fourth Floor, Metro, 2000 S.W. First Avenue, Portland, Oregon by 4:30 p.m. (PDT), Friday, October 4, 1991. Instructions for submittal and the proposed scope of work are outlined in the attached material.

Please contact Mark Turpel if there are any questions concerning the RFQ at (503) 221-1646.

Sincerely,

Andrew C. Cotugno, Director
Transportation Department

Richard H. Carson, Director
Planning and Development Department

Enclosure

STAFF REPORT

FOR THE PURPOSE OF AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS AND A REQUEST FOR PROPOSALS TO SELECT CONSULTANT SERVICES FOR PHASE I OF REGION 2040, A COORDINATED TRANSPORTATION AND LAND USE STUDY, TO WAIVE THE REQUIREMENTS FOR COUNCIL APPROVAL OF THE CONTRACT, AND TO AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE THE CONTRACT SUBJECT TO CONDITIONS.

Date: July 29, 1991

Presented by: Andy Cotugno
Rich Carson

Requested Action: Approval of the release of a Request for Qualification/Request for Proposals so that a consulting team can be selected to work on the Region 2040, Transportation and Land Use Concepts, Phase I project. In addition, it is requested that the Council approve the waiving of Council review of the final contract.

FACTUAL BACKGROUND AND ANALYSIS

The proposed Region 2040: Transportation and Land Use Concepts, Phase I study is the result of several considerations. First, several major Metro efforts including the Regional Transportation Plan (RTP), the Regional Urban Growth Goals and Objectives (RUGGO), and the Urban Growth Boundary (UGB) are all in need of better data and assumptions with regard to fundamental issues of growth. Specifically, the combination of transportation system and land use patterns that would be most effective and most desirable to accommodate growth and meet the long-term needs (up to 50 years) of the region to accommodate growth must be found. The Urban Growth Management Plan Policy Advisory Committee has identified the completion of a vision for the future development of the metropolitan area as critical to the implementation of the RUGGO. This kind of effort must be technically defensible and the public must have ample opportunity to make its preferences known. Once completed, growth allocations can be made and other programs which depend upon the growth allocation (RTP, UGB) can proceed.

Secondly, Region 2040 is a central component of the Coordinated Interdepartment FY 1991-92 Workplan. It is based upon Metro funds from dues and excise taxes allocated to the Transportation Department, as well as substantial contributions from ODOT and Tri-Met, totaling \$250,000. In addition, the Planning and Development is recommending that an additional \$30,000 of excise tax funding earmarked for citizen involvement within their budget be made a part of the overall project. The total amount available for completion of the study is \$280,000.

There has been a Region 2040 Management Committee constituted which is composed of technical representatives from Tri-Met, ODOT, each of the counties, the City of Portland and two Metro staff members. This Committee has met three times in July, and the RFQ/RFP is the result of these meetings.

The project is designed as a two phase study, with the first effort identifying a base case, or trend analysis as well as the completion of alternative development concepts and evaluation criteria. Each alternative is intended to articulate a unique policy choice and provide a transportation system and land use pattern which are consistent and integrated with each other. A very important aspect of the project will be the process of identifying community values and attitudes as to how best to accommodate growth. This is proposed to be accomplished through a technical effort and by a public participation program. The technical effort will use surveys, focus groups or other technical methods. The public participation program will be less rigorous, but useful as another way to understand public concerns and the trade-offs they may prefer.

With regard to the issue of Council review of the final contract, it is proposed that this be waived in the interest of time. Assuming a release of the RFQ/RFP on August 22, the following consultant selection timeline is recommended:

September 10	Pre-submittal conference.
September 16	Statement of Qualifications due, in response to the RFQ.
September 19	Review by Management Committee. Short list determined.
September 20	Notification.
October 15	Proposals due, in response to RFP.
October 22	Proposal review completed.
October 23	Interviews conducted by Management Committee.

If Council review is to be scheduled for the final contract, the following additional dates would be added:

November 4	Filing Deadline w/Council Clerk.
November 12	Transportation and Planning Committee meeting.
November 28	Council Consideration.

However, the November 28 Council date is subject to change. Accordingly, the approval could be extended until December.

Another consideration is that one of the first work efforts is holding public meetings to collect public attitudes without any project work preconceptions. This may need to be postponed until the first of the year if the approval for the initiation of work does not come until late November or December.

STAFF RECOMMENDATION

Staff recommends the release of the RFQ/RFP and the amendment of the budget note and the waiving of Council review of the final contract, subject to the conditions cited in the resolution.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1483.

Request for Proposals

*Region 2040:
Transportation/
Land Use
Concepts,
Phase I*

September 12, 1991

Transportation Department/
Planning and Development
Department

METRO

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ATTACHMENT "A"**FOR RESPONSE ONLY BY FIRMS WHICH SUBMIT SOQ'S
AND WHO ARE REQUESTED BY METRO TO SUBMIT PROPOSALS****REQUEST FOR PROPOSALS
REGION 2040: TRANSPORTATION/LAND USE CONCEPTS, PHASE I****I. KEY OBJECTIVES**

This work effort is intended to provide a better understanding of community attitudes and afford the public numerous and meaningful opportunities to express their preferences about transportation system and land use pattern futures to accommodate the growth of the region. This will be facilitated by the completion of "base case" scenario, which will describe how the region would likely look given current plans and trends. In addition, a set of design/evaluation criteria and alternative concept maps depicting up to five future regional transportation/land use development alternatives would be completed. Each concept will articulate a unique policy choice and will provide a transportation system and land use pattern which are consistent and integrated with each other.

II. INTRODUCTION

The Metropolitan Service District (Metro) through its Transportation Department and Planning and Development Department, will request proposals from firms or teams selected as provided above, for Region 2040: Transportation/Land Use Concepts, Phase 1 study. Metro is the contracting agent and client. Metro is providing funding as well as Tri-Met, the Oregon Department of Transportation and the cities and counties of the region. The work will be a 12-month effort, from the time of contract approval, initiated as a fixed-price personal services contract, not to exceed \$280,000. This study is intended to provide the following products:

- Products:
- A negotiated final work plan;
 - Possible design/evaluation criteria, developed by the public in a open forum, prior to any consultant work on these work items;
 - Possible development scenarios, developed by the public in a open forum, prior to any consultant work on these work items;
 - A strategy for efficiently reaching interested parties;
 - A process for effectively presenting alternatives;
 - A means of accurately recording and responding to comments received;
 - Definitions of mixed use urban center types (e.g., large, transitioning, small, new, etc.);

- Delineation of mixed use urban center characteristics and plan-view and schematic perspective views;
 - One base case concept map;
 - An interim report describing the base concept;
 - At least one survey of community values;
 - Design/evaluate criteria which could include transportation, air quality, energy conservation, housing affordability, economic opportunity and other livability measures as may be identified; a matrix or other means of displaying the costs and benefits of individual alternatives; a matrix for displaying and comparing the costs and benefits of all alternatives.
 - Up to six alternative development concepts (including the base case); and up to six (including the base case) concept maps completed on the ARC/INFO format. The development concepts will represent a logical integration of a transportation system with a land use pattern. Each concept must be the articulation of a basic policy choice, and be described in sufficient detail to be measured by the evaluative criteria. (Actual evaluation will occur in Phase II.)
 - Descriptions of community attitudes as reflected in responses to development alternatives.
-
- An action agenda of recommended steps to be pursued in Phase II of the project; and
 - Camera-ready final products including a tabloid, final report and a final technical report.

Proposals are due on November 1, 1991 at 4:30 p.m. (PST) at the Planning and Development Department office, 2000 S.W. First Avenue, Portland, Oregon 97201-5398. All proposals should be clearly marked "Proposal - Region 2040."

III. BACKGROUND/HISTORY OF PROJECT

By many measures, the Portland metropolitan region is among the more livable urban areas in the nation. Residents of this area enjoy relatively short work commutes, convenient access to the natural environment, and housing which is more affordable than other west coast metropolitan areas. The region is anchored by a nationally recognized downtown which serves as the focus of the transportation system and is complemented by economically robust suburbs. The first leg of the region's light rail system, MAX, has been completed, and the citizens of the region have voted their desire to expand the system.

Nonetheless, there are signs that residents of this region ought not to take their present level of livability for granted. Within the next 20 years, 310,000 new residents are expected to be accommodated within the urban portion of the region. Recent studies have concluded that the present resources available to meet the infrastructure needs of the region fall far short of the actual expenditures required.

The growth projected to occur in this region is expected to change the quality and nature of this place, threatening to reduce the livability that residents now enjoy. The challenge is clear: how can we maintain, even enhance the livability of this region while accommodating growth? How can the region act cooperatively to add diversity to the options before us? How can the growth that is coming be addressed by the communities of the region so that it is an asset rather than regarded solely as a cause for concern?

Region 2040 will involve a 50-year look into the future. It is designed to build from at least two current policy documents. The first is the statewide Planning Goals including the newly adopted Transportation Rule, which provides guidance with regard to how transportation and land use should be coordinated. The second policy guide is the draft Regional Urban Growth Goals and Objectives (RUGGO), adopted by Metro. RUGGO begin to describe a range of "building blocks" or variables that could be combined in a variety of ways to develop future growth scenarios. Some of the key RUGGO building blocks include mixed use urban centers, urban reserve areas outside the current Urban Growth Boundary and a transportation balance which encourages more use of non-auto trips. The mixed use urban centers are a concept which would include a cluster of urban land uses which are less reliant on autos and contain a blend of more intensive land uses, probably residential and commercial (retail and office) at a minimum. Urban reserves are a RUGGO concept which would provide for the designation of additional land for expansion of the urban growth boundary, when a need for additional land is shown. These and other RUGGO concepts would provide the basis for land use development alternatives. In addition to the base case scenario, a wide-range of alternatives would be produced.

The process would begin with giving the public the first opportunity (before any substantive work is done by the consultant) to express preferences about directions for future growth and the key evaluative criteria (as well as relative priority). This will be the first of

several efforts to provide the public with meaningful opportunities to help decide the direction of future regional growth (public being defined as broadly as possible and including at least citizens and citizen organizations, cities, counties and special districts, business, environmental and trade organizations, other interested individuals and institutions as well as policy and technical committees which have or will be formed by metro for more formal review and recommendation work). It also is intended as one means of demonstrating that the process of identifying and evaluating alternative futures will be one which gives the public the first, as well as last opportunities to help shape our future.

The second work element will provide a strategy and process for the balance of public participation efforts through the end of the project. The strategy will need to include means for reaching diverse groups and interests, as well as a process for holding meetings or other public forums for the discussion of issues.

The third work element is the definition of mixed use urban centers. This work is being undertaken because the concept is one included within the RUGGO's, but has yet to be defined. This effort would define types of mixed use urban centers, describe characteristics and provide images of model centers.

The fourth work element is the creation of a "base case," taking the transportation system as well as existing city and county comprehensive plans, and looking out 50 years as to how local governments might respond, given likely growth patterns and practices. Another way of describing the base case is that it is an expression of current trends with some allowances for policy and technological changes that have a very high likelihood of being achieved. All assumptions will need to be explicitly stated. The base case will utilize the regional models and will be reviewed and revised by the planners of the region. In addition, a survey of community attitudes will help to describe the concerns and relative priorities of livability and growth factors.

Evaluation of all growth alternatives, including the base case will be a very important part of selecting a preferred alternative. Criteria will need to be devised which can measure important features of the alternatives for comparison. This work will be completed as part of the fifth work element of the project.

Work Element 6 will include the design and application of transportation and land use development alternatives to maps of the region. These will not constitute a plan, but rather will illustrate how the various concepts, if applied to the region could look and work. These are proposed because the description of development concepts alone would likely be much more difficult for the public to understand. By testing their viability through both technical and public participation processes, their usefulness will be better understood.

Work Element 7, although listed last, is very important to the whole process, as it is intended to provide a much more detailed and clearer understanding of the livability concerns

and priorities of the public. Through careful discussion of the base case and development alternatives, attitudes should become evident, and better understood, particularly as the costs and benefits of each alternative are weighed by the public.

The product of this effort would be up to six policy alternative scenarios (including a base case scenario) defined in sufficiently specific terms so that generalized maps could be developed to illustrate them. As in the Vision 2020 program in the Puget Sound region, the scenarios would be summarized in the form of a readable, illustrative tabloid or similar vehicle for wide public distribution.

Parallel to the study, Metro would carry out two other more specific analyses. The first will be a study of urban infill potential in the region and the second will be analysis of the application of the urban reserve concept. Both are needed to prepare for the next regional growth forecast of population and employment growth to 2015. In addition, both would include a least preliminary assessments of infrastructure needs. These studies will be used in Phase II of the study (and should be considered in Phase I) to help shape and select a preferred vision for the region.

Phase II of the project, not the subject of this work effort, will involve the following work elements: 1) measurement of the costs and benefits of each alternative; 2) completion of a public participation process which allows sufficient time for the public to understand and respond to the alternatives; 3) completion of a public deliberation process which concludes with the selection of a preferred alternative; and 4) adoption of the preferred alternative as an amendment to RUGGO in the form of refined policies and a map. Implementation of the preferred alternative would be by individual organizations, management of the Urban Growth Boundary and/or by a functional plan or plans such as the Regional Transportation Plan. All questions should be directed to Mark Turpel, Metro Planning and Development Department, 503/221-1646. Metro shall not be liable for any expenses incurred by persons responding to this RFQ.

Several other efforts are also being pursued which will or may have import for the Metro study. These include work to be done by the local AIA chapter on a Regional Alternatives Plan, visioning work underway in the cities of Forest Grove, Gresham and Portland and the LUTRAQ study being conducted by 1000 Friends of Oregon, which will identify alternative land use and transportation alternatives for a portion of the region. Under the direction of several advisory committee, alternatives which are developed and available as a result of these studies should be considered for possible inclusion in Phase I.

Specific products would include a camera-ready copy suitable for reproduction as a four-color tabloid, a report documenting all findings and recommendations and a set of presentation graphics, which would include map alternatives. An electronic copy of all products will be required in addition to camera-ready copies.

Oversight and management of the study process will be supplied by a Management Committee. The Management Committee's primary task will be to ensure the involvement of citizens, JPACT, RPAC, cities and counties, standing technical committees, local governments, the Metro Council and other interests in the study process. The Management Committee does not have any policy-related role and is composed of eight members.

IV. PROPOSED SCOPE OF WORK

General Comments:

An agreement will be negotiated between Metro and the contractor for the provision of data and mapping support using the Regional Land Information System (RLIS), Metro's parcel-based geographic information system. The RLIS system will be particularly useful for the generation of the existing trend base case map, the development scenarios maps, as well as a source of geographically-based information.

Metro anticipates that public participation efforts, which could include surveys, focus groups and other forms of outreach should comprise a significant portion of the consultant effort. In addition, an understanding of community values, ascertained through technical measures, must be an important part of the work effort. Given the broad scope of the project and budget, it is recommended that public participation and intergovernmental communication efforts can be substantially augmented through Metro staff involvement and the staffs of participating jurisdictions within the region.

Metro expects that the consultant will provide a final workplan within two weeks of signing a contract, for review and approval.

Following are work elements including a purpose statement and expected products. The elements are listed generally in the order in which they are expected to be completed. The consultant will be expected to write a draft work plan which details how the consultant proposes to complete work elements, the timing of the work tasks and the cost of each element.

Work Element 1 Initial Public Participation

Purpose: To provide the public with the first opportunity to suggest evaluation criteria and development scenarios. This opportunity must be prior to any significant activities to identify development alternatives or other potential policy directions by the selected consultant. "Public" is defined as citizens as well as the cities, counties, special districts, citizen organizations, business and trade organizations, environmental organizations and individuals of the region, as well as the Metro policy and technical advisory committees (Joint Policy Advisory Committee on Transportation, Regional Policy Advisory Committee, Technical Policy Advisory Committee, Urban Growth Management Technical Advisory Committee, Urban Growth Management Policy Advisory Committee and the State Agency Council for Growth Issues in the Portland Area).

Products: A list of: 1) possible evaluation criteria and, 2) possible development scenarios.

Work Element 2 Subsequent Public Participation Process Design

Purpose: To provide a means throughout the project in which all interested parties are afforded a reasonable opportunity to understand and comment upon the development concepts and evaluation criteria which result from the collaborative efforts of the consultant, Metro staff and technical advisory committees.

Products: 1) A strategy for efficiently reaching interested parties; 2) a process for effectively presenting alternatives; and 3) a means of accurately recording and responding to comments received.

Element 3 Definition of Mixed Use Urban Centers

Purpose: To understand the opportunities for development, locational criteria and other important characteristics of mixed use urban centers.

Products: 1) Definitions of mixed use urban center types (e.g., large, transitioning, small, new, etc.); and 2) mixed use urban center characteristics including minimum and maximum land area; minimum and maximum floor area; minimum and maximum height; required, desirable and excluded land uses and mixes, minimum and maximum land uses by type; minimum and maximum residential densities, minimum and maximum employment densities, transportation needs (for access to and circulation within mixed use urban centers), other public facility requirements; locational requirements; and plan-view and schematic perspective views.

Work Element 4 Base Case Design

Purpose: To construct a "base case," which projects how existing and planned transportation systems as well as existing city and county comprehensive plans and reasonable responses to growth pressure could accommodate projected 50-year population and employment growth.

Products: 1) One base case concept map, with accompanying interim report; and 2) a survey of community attitudes, using the base case as a reference.

Comment: The construction of this concept map is expected to be one of the most difficult and involved tasks of the project. However, through collaboration between the consultant, Metro staff, the LUTRAQ study and technical staffs of cities and counties, the work task appears to be possible. It is anticipated that the ongoing LUTRAQ study will have completed two preliminary products by October 1991. These products can be adapted for Region 2040 use. Specifically, these products are an "unconstrained" forecast of land uses for the region, assuming no land use

controls, based upon the Putman model. the second LUTRAQ product is a constrained forecast, assuming existing land use policies, particularly existing city and county comprehensive plans. By taking the constrained LUTRAQ model and working with the technical staffs of cities and counties regarding reasonable assumptions for both infill/redevelopment and hypothetical urban growth boundary expansions, a "base case" land use concept map can be developed. This base case could take the form of current trends plus a potential for more suburban development inside and outside the current urban growth boundary. All current and planned transportation systems will also need to be integrated into the concept plan in a manner that the scenario is tied to the evaluation criteria so that performance can be measured.

The survey of community attitudes will be used to better understand what the basic community values are with regard to growth and development. The base case can be used to help explore likes and dislikes about livability, the transportation system and the manner in which growth is accommodated.

Work Element 5 Identification of Design/Evaluative Criteria

Purpose: To devise design/evaluative criteria which address regional livability concerns. The criteria would be used for designing and comparing development alternatives and the base case.

Products: 1) Transportation, air quality, energy conservation, housing affordability, economic opportunity and other livability measures as may be identified; 2) a matrix for displaying the costs and benefits of individual alternatives; 3) a matrix for displaying and comparing the costs and benefits of all alternatives.

Comment: Criteria would consist of gauges which measure economic and environmental costs and benefits for livability factors important to the public. We have evaluative criteria which can be drawn from the RUGGO and RTP. Following are possible measures:

<u>Criteria</u>	<u>Set By</u>	<u>Tool</u>	<u>Tool User</u>
●Level of Service	Metro RTP	EMME-2	Metro - Trans.
●Air Quality	Feds, SIP	Mobile-5	Metro, DEQ (Enhanced)
●Energy Conservation	none - comparative ¹	EMME-2 plus ²	Metro Metro package
●Affordability ³ (Housing)	none - comparative	??????????	?????
●Public Open Space	none - comparative	??????????	?????
●Employment/Family Wage Jobs	none - comparative	??????????	?????

Work Element 6 Identification of Development Alternatives

Purpose: To provide reasonable, distinct and integrated transportation and land use development alternatives (for public consideration and technical evaluation to be completed outside the scope of this project).

Products: 1) Up to six alternative development concepts (including the base case); and 2) up to six (including the base case) concept maps completed on the ARC/INFO format on the Metro street base.

Comment: Each concept should be a unique alternative which describes a transportation system and land use pattern which are consistent with each other (i.e., transit and higher density, auto and low density, etc.). Several types of development alternatives have already been proposed or publicly discussed. The first would be: 1) the base case, (described and included in work outlined above); 2) the no UGB expansion for 20 years scenario [This would involve accommodating all growth within the existing vacant land base and would likely involve heavy reliance upon infill and redevelopment. A variation on this alternative would be

¹The criteria above are current standards. This and other criteria indicated as comparative would have a measure established so that each alternative could be measured in the same units for comparison with other alternatives.

²This model would only project the amount of gasoline used by the estimated auto fleet and public transport in the region.

³There is a question as to whether this criterion category could be meaningfully measured so that comparisons could be made.

no change in the metropolitan urban growth boundary, intensive development inside the boundary and the growth of the outlying cities (sometimes referred to as a "satellite city" alternative]; and 3) a combination of more intensive development inside the urban growth boundary, including mixed use urban centers, as well as some development outside the present urban growth boundary. Once developed, each concept will be reviewed by the Management Committee, the Transportation Policy Advisory Committee and the Urban Growth Management Technical Advisory Committee to insure that the concepts describe the widest possible range of futures, as based upon significant numbers of responses from the values assessment work and/or public participation meetings, that the transportation system appears to be reasonably related to the land use pattern, that sufficient detail has been provided to test the concept, and that a wide enough range of choice has been supplied.

Work Element 7 Community Attitude Identification/Clarification

Purpose: To identify key community attitudes with regard to livability and growth, so that they are recognized, organized and priorities are understood. The values will be identified by testing responses to the base case and development alternatives prior to public review.

Products: Descriptions of community attitudes as reflected in responses to base case and development alternatives.

Comment: Surveys, focus groups or other means to identify community attitudes should be organized so that in addition to giving a perspective of the citizens of the region as a whole, some finer distinctions may be made. This could include distinctions based upon geographic considerations such as urban, suburban or exurban residence, or demographic factors such as income and race.

V. PROPOSAL INSTRUCTIONS

The following section defines the form and content required for the consultants' proposals and the basis upon which the proposals will be evaluated.

A. Proposal Submission

Six copies of the consultant's proposal must be provided to Metro, directed to the attention of:

Mark Turpel
Planning and Development Department
Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon 97201-5398

Proposals are due Friday, November 1, 1991, 4:30 p.m. (PST). Proposals will not be considered if submitted after the deadline. Postmarks are not acceptable.

B. Format and Content

The format required for the proposal is as follows:

Letter of Transmittal
Part 1 - Proposed Work Plan
Part 2 - Project Staffing
Part 3 - Budget/Cost Proposal

Each part should be clearly labeled for easy reference.

1. Letter of Transmittal

The Letter of Transmittal should contain a brief summary of the key points of the proposal and must include:

- An identification of firms involved in the proposal with a clear designation of prime consultant and lead contact person;
- A statement as to which components of the scope of work are included in the consultant's proposal; and
- A statement that the proposal remain in effect for ninety (90) days after receipt of Metro.

2. Part 1 - Work Plan

The consultant should describe the proposed methodology for carrying out the work tasks described in this RFP. The work plan should be clearly separated into the components outlined in the Scope of Work and should clearly delineate whether the proposal is for all or part of the work defined in this RFP.

3. Part 2 - Project Staffing

Each principal staff person to be assigned to the project will be identified for both the prime and any subconsultant(s). For each person, relevant experience should be described with particular emphasis on the following:

- Role and responsibility proposed for this project and an estimate of time commitment for the individual; and
- Relevant experience in the formulation of transportation and/or land use policy, public opinion research or public participation process formulation.

Proposals must identify a single person as project manager to work with Metro. The consultant must assume responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

4. Part 3 - Budget/Cost Proposal

The consultant should summarize all expected products and services to be delivered and provide a proposed budget for the overall proposal. Budget details should be provided for the following:

- Delineation of personnel by level (i.e., Principal, Professional and Administrative), hourly rate, person-days assumed and cost;
- Delineation of materials and other direct costs; and
- Administrative support, overhead and profit.

The estimated budget for this contract is \$280,000 although the consultant is free to recommend alternative task and compensation increments for Metro's review and consideration.

C. Evaluation

All proposals will be evaluated by the Project Management Committee. The interview panel will likely include appointees from the Project Management Committee, JPACT and RPAC.

Each component for which the consultant submits a proposal will be evaluated based upon the following criteria:

	<u>Percent</u>
<ul style="list-style-type: none"> ● Proposer's understanding of the project objective of the particular component of this RFP and conformance to the instructions in this RFP. Expertise with the Oregon land use planning system and/or experience with similar efforts to link transportation and land use is desirable. 	25
<ul style="list-style-type: none"> ● Effectiveness of the proposed work plan in meeting the objectives of the particular component. 	25
<ul style="list-style-type: none"> ● Extent of experience of proposed staff for the particular component. 	20
<ul style="list-style-type: none"> ● References for successful projects. 	15
<ul style="list-style-type: none"> ● Cost of proposed service. 	15

A proposal may address all or part of the request. Metro reserves the right to select the component(s) for which the consultant submits the most competitive proposal and may offer a contract for only that portion.

D. RFP as Basis for Proposals

This RFP represents the most definitive statement Metro will make concerning information upon which proposals are to be based. No information, other than that which is contained in this RFP, will be considered by Metro in evaluating the proposals. All questions relating to the RFP or the project must be submitted in writing to Mark Turpel, who will determine if a written response or RFP amendment to all parties receiving a copy of this RFP is required. All questions must be received by October 20, 1991.

E. Subconsultants; Disadvantaged Business Program

Metro has made a strong commitment to provide maximum opportunities for Disadvantaged Businesses in its contracting activities (pertinent excerpts of Metro's Disadvantaged Business Program policy are attached). As such, the successful proposer shall be required to meet the DBE goal of 7 percent and the WBE goal of 5 percent for this contract or demonstrate that a good faith effort (defined in the attached sections of the Metro Code) has been made to meet the goals. All said DBE's and WBE's for purposes of this requirement must be certified by the State of Oregon by the submittal deadline.

The proposal submitted must contain fully completed Disadvantaged Business Program Compliance form (which is attached). Detailed procedures for completing this form, and the additional DBE Utilization form which must be submitted by the close of the next working day following the proposal submission date and any other forms, are contained in Metro Code Section 2.04.155 and 2.04.160(b), which are attached. Proposers should not the following requirement of the latter section:

"Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any, and through a minority-owned newspaper or minority-owned trade publication concerning the subcontracting of material supply opportunities at least 10 days before bids or proposals are due."

The following are minority newspapers published in the Portland metropolitan area:

The Skanner	The Portland Observer	The American
2337 N. Williams	P. O. Box 3137	Contractor
Portland, OR 97211	Portland, OR 97208	PO Box 1
503/287-3562	503/288-0033	Portland, OR 97211
		503/285-9000

If a proposal does not include at least the minimum participation for both DBE and WBE, then the proposal shall include all (A through E) of the following, or it is highly probable that the proposal will be disqualified:

- A. Copies of ads seeking the deficient WBE and/or DBE participation published at the proposer's expense at least 10 days prior to the proposal due date in: a newspaper of general circulation, and a minority oriented publication, or, a trade association publication, or a women-focused publication.
- B. Copies of letters addressed to five or more DBE's and/or five or more WBE's addressed not less than 10 days before the proposal due date. In the event that less than five DBE's or five WBE's are certified within the professionals category, and described as having land use planning, transportation or civil engineering and public affairs expertise in the current list of certified DBE/MBE/WBE firms by the Office of Minority and Women Businesses, State Executive Department, Salem, OR 97310, 503/378-5651, then all DBE's and WBE's listed within the professionals category, and described as having land use planning, transportation or civil engineering or public affairs expertise shall be contacted by letter. In addition, a signed statement from the proposer shall affirm that the proposer has mailed the above-referenced letters by regular or certified letter not less than 10 days before the proposal due date.
- C. Copies of a phone log documenting the name of the WBE/DBE contacts, the proposers contact name, the dates and times of follow-up calls, and a summary of the discussion made not later than five days prior to the proposal due date to those WBE/DBE's referred to above.
- D. Copies of letters dated at least 10 days before the proposal date from the proposer and addressed to at least five minority community organizations, local, state and federal minority business assistance offices, other organizations identified by the State of Oregon Executive Department's Advocate for Minority and Women Business. Such copies of letters shall be accompanied by statement signed by the proposer affirming that said letters were mailed by regular or certified mail at least 10 days prior to the proposal due date.
- E. A copy of an attendance sheet from a presolicitation meeting, held by Metro to inform DBE's and WBE's of an upcoming proposal opportunity, which includes the signature of a representative of the proposer.

Detailed procedures for completing the forms and for demonstrating good faith efforts are contained in Ordinance No. 88-259, Metro's Disadvantaged Business Program (Attachment G). Proposers special attention is also directed to Section 2.04.155 (Contract Award Criteria), and Section 2.04.160 (Determination of Good Faith Efforts).

Proposers should also note that a showing of a good faith effort includes segmenting of the work to be completed so that sufficient subcontracting is possible to meet the 12 percent goal consistent with the size and capability of DBE/WBE firms.

The requirement to advertise is but one of the actions necessary to demonstrate good faith effort under this program. Failure to comply with all of the requirements of Metro's Disadvantaged Business Program will constitute a nonresponsive proposal.

A subconsultant is any person or firm proposed to work for the prime consultant on this project. Metro does not wish any subconsultant selection to be finalized prior to contract award. For any task or portion of a task to be undertaken by a subconsultant, the prime consultant shall not sign up a subconsultant on an exclusive basis. Metro reserves the right at all times, during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program.

VI. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. **Limitation and Award** -- This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Contract Type** -- Metro intends to award a personal services contract with the selected firm for this project. A copy of the standard form contract which the successful consultant will be required to execute is attached.
- C. **Billing Procedures** -- Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. A monthly billing, accompanied by a progress report, will be prepared for review and approval.
- D. **Validity Period and Authority** -- The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect.

The proposal shall contain the name, title, address and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

MT/srs
a:lrfg
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VII. APPENDIX

Excerpts Metro Code

2.04.155 Contract Award Criteria:

(a) To be eligible for award of contracts containing a DBE/WBE goal, prime contractors must either meet or exceed the specific goal for DBE and WBE participation, or prove that they have made good faith efforts to meet the goal prior to the time bids are opened or proposal are due. Bidders/Proposers are required to utilize the most current list of DBEs and WBEs

certified by ODOT until December 31, 1987, and, thereafter, by the Executive Department, in all of the bidders'/proposers' good faith efforts solicitations. The address where certified lists may be obtained shall be included in all applicable bid/proposal documents.

(b) All invitations to bid or request for proposals on contracts for which goals have been established shall require all bidders/proposers to submit with their bids and proposals a statement indicating that they will comply with the contract goal or that they have made good faith efforts as defined in Section 2.04.160 to do so. To document the intent to meet the goals, all bidders and proposers shall complete and endorse a Disadvantaged Business Program Compliance form and include said form with bid or proposal documents. The form shall be provided by Metro with bid/proposal solicitations.

(c) Agreements between a bidder/proposer and a DBE/WBE in which the DBE/WBE promises not to provide subcontracting quotations to other bidders/proposers are prohibited.

(d) Apparent low bidders/proposers shall, by the close of the next working day following bid opening (or proposal submission date when no public opening is had), submit to Metro detailed DBE and WBE Utilization Forms listing names of DBEs and WBEs who will be utilized and the nature and dollar amount of their participation. This form will be binding upon the bidder/proposer. Within five working days of bid opening or proposal submission date, such bidders/proposers shall submit to Metro signed Letters of Agreement between the bidder/proposer and DBE/WBE subcontractors and suppliers to be utilized in performance of the contract. A sample Letter of Agreement will be provided by Metro. The DBE and WBE Utilization Forms shall be provided by Metro with bid/proposal documents.

(e) An apparent low bidder/proposer who states in its bid/proposal that the DBE/WBE goals were not met but that good faith efforts were performed shall submit written evidence of such good faith efforts within two working days of bid opening or proposal submission in accordance with Section 2.04.160. Metro reserves the right to determine the sufficiency of such efforts.

(f) Except as provided in paragraph (g) of this section, apparent low bidders or apparent successful proposers who state in their bids/proposals that they will meet the goals or will show good faith efforts to meet the goals, but who fail to comply with paragraph (d) or (e) of this section, shall have their bids or proposals rejected and shall forfeit any required bid security or bid bond. In that event the next lowest bidder or, for personal services contracts, the firm which scores second highest shall, within two days of notice of such ineligibility of the low bidder, submit evidence of goal compliance or good faith effort as provided

above. This process shall be repeated until a bidder or proposer is determined to meet the provisions of this section or until Metro determines that the remaining bids are not acceptable because of amount of bid or otherwise.

(g) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's or proposer's compliance with the requirements of this section provided, however, that the bid or proposal substantially complies with public bidding requirements as required by applicable law.

(Ordinance No. 83-165, Sec. 12; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.160 Determination of Good Faith Efforts:

(a) Bidders or Proposers on USDOT-assisted contracts to which DBE goals apply must, to be eligible for contract award, comply with the applicable contract goal or show that good faith efforts have been made to comply with the goal. Good faith efforts should include at least the following standards established in the amendment to 49 CFR §23.45(h), Appendix A, dated Monday, April 27, 1981. A showing of good faith efforts must include written evidence of at least the following:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform disadvantaged and women business enterprises of contracting and subcontracting or material supply opportunities available on the project;
- (2) Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any and through a minority-owned newspaper or minority-owned trade publication concerning the sub-contracting or material supply opportunities at least 10 days before bids or proposals are due.
- (3) Written notification to a reasonable number but no less than five (5) DBE firms that their interest in the contract is solicited. Such efforts should include the segmenting of work to be subcontracted to the extent consistent with the size and capability of DBE firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting quotes or proposals from DBE firms, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes or proposals are solicited from

DBE firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portions of work for which quotes or proposals are desired are discouraged, as such letters generally do not bring responses. It is expected that such letters will be sent in a timely manner so as to allow DBE sufficient opportunity to develop quotes or proposals for the work described.

- (4) Evidence of follow-up to initial solicitations of interest, including the following:
 - (A) The names, addresses, telephone numbers of all DBE contacted;
 - (B) A description of the information provided to DBE firms regarding the plans and specifications for portions of the work to be performed; and
 - (C) A statement of the reasons for non-utilization of DBE firms, if needed to meet the goal.
- (5) Negotiation in good faith with DBE firms. The bidder shall not, without justifiable reason, reject as unsatisfactory bids prepared by any DBE firms;
- (6) Where applicable, the bidder must provide advice and assistance to interested DBE firms in obtaining bonding, lines of credit or insurance required by Metro or the bidder;
- (7) Overall, the bidder's efforts to obtain DBE participation must be reasonably expected to produce a level of participation sufficient to meet Metro's goals; and
- (8) The bidder must use the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs.

(b) Bidders or proposers on locally-funded contracts to which DBE/WBE goals apply shall achieve the applicable contract goal or demonstrate that they have made good faith efforts to achieve the

goals. Good faith efforts shall include written documentation of at least the following actions by bidders:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform DBEs and WBEs of contracting and subcontracting or material supply opportunities available on the project;

Documentation required: Signature of representative of bidder or proposer on prebid meeting attendance sheet.

- (2) Identifying and selecting specific economically feasible units of the project to be performed by DBEs or WBEs to increase the likelihood of participation by such enterprises;

Minimum documentation required: At least the documentation required under subsection (4) below.

- (3) Advertising in, at a minimum, a newspaper of general circulation, and trade association, minority and trade oriented, women-focused publications, if any, concerning the subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due;

Documentation required: copies of ads published.

- (4) Providing written notice soliciting sub-bids/proposals to not less than five (5) DBEs or WBEs for each subcontracting or material supply work item selected pursuant to (2) above not less than ten (10) days before bids/proposals are due.

If there are less than five certified DBEs/WBEs listed for that work or supply specialty then the solicitation must be mailed to at least the number of DBEs/WBEs listed for that specialty. The solicitation shall include a description of the work for which subcontract bids/proposals are requested and complete information on bid/proposal deadlines along with details regarding where project specifications may be reviewed.

Documentation required: Copies of all solicitation letters sent to DBE/WBE along with a written statement from the bidder/proposer that all the letters were sent by regular or certified mail not less than 10 days before bids/proposals were due.

- (5) Making, not later than five days before bids/proposals are due, follow-up phone calls to all DBEs/WBEs who have not responded to the solicitation letters to determine if they would be submitting bids and/or to encourage them to do so.

Minimum documentation required: Log showing a) dates and times of follow-up calls along with names of individuals contacted and individuals placing the calls; and b) results attained from each DBE/WBE to whom a solicitation letter was sent (e.g., bid submitted, declined, no response). In instances where DBE/WBE bids were rejected, the dollar amount of the bid rejected from the DBE/WBE must be indicated along with the reason for rejection and the dollar amount of the bid which was accepted for that subcontract or material supply item.

- (6) Using the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs; where applicable, advising and assisting DBEs and WBEs in obtaining lines of credit or insurance required by Metro or the bidder/proposer; and, otherwise, making efforts to encourage participation by DBEs and WBEs which could reasonably be expected to produce a level of participation sufficient to meet the goals.

Minimum documentation required: Letter from bidder/proposer indicating all special efforts made to facilitate attainment of contract goals, the dates such actions were taken and results realized.

- (7) Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBEs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer.

Metro reserves the right to require additional written documentation of good faith efforts and bidders and proposers shall comply with all such requirements by Metro. It shall be a rebuttable presumption that a bidder or proposer has made a good faith effort to comply with the contract goals if the bidder has performed and submits written documentation of all of the above actions. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not performed or has not submitted documentation of all of the above actions.

(Ordinance No. 83-165, Sec. 13; amended by Ordinance No. 84-181, Sec. 6 and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.165 Replacement of DBE or WBE Subcontractors: Prime contractors shall not replace a DBE/WBE subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace a DBE or WBE subcontractor shall replace such DBE/WBE subcontractor with another certified DBE/WBE subcontractor or make good faith efforts as described in the preceding section to do so.

(Ordinance No. 83-165, Sec. 14; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.170 Records and Reports:

(a) Metro shall develop and maintain a recordkeeping system to identify and assess DBE and WBE contract awards, prime contractors' progress in achieving goals and affirmative action efforts. Specifically, the following records will be maintained:

- (1) Awards to DBEs and WBEs by number, percentage and dollar amount.
- (2) A description of the types of contracts awarded.
- (3) The extent to which goals were exceeded or not met and reasons therefor.

(b) All DBE and WBE records will be separately maintained. Required DBE and WBE information will be provided to federal agencies and administrators on request.

(c) The Liaison Officer shall prepare reports, at least semiannually, on DBE and WBE participation to include the following:

- (1) The number of contracts awarded;
- (2) Categories of contracts awarded;
- (3) Dollar value of contracts awarded;
- (4) Percentage of the dollar value of all contracts awarded to DBE/WBE firms in the reporting period; and
- (5) The extent to which goals have been met or exceeded.

(Ordinance No. 83-165, Sec. 15; amended by Ordinance No. 84-181, Sec. 7, and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

Disadvantaged Business Program Compliance Form

(To be submitted with ~~Bid or~~ Proposal)

Name of Metro Project: _____

Name of Contractor: _____

Address: _____

Phone: _____

In accordance with Metro's Disadvantaged Business Program, the above-named contractor has accomplished the following:

- ____ 1. Has fully met the contract goals and will subcontract _____ percent of the contract amount to DBEs and _____ percent to WBEs.

- ____ 2. Has partially met the contract goals and will subcontract _____ percent of the contract amount to DBEs and _____ percent to WBEs. Contractor has made good faith efforts prior to bid opening (or proposal submission date, as applicable) to meet the full goals and will submit documentation of the same to Metro within two working days of bid opening (or proposal submission date).

- ____ 3. Will not subcontract any of the contract amount to DBEs or WBEs but has made good faith efforts prior to bid opening (or proposal submission date, as applicable) to meet the contract goals and will submit documentation of such good faith efforts to Metro within two working days of bid opening (or proposal submission date).

Authorized Signature

Date

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION FORM

1. Name of Metro Project _____
2. Name of Contractor _____
 Address of Contractor _____
3. The above-named contractor intends to subcontract _____ percent of the contract amount to the following Disadvantaged Business Enterprises (DBEs):

<u>Names, Contact Persons, Addresses and Phone Numbers of DBE Firms Contractor Anticipates Utilizing</u>	<u>Nature of Participation</u>	<u>Dollar Value of Participation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total _____

Amount of Total Contract _____

DBE Percent of Total Contract _____

 Authorized Signature

Date: _____

THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED
BY THE CLOSE OF THE NEXT WORKING DAY FOLLOWING
BID OPENING/PROPOSAL SUBMISSION

WOMEN BUSINESS ENTERPRISES UTILIZATION FORM

1. Name of Metro Project _____

2. Name of Contractor _____

Address of Contractor _____

3. The above-named contractor intends to subcontract _____ percent of the contract amount to the following Women Business Enterprises (WBEs):

Names, Contact Persons, Addresses and Phone Numbers of WBE Firms Contractor Anticipates Utilizing

Nature of Participation

Dollar Value of Participation

Total

Amount of Total Contract

WBE Percent of Total Contract

 Authorized Signature

Date: _____

THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED

BY THE CLOSE OF THE NEXT WORKING DAY FOLLOWING

BID-OPENING/PROPOSAL SUBMISSION

Contract No. _____

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT dated this ____ day of _____, 19__,
is between the METROPOLITAN SERVICE DISTRICT, a municipal
corporation, hereinafter referred to as "METRO," whose address is
2000 S.W. First Avenue, Portland, OR 97201-5398, and
_____, hereinafter referred to as
"CONTRACTOR," whose address is _____
for the period of _____, 19__, through _____, 19__,
and for any extensions thereafter pursuant to written agreement
of both parties.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal
Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement,

including but not limited to ORS 279.310 to 279.320.

Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by Oregon Laws 1989, ch 684.

4. To maintain records relating to the Scope of work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labeled; and

7. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411. In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR services are those of an

independent contractor as provided under Oregon Laws 1979,
ch 864.

METRO AGREES:

1. To provide full information regarding its requirements for the Scope of Work; and
2. To pay CONTRACTOR for services performed in the manner and at the time designated in the scope of work.

BOTH PARTIES AGREE:

1. That METRO may terminate this Agreement upon giving CONTRACTOR five (5) days written notice without waiving any claims or remedies it may have against CONTRACTOR;
2. That, in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;
3. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;
4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

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5. That this Agreement may be amended only by the written agreement of both parties.

_____ METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

DBC/gl

REQUEST FOR QUALIFICATIONS

REGION 2040: TRANSPORTATION AND LAND USE CONCEPTS - PHASE I

Project Context

This first phase of work is intended to be a 12-month effort. The project purpose is to develop a limited number of future metropolitan growth concepts, depicted by images and written descriptions, not a plan. Public participation involving citizens and local governments will be a vital part of each step of the process. A base case which describes the future as a projection of present policies will be completed as well as alternative development concepts, applied to maps, for evaluation to be completed as part of a later phase. The soon-to-be completed Regional Urban Growth Goals and Objective (RUGGO) will serve as the policy basis for the work effort. This Phase I project is part of a larger body of work to be carried out in the next three to four years. This larger body of work includes completion of RLIS (Metro's parcel-based geographic information system), an Urban Infill Analysis, an Urban Reserve Analysis, Growth Forecasts, Growth Allocations and major update of the Regional Transportation Plan.

SOQ Process

The Metropolitan Service District (Metro) is requesting Statements of Qualifications (SOQ) from firms or teams of firms, to determine a short list of candidates to prepare proposals for the completion of Phase I of the Region 2040: Transportation and Land Use Concepts. No proposal, but, work program or response to the RFP attached is requested at this time.

SOQ's must be submitted on the basis of a full team seeking to complete the scope of work. Metro reserves the right to select all or a portion of a team. Upon determination of the highest ranking firms/teams, each selected firm/team will be asked to complete a Proposal based upon the specifications attached. Metro reserves the right to cancel this solicitation prior to contract execution without liability.

An original and 15 copies of SOQ's are due not later than 4:30 p.m. (PDT), Friday, October 4, 1991, at the Metro Planning and Development Department office, 2000 S.W. First Avenue, Portland, Oregon 97201-5398. Postmarks are not acceptable. All SOQ's should be labeled "Statement of Qualifications - Region 2040."

SOQ Content

SOQ's should address the firm's or teams knowledge of and expertise in the following:

- Urban Growth Management
- Transportation Planning
- Urban Design
- Community Planning
- Economic Market Analysis
- Public Involvement
- Opinion Research
- Project Management

SOQ's should be no longer than 15 pages and will be judged by the Region 2040 Management Committee. The SOQ's will be ranked based upon the following:

1. The experience of present firm/team individuals on projects within the above-mentioned fields, and the applicability of experiences to the proposed project.
2. The number of applicable projects in which present firm/team individuals have participated.
3. References of present or former clients who may be contacted.
4. No more than a two-page description of the approach the team would take.

SOQ's should include the following:

1. The name of each firm on the consultant team and whether each firm is an individual corporation, joint venture, partnership, etc. In addition, identification of each firm's contact person and whether the firm is a qualified DBE or WBE should be included.
2. The consultant proposed organization, including team-building arrangements.
3. A description of the background and expertise and education of the consultant team as related to this project. A list of similar projects including the type of work completed and approximate dollar amount of the firm's contract should be included.
4. The identification of key individuals who would be assigned and the roles they would take in completing the anticipated products.

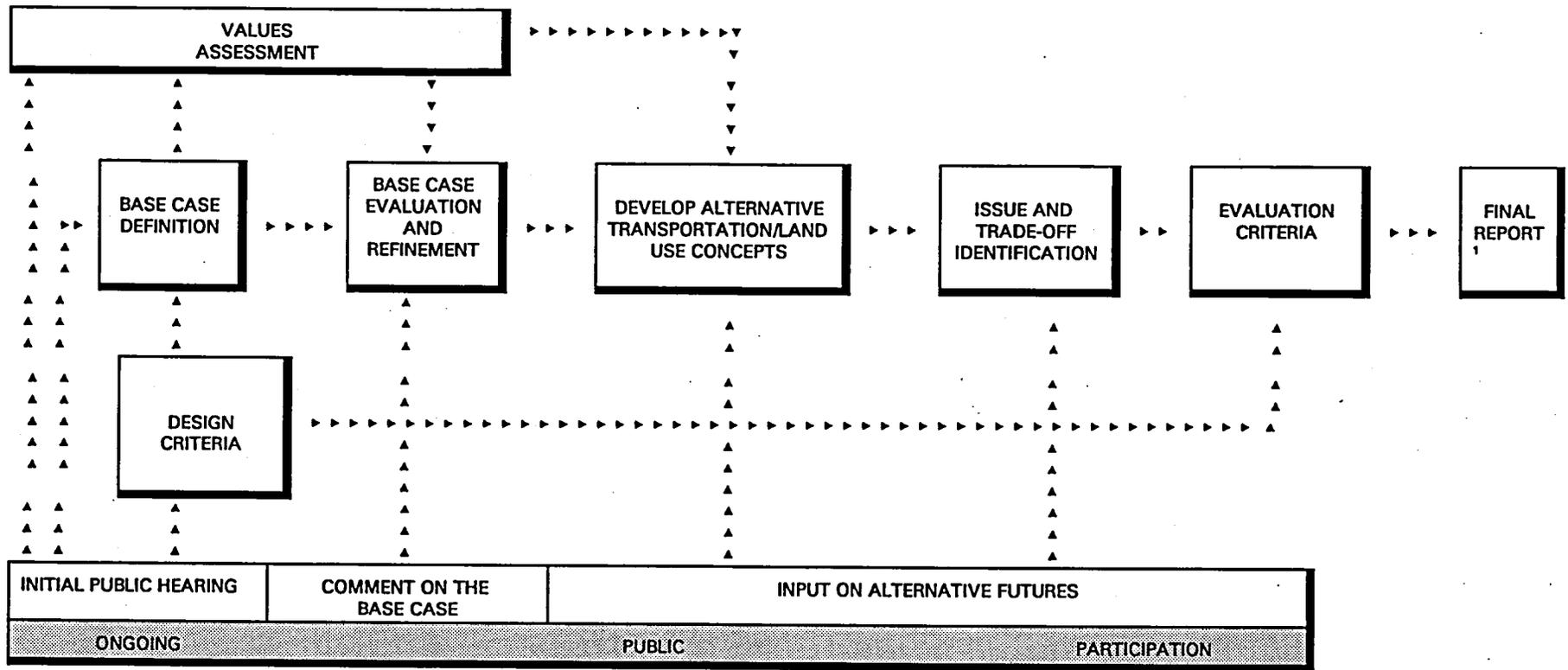
Consultant Selection Timeline*

September 12	Council Approval to Release RFQ/RFP.
September 25	Pre-Submittal conference.
October 4	Statement of Qualifications due, in response to the RFQ.
October 10	Review by Management Committee. Short list determined.
October 11	Notification.
November 1	Proposals due, in response to RFP.
December 1	Contract signed

All questions should be directed to Mark Turpel, Metro Planning and Development Department, 503/221-1646. Metro shall not be liable for any expenses incurred by persons responding to this RFQ.

*Assumes Metro Council has approved release of RFQ/RFP by September 12 and all deadlines met. In addition, the Transportation and Planning Committee and the Metro Council will need to meet and approve the contract prior to contract execution. All dates are tentative and subject to change. Respondents shall indicate if schedule delays will impact on compensation proposed.

Region 2040: Transportation and Land Use Study, Phase I



METRO
 2000 S.W. First Avenue
 Portland, OR 97201
 503/221-1646

¹ The final product will consist of camera-ready: 1) tabloid; 2) final report and 3) final technical report.

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1483A, FOR THE PURPOSE OF AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS TO SELECT CONSULTANT SERVICES FOR PHASE I OF REGION 2040, A COORDINATED TRANSPORTATION AND LAND USE STUDY

Date: September 5, 1991

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: At the August 13, 1991 meeting, the Committee voted 3-0 to recommend Council adoption of Resolution No. 1483 as amended. Voting in favor were Councilors Devlin, Gardner and McLain. Councilors Bauer and Van Bergen were excused.

COMMITTEE DISCUSSION/ISSUES: Transportation Director Andy Cotugno presented the staff report. He explained that consultants will be asked to submit Statements of Qualifications, and that three consultant teams will be selected to prepare detailed responses to the Request for Proposals. The major work product from this phase will be six development alternatives, including a base case which reflects existing plans and policies. The alternatives will be presented through a tabloid and narrative reports. Other Phase I work products include design criteria, a strategy for reaching the public, a definition of mixed use urban centers, and evaluation criteria. Evaluation of the alternatives and selection of a preferred concept will occur in Phase II, to be budgeted in a future year. He said that although Council had adopted a budget note requiring Council approval of the contract, this step should no longer be necessary, since a sufficient level of detail about the scope of work has now been provided.

Rich Carson, Planning and Development Director, reviewed a memorandum dated August 13 in which he and Mr. Cotugno responded to questions raised by Council staff about the content of the RFP. He said that staff plans to add explanatory text to the RFP which briefly outlines the anticipated scope of work during Phase II.

The Committee inquired about language in the RFP providing that concepts developed by the consultant team will be reviewed to insure they are "generally reasonable". It was not clear to the Committee whether the phrase referred to a determination that a concept is internally reasonable, or reasonable based on external factors. Mr. Cotugno explained that the process is intended to establish that there is a reasonable range of alternatives. He said there will need to be a collective sense that reasonable choices are not arbitrarily eliminated. Staff indicated that this language would be revised.

TRANSPORTATION AND PLANNING COMMITTEE
Resolution No. 91-1483
Committee Report
Page Two

The Committee also discussed ways in which the Committee and Council can be involved. Mr Carson said staff will be glad to work with the Council in any way throughout the process. Don Carlson, Council Administrator, asked whether Council would be involved through a resolution. Mr. Cotugno indicated that formal action would be a good idea.

Committee discussion also focused on the desirability of Council approval of the final contract. Councilor McLain pointed out that policy decisions will be based on how the consultants present the six scenarios, so the Council needs to feel comfortable with the process for how these scenarios are developed.

Mr. Carlson asked whether the proposers will have discretion to modify the scope of work. Mr. Cotugno responded that although the scope of work is drawn as closely as possible, there will be a difference based on the expertise of the group selected.

Mr. Carlson clarified that this is a multi-year contract, and that the Code requires Council approval unless it is waived. He said that this requirement could be viewed as an opportunity to further inform the Committee and Council about the project.

Councilor Gardner said that if the Committee recommends waiver of final approval, it will be a recommendation that the Council act in a different manner than was intended during the budget process. He thinks there is value in coming again to Council, and that it emphasizes the importance of the contract. It also will be an opportunity to acquaint the full Council with how the Region 2040 study relates to the Regional Urban Growth Goals and Objectives, which the Council will have recently adopted at the time the contract comes to the Council for approval. As Mr. Cotugno noted, even with a detailed scope of work in the RFP, the selected consultant and Metro staff will negotiate the actual study work plan. The past experience of the consultant, the team's level of expertise, and its fundamental approach to the issues in the study, will all be reflected in the work plan. Councilor Gardner thought the full Council should hear about the work plan before approving the contract.

The Committee discussed modifying the schedule to expedite Council approval, and noted that the date of final Committee review and Council approval will depend on the date selected for the second Council meeting in November.

TRANSPORTATION AND PLANNING COMMITTEE
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Committee Report
Page Three

The Committee voted to amend the resolution by striking paragraphs 2, 3 and 5, which would have authorized waiver of Council approval of the final contract. Staff agreed that it will add language to the RFP clarifying the scope of work in Phase II, and that the "reasonableness" reference will be rewritten. Staff also will revise the schedule set out in the RFP to indicate that the contract will be submitted to the Committee and Council by the end of November, with the contract to be signed by December 1.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 91-1483A
ISSUANCE OF A REQUEST FOR)	
QUALIFICATIONS AND A REQUEST)	Introduced by Rena Cusma,
FOR PROPOSALS TO SELECT CONSULTANT)	Executive Officer
SERVICES FOR PHASE I OF REGION 2040,)	
A COORDINATED TRANSPORTATION AND LAND)	
USE STUDY, TO WAIVE THE REQUIREMENTS)	
FOR COUNCIL APPROVAL OF THE CONTRACT,)	
AND TO AUTHORIZE THE EXECUTIVE OFFICER)	
TO EXECUTE THE CONTRACT SUBJECT TO)	
CONDITIONS].)	

WHEREAS, The Regional Transportation Plan will need a major update reflecting changes in laws, rules and policies, as well as economic and demographic changes; and

WHEREAS, The Regional Growth Forecast and Allocation will need to be updated to provide a numerical basis for updating the Regional Transportation Plan as well as providing data for considering the sufficiency of land within the current Urban Growth Boundary; and,

WHEREAS, The assumptions about future land uses substantially affect the Regional Growth Forecast and Allocation as well as the transportation system needed to serve land use; and,

WHEREAS, the work outlined by the proposed RFQ/RFP, is the next logical step in the development of the concepts contained within the draft Regional Urban Growth Goals and Objectives; and

WHEREAS, The Transportation Department and Planning and Development Departments have prepared a coordinated interdepartmental FY 1991-92 Workplan, which anticipates the need for completing a detailed study of the interactions between land use and transportation and alternative transportation/land use development scenarios as a means to better assess growth and transportation needs; now therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District approves the Request for Qualifications and Request for Proposals in a form substantially consistent with "Attachment 1", attached herewith.

[~~2. That the Council hereby finds that the attached RFQ/RFP is of sufficient detail to waive review of the final contract.~~

~~3. That the Council of the Metropolitan Service District, pursuant to Metro Code Section 2.04.033(b), waives the requirement of Council approval of the contract resulting from the proposal process, subject to the following conditions:~~

~~a. The contract shall conform in all substantial respects to the scope of work and other terms of the Request for Proposals.~~

~~b. The contract shall not exceed \$280,000.~~

~~5. That the Council of the Metropolitan Service District, pursuant to Metro Code Section 2.04.033(b), authorizes the Executive Officer to execute a contract for personal services if the provisions of section 3, above, are met.]~~

ADOPTED by the Council of the Metropolitan Service District this _____ day of

_____, 1991.

Tanya Collier, Presiding Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)
ISSUANCE OF A REQUEST FOR)
QUALIFICATIONS AND A REQUEST)
FOR PROPOSALS TO SELECT)
CONSULTANT SERVICES FOR PHASE I)
OF REGION 2040, A COORDINATED)
TRANSPORTATION AND LAND USE)
STUDY, TO WAIVE THE REQUIREMENTS)
FOR COUNCIL APPROVAL OF THE)
CONTRACT, AND TO AUTHORIZE)
THE EXECUTIVE OFFICER TO EXECUTE)
THE CONTRACT SUBJECT TO)
CONDITIONS.)

RESOLUTION NO. 91-1483

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Regional Transportation Plan will need a major update reflecting changes in laws, rules and policies, as well as economic and demographic changes; and

WHEREAS, The Regional Growth Forecast and Allocation will need to be updated to provide a numerical basis for updating the Regional Transportation Plan as well as providing data for considering the sufficiency of land within the current Urban Growth Boundary; and,

WHEREAS, The assumptions about future land uses substantially affect the Regional Growth Forecast and Allocation as well as the transportation system needed to serve land use; and,

WHEREAS, the work outlined by the proposed RFQ/RFP, is the next logical step in the development of the concepts contained within the draft Regional Urban Growth Goals and Objectives; and

WHEREAS, The Transportation Department and Planning and Development Departments have prepared a coordinated interdepartmental FY 1991-92 Workplan, which anticipates the need for completing a detailed study of the interactions between land use and transportation and

alternative transportation/land use development scenarios as a means to better assess growth and transportation needs; and,

WHEREAS, The attached RFQ/RFP provides substantially more detailed information and direction with regard to the expected products of the study than was available when preparing the Metro budget; now therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District approves the Request for Qualifications and Request for Proposals in a form substantially consistent with "Attachment 1", attached herewith.

2. That the Council hereby finds that the attached RFQ/RFP is of sufficient detail to waive review of the final contract.

3. That the Council of the Metropolitan Service District, pursuant to Metro Code Section 2.04.033(b), waives the requirement of Council approval of the contract resulting from the proposal process, subject to the following conditions:

a. The contract shall conform in all substantial respects to the scope of work and other terms of the Request for Proposals.

b. The contract shall not exceed \$280,000.

5. That the Council of the Metropolitan Service District, pursuant to Metro Code Section 2.04.033(b), authorizes the Executive Officer to execute a contract for personal services if the provisions of section 3, above, are met.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

TO: Council Transportation and Planning Committee

FROM: Karla Forsythe, ^{KLF} Council Analyst

DATE: August 6, 1991

RE: Resolution No. 91-1483: For the Purpose of Authorizing Issuance of a Request for Proposals to Select Consultant Services for Phase I of Region 2040, a Coordinated Transportation and Land Use Study, to Waive the Requirements for Council Approval of the Contract, and to Authorize the Executive Officer to Execute the Contract Subject to Conditions

At the August 13, 1991 meeting, the committee will consider Resolution No. 91-1483, which: 1) authorizes issuance of a Request for Proposals for the Region 2040 Study; and 2) waives the requirement of Council approval of the contract.

Waiver of Council approval of the final contract

When Council approved funding for this study during the budget process, the Council also adopted a budget note requiring Council approval of the final contract. The note states:

" . . . any contractual work against the \$250,000 [identified for Transportation/Land Use Consultant support] will require Transportation Planning Committee and full Council review of the bid documents, prior to release for response, and the final contract, prior to execution."

The Executive Officer is requesting that Council now waive final approval of the contract, on the basis that the RFP provides substantially more detailed information and direction with regard to the expected products of the study than was available when preparing the Metro budget, and also in the interest of time.

The Committee may wish to consider several issues in reviewing this request:

1. The expected products from the RFP include a list of possible evaluation criteria and development scenarios generated after initial contact with the public, a public participation process to be used during the remainder of the study, a definition of mixed

use urban centers, a base case concept map and survey of public attitudes about the base case, measures for comparing and evaluating alternatives, concept maps for other development alternatives, and a description of community attitudes toward these alternatives.

Although the products have been defined in greater detail since the budget process, and although supplementary details are provided in the RFP, are there other reasons why the Council might wish to approve the final contract? Developing a "vision" of regional urban growth is a major activity which will form the basis for future budget appropriations, policy, and work programs. The products of the study will be highly visible. Given these considerations, the Council may wish to review the consultant's work plan before the contract is executed.

2. What are the timing considerations which warrant a waiver? Are there ways short of a waiver to expedite the process, such as scheduling final contract approval for the Council meeting on November 14 (2 days after Transportation and Planning Committee consideration)?

Other issues

The Committee may wish to ask departmental staff to address the following questions:

1. The Request for Qualifications indicates that the base case will be a description of the future as a projection of present policies. Page 1 of the RFP states that the base case scenarios will describe how the region would likely look given current plans and trends. What are the policies, plans and trends which the consultant will be expected to consider?

2. The Request for Proposals states that "the base case will utilize the regional models and will be reviewed and revised by the planners of the region" (page 4, fourth paragraph). When and how will this review take place? What types of factors could lead to revisions in the base case submitted by the consultant?

3. After the initial public participation phase described on pages 6-7, to what extent will the process involve citizens, as distinguished from interested groups and jurisdictions?

4. How will the Management Committee involve the Council in the study process (page 5, bottom paragraph)?

RESOLUTION NO. 91-1483
Transportation and Planning Committee
Page Three

5. Given the financial contributions to this study from ODOT and Tri-Met, what roles will these agencies play in the process (in addition to serving on the Management Committee)?

6. Page 8 refers to the LUTRAQ study and the Putnam model. It would be helpful if departmental staff could explain the reference to the study and model.

7. With regard to the alternative development concepts, what will be the consultant's parameters in articulating the basic policy choices? It would be helpful if staff could provide an example of a potential alternative, indicating the source of the policy direction and how the consultant will be expected to develop it into an alternative.

8. Page 10 notes that once developed, each alternative development concept will be reviewed by the Management Committee, TPAC and the UGMTAC to insure that the concepts are generally reasonable, that the transportation system appears to be reasonably related to the land use pattern, that sufficient detail has been provided to test the concept, and that a wide enough range of choice has been supplied. Will there be additional criteria for "reasonableness" other than the three listed? What process will be followed if an alternative or alternatives are not deemed reasonable?

9. Page 5 refers to Phase II, during which a preferred vision for the region will be selected. How will this process occur? Who will select the preferred vision? How will it be documented? How will it be implemented?

c: Rich Carson
Andy Cotugno
Ethan Seltzer
Mark Turpel

August 30, 1991

Re: REQUEST FOR QUALIFICATIONS
REGION 2040: TRANSPORTATION/LAND USE CONCEPTS, PHASE 1

Attached for your consideration is a Request for Qualifications for a Region 2040: Transportation/Land Use Concepts, Phase 1 study.

Statements of Qualifications must be received at the Planning and Development Department office, Fourth floor, Metro, 2000 S.W. First Avenue, Portland, Oregon by 4:30 p.m. (PDT), Monday, September 30, 1991. Instructions for submittal and the proposed scope are outlined in the attached material.

Please contact Mark Turpel if there are any questions concerning the RFQ at (503) 221-1646.

Sincerely,

Andrew C. Cotugno, Director
Transportation Department

Richard H. Carson, Director
Planning and Development Department

Enclosure



REQUEST FOR QUALIFICATIONS

REGION 2040: TRANSPORTATION AND LAND USE CONCEPTS - PHASE I

Project Context

This first phase of work is intended to be a 12 month effort. The project purpose is to develop a limited number of future metropolitan growth concepts, depicted by images and written descriptions, not a plan. Public participation involving citizens and local governments will be a vital part of each step of the process. A base case which describes the future as a projection of present policies will be completed as well as alternative development concepts, applied to maps, for evaluation to be completed as part of a later phase. The soon-to-be completed Regional Urban Growth Goals and Objectives (RUGGO) will serve as the policy basis for the work effort. This Phase I project is part of a larger body of work to be carried out in the next 3 to 4 years. This larger body of work includes completion of RLIS (Metro's parcel-based geographic information system), an Urban Infill Analysis, an Urban Reserve Analysis, Growth Forecasts, Growth Allocations, and a major update of the Regional Transportation Plan.

SOQ Process

The Metropolitan Service District, (Metro) is requesting Statements of Qualifications (SOQ) from firms or teams of firms, to determine a short list of candidates to prepare proposals for the completion of Phase I of the Region 2040: Transportation and Land Use Concepts. No proposal, budget, work program or response to the RFP attached is requested at this time.

SOQ's must be submitted on the basis of a full team seeking to complete the scope of work. Metro reserves the right to select all or a portion of a team. Upon determination of the highest ranking firms/teams, each selected firm/team will be asked to complete a Proposal based upon the specifications attached. Metro reserves the right to cancel this solicitation prior to contract execution without liability.

An original and 15 copies of SOQ's are due no later than 4:30 p.m. (PDT) Monday, September 16, 1991, at the Metro Planning and Development Department office, 2000 S.W. First Avenue, Portland, Oregon, 97201-5398. Postmarks are not acceptable. All SOQ's should be labelled "Statement of Qualifications - Region 2040".

SOQ Content

SOQ's should address the firm's or team's knowledge of and expertise in the following:

- Urban Growth Management
- Transportation Planning
- Urban Design
- Community Planning
- Economic Market Analysis
- Public Involvement
- Opinion Research
- Project Management

SOQ's should be no longer than 15 pages and will be judged by the Region 2040 Management Committee. The SOQ's will be ranked based upon the following:

1. The experience of present firm/team individuals on projects within the above-mentioned fields, and the applicability of experiences to the proposed project.
2. The number of applicable projects in which present firm/team individuals have participated.
3. References of present or former clients who may be contacted.
4. No more than a two-page description of the approach the team would take.

SOQ's should include the following:

1. The name of each firm on the consultant team and whether each firm is an individual, corporation, joint venture, partnership, etc. In addition, identification of each firm's contact person and whether the firm is a qualified DBE or WBE should be included.
2. The consultant proposed organization, including team-building arrangements.
3. A description of the background and expertise and education of the consultant team as related to this project. A list of similar projects including the type of work completed and approximate dollar amount of the firm's contract should be included.
4. The identification of key individuals who would be assigned and the roles they would take in completing the anticipated products.

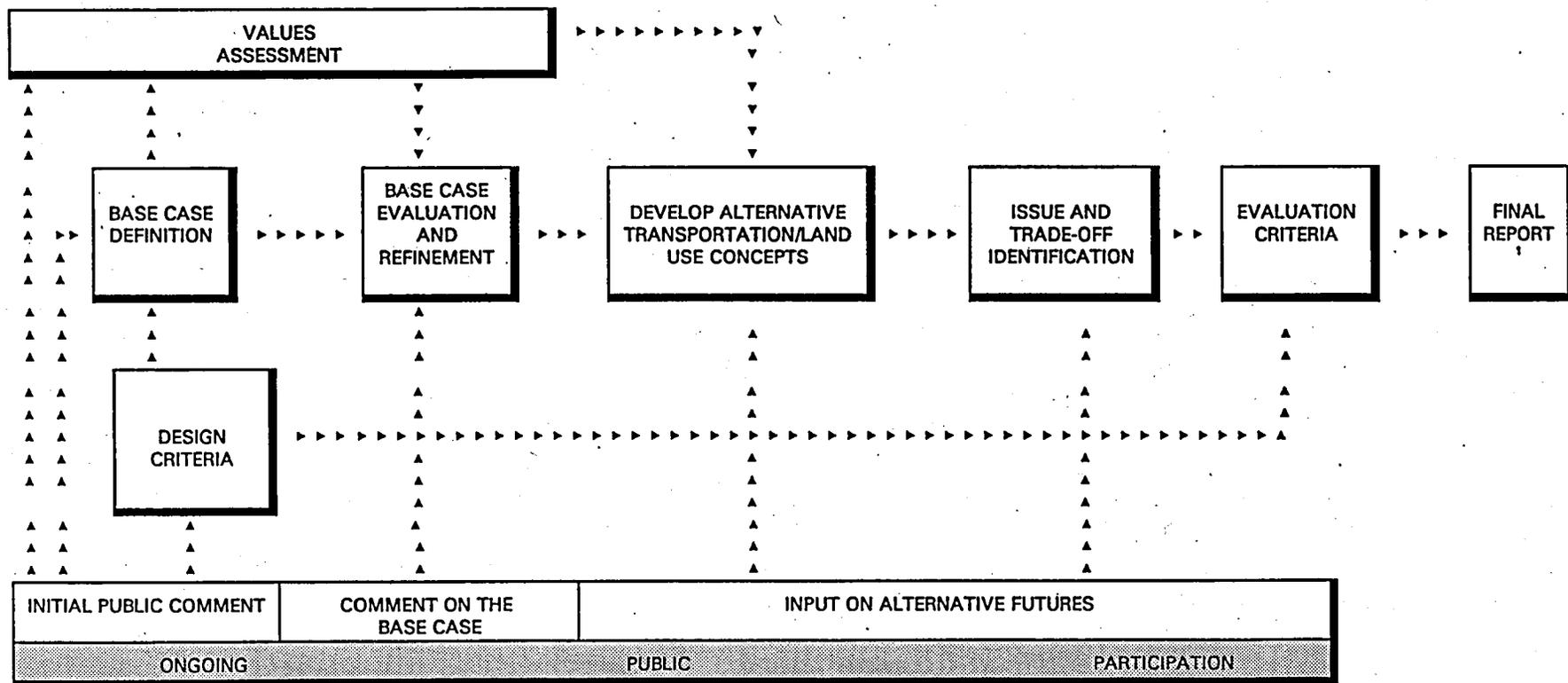
Consultant Selection Timeline*

September 10	Pre-submittal conference.
September 16	Statement of Qualifications due, in response to the RFQ.
September 19	Review by Management Committee. Short list determined.
September 20	Notification.
October 15	Proposals due, in response to RFP.
October 22	Proposal review completed.
October 23	Interviews conducted by Management Committee.
October 31	Contract signed.

All questions should be directed to Mark Turpel, Metro Planning and Development Department, 503/221-1646. Metro shall not be liable for any expenses incurred by persons responding to this RFQ.

* Assumes Metro Council has approved release of RFQ/RFP by August 22 and waived need to approve contract. All dates are tentative and subject to change. Respondents shall indicate if schedule delays will impact on compensation proposed.

Region 2040: Transportation and Land Use Study, Phase I



METRO
 2000 S.W. First Avenue
 Portland, OR 97201
 503/221-1646

¹ The final product will consist of camera-ready: 1) tabloid; 2) final report; and 3) final technical report.



*Region 2040:
Transportation
and Land Use
Concepts,
Phase I*

August, 1991

Transportation Department

Planning and Development
Department

METRO

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Disadvantaged Business Enterprise Utilization Form

Women Business Enterprises Utilization Form

Personal Services Agreement

ATTACHMENT "A"

**FOR RESPONSE ONLY BY FIRMS WHICH SUBMIT SOO'S
AND WHO ARE REQUESTED BY METRO TO SUBMIT PROPOSALS**

**REQUEST FOR PROPOSALS
REGION 2040: TRANSPORTATION/LAND USE CONCEPTS, PHASE 1**

I. KEY OBJECTIVES

This work effort is intended to provide a better understanding of community attitudes and afford the public numerous and meaningful opportunities to express their preferences about transportation system and land use pattern futures to accommodate the growth of the region. This will be facilitated by the completion of "base case" scenario, which will describe how the region would likely look given current plans and trends. In addition a set of design/ evaluation criteria and alternative concept maps depicting up to 5 future regional transportation/land use development alternatives would be completed. Each concept will articulate a unique policy choice and will provide a transportation system and land use pattern which are consistent and integrated with each other.

II. INTRODUCTION

The Metropolitan Service District (Metro), through its Transportation Department and Planning and Development Department, will request proposals from firms or teams selected as provided above, for Region 2040: Transportation/Land Use Concepts, Phase 1 study. Metro is the contracting agent and client. Metro is providing funding as well as Tri-Met, the Oregon Department of Transportation and the cities and counties of the region. The work will be a 12 month effort, from the time of contract approval, initiated as a fixed-price personal services contract, not to exceed \$280,000. This study is intended to provide the following products:

- Products:
- A negotiated final work plan;
 - Possible design/evaluation criteria, developed by the public in a open forum, prior to any consultant work on these work items;
 - Possible development scenarios, developed by the public in a open forum, prior to any consultant work on these work items;
 - A strategy for efficiently reaching interested parties;
 - A process for effectively presenting alternatives;
 - A means of accurately recording and responding to comments received;

- Definitions of mixed use urban center types (e.g., large, transitioning, small, new, etc.);
- Delineation of mixed use urban center characteristics and plan-view and schematic perspective views;
- One base case concept map;
- An interim report describing the base concept;
- At least one survey of community values;
- Design/evaluative criteria which could include transportation, air quality, energy conservation, housing affordability, economic opportunity and other livability measures as may be identified; a matrix or other means of displaying the costs and benefits of individual alternatives; a matrix for displaying and comparing the costs and benefits of all alternatives.
- Up to 6 alternative development concepts (including the base case); and up to 6 (including the base case) concept maps completed on the ARC/INFO format. The development concepts will represent a logical integration of a transportation system with a land use pattern. Each concept must be the articulation of a basic policy choice, and be described in sufficient detail to be measured by the evaluative criteria. (Actual evaluation will occur in Phase II.)
- Descriptions of community attitudes as reflected in responses to development alternatives.
- An action agenda of recommended steps to be pursued in Phase II of the project; and
- Camera-ready final products including a tabloid, final report and a final technical report.

Proposals are due on Tuesday, October 15, 1991, at 4:30 p.m. (PDT) at the Planning and Development Department office, fourth floor, 2000 S.W. First Avenue, Portland, Oregon 97201-5398. All proposals should be clearly marked "Proposal - Region 2040".

III. BACKGROUND/HISTORY OF PROJECT

By many measures, the Portland metropolitan region is among the more livable urban areas in the nation. Residents of this area enjoy relatively short work commutes, convenient access to the natural environment, and housing which is more affordable than other west coast metropolitan areas. The region is anchored by a nationally recognized downtown which serves as the focus of the transportation system and is complemented by economically robust suburbs. The first leg of the region's light rail system, MAX, has been completed, and the citizens of the region have voted their desire to expand the system.

Nonetheless, there are signs that residents of this region ought not to take their present level of livability for granted. Within the next 20 years, 310,000 new residents are expected to be accommodated within the urban portion of the region. Recent studies have concluded that the present resources available to meet the infrastructure needs of the region fall far short of the actual expenditures required.

The growth projected to occur in this region is expected to change the quality and nature of this place, threatening to reduce the livability that residents now enjoy. The challenge is clear: how can we maintain, even enhance the livability of this region while accommodating growth? How can the region act cooperatively to add diversity to the options before us? How can the growth that is coming be addressed by the communities of the region so that it is an asset rather than regarded solely as a cause for concern?

Region 2040 will involve a 50-year look into the future. It is designed to build from at least two current policy documents. The first is the statewide Planning Goals including the newly adopted Transportation Rule, which provides guidance with regard to how transportation and land use should be coordinated. The second policy guide is the draft Regional Urban Growth Goals and Objectives, adopted by Metro. The Regional Urban Growth Goals and Objectives (RUGGO) begin to describe a range of "building blocks" or variables that could be combined in a variety of ways to develop future growth scenarios. Some of the key RUGGO building blocks include mixed use urban centers, urban reserve areas outside the current Urban Growth Boundary and a transportation balance which encourages more use of non-auto trips. The mixed use urban centers are a concept which would include a cluster of urban land uses which are less reliant on autos and contain a blend of more intensive land uses, probably residential and commercial (retail and office) at a minimum. Urban reserves are a RUGGO concept which would provide for the designation of additional land for expansion of the urban growth boundary, when a need for additional land is shown. These and other RUGGO concepts would provide the basis for land use development alternatives. In addition to the base case scenario, a wide range of alternatives would be produced.

The process would begin with giving the public the first opportunity (before any substantive work is done by the consultant) to express preferences about directions for future growth and the key evaluative criteria (as well as relative priority). This will be the first of several efforts to provide the public with meaningful opportunities to help decide the direction of future regional growth (public being defined as broadly as possible and including at least citizens and citizen organizations, cities, counties and special districts, business, environmental and trade organizations, other interested individuals and institutions as well as policy and technical committees which have or will be formed by Metro for more formal review and recommendation work). It also is intended as one means of demonstrating that the process of identifying and evaluating alternative futures will be one which gives the public the first, as well as last opportunities to help shape our future.

The second work element will provide a strategy and process for the balance of public participation efforts through the end of the project. The strategy will need to include means for reaching diverse groups and interests, as well as a process for holding meetings or other public forums for the discussion of issues.

The third work element is the definition of mixed use urban centers. This work is being undertaken because the concept is one included within the RUGGO's, but has yet to be defined. This effort would define types of mixed use urban centers, describe characteristics and provide images of model centers.

The fourth work element is the creation of a "base case", taking the transportation system as well as existing city and county comprehensive plans, and looking out 50 years as to how local governments might respond, given likely growth patterns and practices. Another way of describing the base case is that it is an expression of current trends with some allowances for policy and technological changes that have a very high likelihood of being achieved. All assumptions will need to be explicitly stated. The base case will utilize the regional models and will be reviewed and revised by the planners of the region. In addition, a survey of community attitudes will help to describe the concerns and relative priorities of livability and growth factors.

Evaluation of all growth alternatives, including the base case will be a very important part of selecting a preferred alternative. Criteria will need to be devised which can measure important features of the alternatives for comparison. This work will be completed as part of the fifth work element of the project.

Work Element 6 will include the design and application of transportation and land use development alternatives to maps of the region. These will not constitute a plan, but rather will illustrate how the various concepts, if applied to the region could look and work. These are proposed because the description of development concepts alone would likely be much

more difficult for the public to understand. By testing their viability through both technical and public participation processes, their usefulness will be better understood.

Work Element 7, although listed last, is very important to the whole process, as it is intended to provide a much more detailed and clearer understanding of the livability concerns and priorities of the public. Through careful discussion of the base case and development alternatives, attitudes should become evident, and better understood, particularly as the costs and benefits of each alternative are weighed by the public.

The product of this effort would be up to 6 policy alternative scenarios (including a base case scenario) defined in sufficiently specific terms so that generalized maps could be developed to illustrate them. As in the Vision 2020 program in the Puget Sound region, the scenarios would be summarized in the form of a readable, illustrative tabloid or similar vehicle for wide public distribution.

Parallel to the study, Metro would carry out two other more specific analyses. The first will be a study of urban infill potential in the region and the second will be an analysis of the application of the urban reserve concept. Both are needed to prepare for the next regional growth forecast of population and employment growth to 2015. In addition, both would include at least preliminary assessments of infrastructure needs. These studies will be used in phase II of the study (and should be considered in Phase I) to help shape and select a preferred vision for the region.

Several other efforts are also being pursued which will or may have import for the Metro study. These include work to be done by the local AIA chapter on a Regional Alternatives Plan, visioning work underway in the cities of Forest Grove, Gresham and Portland and the LUTRAQ study being conducted by 1,000 Friends of Oregon, which will identify alternative land use and transportation alternatives for a portion of the region. Under the direction of several advisory committee, alternatives which are developed and available as a result of these studies should be considered for possible inclusion in Phase I.

Specific products would include a camera-ready copy suitable for reproduction as a four color tabloid, a report documenting all findings and recommendations and a set of presentation graphics, which would include map alternatives. An electronic copy of all products will be required in addition to camera-ready copies.

Oversight and management of the study process will be supplied by a Management Committee. The Management Committee's primary task will be to ensure the involvement of citizens, JPACT, RPAC, cities and counties, standing technical committees, local governments, the Metro Council, and other interests in the study process. The Management Committee does not have any policy-related role and is composed of 8 members.

IV. PROPOSED SCOPE OF WORK

General Comments:

An agreement will be negotiated between Metro and the contractor for the provision of data and mapping support using the Regional Land Information System (RLIS), Metro's parcel based geographic information system. The RLIS system will be particularly useful for the generation of the existing trend base case map, the development scenarios maps, as well as a source of geographically based information.

Metro anticipates that public participation efforts, which could include surveys, focus groups, and other forms of outreach should comprise a significant portion of the consultant effort. In addition, an understanding of community values, ascertained through technical measures, must be an important part of the work effort. Given the broad scope of the project and budget, it is recommended that public participation and intergovernmental communication efforts can be substantially augmented through Metro staff involvement and the staffs of participating jurisdictions within the region.

Metro expects that the consultant will provide a final workplan within two weeks of signing a contract, for review and approval.

Following are work elements including a purpose statement and expected products. The elements are listed generally in the order in which they are expected to be completed. The consultant will be expected to write a draft work plan which details how the consultant proposes to complete the work elements, the timing of the work tasks and the cost of each element.

Work Element 1. Initial Public Participation

Purpose: To provide the public with the first opportunity to suggest evaluation criteria and development scenarios. This opportunity must be prior to any significant activities to identify development alternatives or other potential policy directions by the selected consultant. "Public" is defined as citizens as well as the cities, counties, special districts, citizen organizations, business and trade organizations, environmental organizations and individuals of the region, as well as the Metro policy and technical advisory committees (Joint Policy Advisory Committee on Transportation, Regional Policy Advisory Committee, Technical Policy Advisory Committee, Urban Growth Management Technical Advisory Committee, Urban Growth Management Policy Advisory Committee and the State Agency Council for Growth Issues in the Portland Area).

Products: A list of: 1) possible evaluation criteria and, 2) possible development scenarios.

Work Element 2. Subsequent Public Participation Process Design

Purpose: To provide a means throughout the project in which all interested parties are afforded a reasonable opportunity to understand and comment upon the development concepts and evaluation criteria which result from the collaborative efforts of the consultant, Metro staff and technical advisory committees.

Products: 1) A strategy for efficiently reaching interested parties; 2) a process for effectively presenting alternatives and 3) a means of accurately recording and responding to comments received.

Work Element 3. Definition of Mixed Use Urban Centers

Purpose: To understand the opportunities for development, locational criteria and other important characteristics of mixed use urban centers.

Products: 1) definitions of mixed use urban center types (e.g., large, transitioning, small, new, etc.) 2) mixed use urban center characteristics including minimum and maximum land area; minimum and maximum floor area; minimum and maximum height; required, desirable and excluded land uses and mixes, minimum and maximum land uses by type; minimum and maximum residential densities, minimum and maximum employment densities, transportation needs (for access to and circulation within mixed use urban centers), other public facility requirements; locational requirements; and plan-view and schematic perspective views.

Work Element 4. Base Case Design

Purpose: To construct a "base case", which projects how existing and planned transportation systems as well as existing city and county comprehensive plans and reasonable responses to growth pressure could accommodate projected 50 year population and employment growth.

Products: 1) One base case concept map, with accompanying interim report; and 2) a survey of community attitudes, using the base case as a reference.

Comment: The construction of this concept map is expected to be one of the most difficult and involved tasks of the project. However, through collaboration between the consultant, Metro staff, the LUTRAQ study and technical staffs of cities and counties, the work task appears to be possible. It is anticipated that the ongoing LUTRAQ study will have completed two preliminary products by October, 1991. These products can be adapted for Region 2040 use. Specifically, these products are an "unconstrained" forecast of land uses for the region, assuming no land use controls, based upon the Putman model. The second LUTRAQ product is a constrained forecast, assuming existing land use policies, particularly existing city and county comprehensive plans. By taking the constrained LUTRAQ model and working with the technical staffs of cities and counties regarding reasonable assumptions for both infill/redevelopment and hypothetical urban growth boundary expansions, a "base case" land use concept map can be developed. This base case could take the form of current trends plus a potential for more suburban development inside and outside the current urban growth boundary. All current and planned transportation systems will also need to be integrated into the concept plan in a manner that the scenario is tied to the evaluation criteria so that performance can be measured.

The survey of community attitudes will be used to better understand what the basic community values are with regard to growth and development. The base case can be used to help explore likes and dislikes about livability, the transportation system and the manner in which growth is accommodated.

Work Element 5. Identification of Design/Evaluative Criteria

Purpose: To devise design/evaluative criteria which address regional livability concerns. The criteria would be used for designing and comparing development alternatives and the base case.

Products: 1) Transportation, air quality, energy conservation, housing affordability, economic opportunity and other livability measures as may be identified; 2) a matrix for displaying the costs and benefits of individual alternatives; 3) a matrix for displaying and comparing the costs and benefits of all alternatives.

Comment: Criteria would consist of gauges which measure economic and environmental costs and benefits for livability factors important to the public. We have evaluative criteria which can be drawn from the RUGGO and RTP. Following are possible measures:

<u>Criteria</u>	<u>Set by</u>	<u>Tool</u>	<u>Tool User</u>
• Level of Service	Metro RTP	EMME-2	Metro - Trans.
• Air Quality	Feds, SIP	Mobile -5 (Enhanced)	Metro, DEQ
• Energy Conservation	none - comparative ²	EMME-2 plus ¹ Metro package	Metro
• Affordability ³ (Housing)	none - comparative	??????????	???????
• Public Open Space	none - comparative	??????????	???????
• Employment/Family wage jobs	none - comparative	??????????	???????

Work Element 6. Identification of Development Alternatives

Purpose: To provide reasonable, distinct and integrated transportation and land use development alternatives (for public consideration and technical evaluation to be completed outside the scope of this project).

Products: 1) Up to 6 alternative development concepts (including the base case); and 2) up to 6 (including the base case) concept maps completed on the ARC/INFO format on the Metro street base.

Comment: Each concept should be a unique alternative which describes a transportation system and land use pattern which are consistent with each other (i.e., transit

¹ This model would only project the amount of gasoline used by the estimated auto fleet and public transport in the region.

² The criteria above are current standards. This and other criteria indicated as comparative would have a measure established so that each alternative could be measured in the same units for comparison with other alternatives.

³ There is a question as to whether this criterion category could be meaningfully measured so that comparisons could be made.

and higher density, auto and low density, etc.) Several types of development alternatives have already been proposed or publicly discussed. The first would be: 1) the base case, (described and included in work outlined above) 2) the no UGB expansion for 20 years scenario. [This would involve accommodating all growth within the existing vacant land base and would likely involve heavy reliance upon infill and redevelopment. A variation on this alternative would be no change in the metropolitan urban growth boundary, intensive development inside the boundary and the growth of the outlying cities (sometimes referred to as a "satellite city" alternative).]; and 3) a combination of more intensive development inside the urban growth boundary, including mixed use urban centers, as well as some development outside the present urban growth boundary. Once developed, each concept will be reviewed by the Management Committee, TPAC and the UGMTAC to insure that the concepts are generally reasonable, that the transportation system appears to be reasonably related to the land use pattern, that sufficient detail has been provided to test the concept, and that a wide enough range of choice has been supplied.

Work Element 7. Community Attitude Identification/Clarification

- Purpose:** To identify key community attitudes with regard to livability and growth, so that they are recognized, organized and priorities are understood. The values will be identified by testing responses to the base case and development alternatives prior to public review.
- Products:** Descriptions of community attitudes as reflected in responses to base case and development alternatives.
- Comment:** Surveys, focus groups or other means to identify community attitudes should be organized so that in addition to giving a perspective of the citizens of the region as a whole, some finer distinctions may be made. This could include distinctions based upon geographic considerations such as urban, suburban or exurban residence, or demographic factors such as income and race.

V. PROPOSAL INSTRUCTIONS

The following section defines the form and content required for the consultants' proposals and the basis upon which the proposals will be evaluated.

A. Proposal Submission

Six copies of the consultant's proposal must be provided to Metro, directed to the attention of:

Mark Turpel
Planning and Development Department
Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon 97201-5398

Proposals are due Monday, September 30, 1991, 4:30 p.m. (PDT) Proposals will not be considered if submitted after the deadline. Postmarks are not acceptable.

B. Format and Content

The format required for the proposal is as follows:

Letter of Transmittal
Part 1 - Proposed Work Plan
Part 2 - Project Staffing
Part 3 - Budget/Cost Proposal

Each part should be clearly labelled for easy reference.

1. Letter of Transmittal

The Letter of Transmittal should contain a brief summary of the key points of the proposal and must include:

- An identification of firms involved in the proposal with a clear designation of prime consultant and lead contact person;
- A statement as to which components of the scope of work are included

in the consultant's proposal; and

- A statement that the proposal remain in effect for ninety (90) days after receipt by Metro.

2. Part 1 - Work Plan

The consultant should describe the proposed methodology for carrying out the work tasks described in this RFP. The work plan should be clearly separated into the components outlined in the Scope of Work and should clearly delineate whether the proposal is for all or part of the work defined in this RFP.

3. Part 2 - Project Staffing

Each principal staff person to be assigned to the project will be identified for both the prime and any subconsultant(s). For each person, relevant experience should be described with particular emphasis on the following:

- Role and responsibility proposed for this project and an estimate of time commitment for the individual;
- Relevant experience in the formulation of transportation and/or land use policy, public opinion research or public participation process formulation.

Proposals must identify a single person as project manager to work with Metro. The consultant must assume responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

4. Part 3 - Budget/Cost Proposal

The consultant should summarize all expected products and services to be delivered and provide a proposed budget for the overall proposal. Budget details should be provided for the following:

- Delineation of personnel by level (i.e., Principal, Professional

and Administrative), hourly rate, person-days assumed and cost;

- Delineation of materials and other direct costs;
- Administrative support, overhead and profit.

The estimated budget for this contract is \$280,000 although the consultant is free to recommend alternative task and compensation increments for Metro's review and consideration.

C. Evaluation

All proposals will be evaluated by the Project Management Committee . The interview panel will likely include appointees from both the Project Management Committee and JPACT and RPAC.

Each component for which the consultant submits a proposal will be evaluated based upon the following criteria:

- | | <u>Percent</u> |
|---|----------------|
| • Proposer's understanding of the project objective of the particular component of this RFP and conformance to the instructions in this RFP. Expertise with the Oregon land use planning system and/ or experience with similar efforts to link transportation and land use is desirable; | 25 |
| • Effectiveness of the proposed work plan in meeting the objectives of the particular component; | 25 |
| • Extent of experience of proposed staff for the particular component; | 20 |
| • References for successful projects; | 15 |

and,

- Cost of proposed service.

15

A proposal may address all or part of the request. Metro reserves the right to select the component(s) for which the consultant submits the most competitive proposal and may offer a contract for only that portion.

D. RFP as Basis for Proposals

This RFP represents the most definitive statement Metro will make concerning information upon which proposals are to be based. No information, other than that which is contained in this RFP, will be considered by Metro in evaluating the proposals. All questions relating to the RFP or the project must be submitted in writing to Mark Turpel, who will determine if a written response or RFP amendment to all parties receiving a copy of this RFP is required. All questions must be received by September 20, 1991.

E. Subconsultants; Disadvantaged Business Program

Metro has made a strong commitment to provide maximum opportunities for Disadvantaged Businesses in its contracting activities (pertinent excerpts of Metro's Disadvantaged Business Program policy are attached). As such, the successful proposer shall be required to meet the DBE goal of 7 percent and the WBE goal of 5 percent for this contract or demonstrate that a good faith effort (defined in the attached sections of the Metro Code) has been made to meet the goals. All said DBE's and WBE's for purposes of this requirement must be certified by the State of Oregon by the submittal deadline.

The proposal submitted must contain a fully completed Disadvantaged Business Program Compliance form (which is attached). Detailed procedures for completing this form, and the additional DBE Utilization form which must be submitted by the close of the next working day following the proposal submission date and any other forms, are contained in Metro Code Section 2.04.155 and 2.04.160(b), which are attached. Proposers should note the following requirement of the latter section:

"Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any, and through a minority-owned newspaper or minority-owned newspaper or minority-owned trade publication concerning the subcontracting of material supply opportunities at least 10 days before bids or proposals are due."

The following are minority newspapers published in the Portland metropolitan area:

The Skanner
2337 N. Williams
Portland, OR 97211
(503) 287-3562

The Portland Observer
P.O. Box 3137
Portland, OR 97208
(503) 288-0033

The American Contractor
P. O. Box 11233
Portland, OR 97211
(503) 285-9000

If a proposal does not include at least the minimum participation for both DBE and WBE, then the proposal shall include all (A through E) of the following, or it is highly probable that the proposal will be disqualified:

A. Copies of ads seeking the deficient WBE and/or DBE participation published at the proposer's expense at least 10 days prior to the proposal due date in:

a newspaper of general circulation, and a minority oriented publication, or, a trade association publication, or a women-focused publication.

B. Copies of letters addressed to five or more DBE's and/or 5 or more WBE's addressed not less than 10 days before the proposal due date. In the event that less than 5 DBE's or 5 WBE's are certified within the professionals category, and described as having land use planning, transportation or civil engineering and public affairs expertise in the current list of certified DBE/MBE/WBE firms by the Office of Minority and Women Businesses, State Executive Department Salem OR 97310, (503) 378-5651, then all DBE's and WBE's listed within the professionals category, and described as having land use planning, transportation or civil engineering or public affairs expertise shall be contacted by letter. In addition, a signed statement from the proposer shall affirm that the proposer has mailed the above-referenced letters by regular or certified letter not less than 10 days before the proposal due date.

C. Copies of a phone log documenting the name of the WBE/DBE contacts, the proposer contact name, the dates and times of follow-up calls, and a

summary of the discussion made not later than 5 days prior to the proposal due date to those WBE/DBE's referred to above.

D. Copies of letters dated at least 10 days before the proposal date from the proposer and addressed to at least five minority community organizations, local, state and federal minority business assistance offices, other organizations identified by the State of Oregon Executive Department's Advocate for Minority and Women Business. Such copies of letters shall be accompanied by statement signed by the proposer affirming that said letters were mailed by regular or certified mail at least 10 days prior to the proposal due date.

E. A copy of an attendance sheet from a presolicitation meeting, held by Metro to inform DBE's and WBE's of an upcoming proposal opportunity, which includes the signature of a representative of the proposer.

Detailed procedures for completing the forms and for demonstrating good faith efforts are contained in Ordinance No. 88-259, Metro's Disadvantaged Business Program (Attachment G). Proposers special attention is also directed to Section 2.04.155 (Contract Award Criteria), and Section 2.04.160 (Determination of Good Faith Efforts).

Proposers should also note that a showing of a good faith effort includes segmenting of the work to be completed so that sufficient subcontracting is possible to meet the 12 percent goal consistent with the size and capability of DBE/WBE firms.

The requirement to advertise is but one of the actions necessary to demonstrate good faith efforts under this program. Failure to comply with all of the requirements of Metro's Disadvantaged Business Program will constitute a nonresponsive proposal.

A subconsultant is any person or firm proposed to work for the prime consultant on this project. Metro does not wish any subconsultant selection to be finalized prior to contract award. For any task or portion of a task to be undertaken by a subconsultant, the prime consultant shall not sign up a subconsultant on an exclusive basis. Metro reserves the right at all times, during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program.

VI. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. **Limitation and Award** -- This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as the result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Contract Type** -- Metro intends to award a personal services contract with the selected firm for this project. A copy of the standard form contract which the successful consultant will be required to execute is attached.
- C. **Billing Procedures** -- Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. A monthly billing, accompanied by a progress report, will be prepared for review and approval.
- D. **Validity Period and Authority** -- The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

#15/tranluup.rfp August 2, 1991

ATTACHMENT 1



~~{October 30, 1991}~~September 12, 1991

Re: REQUEST FOR QUALIFICATIONS
REGION 2040: TRANSPORTATION/LAND USE CONCEPTS, PHASE I

Attached for your consideration is a Request for Qualifications for a Region 2040: Transportation/Land Use Concepts, Phase I study.

Statements of Qualifications must be received at the Planning and Development Department office, Fourth Floor, Metro, 2000 S.W. First Avenue, Portland, Oregon by 4:30 p.m. (PDT), ~~{Monday, September 16, 1991}~~ Friday, October 4, 1991. Instructions for submittal and the proposed scope of work are outlined in the attached material.

Please contact Mark Turpel if there are any questions concerning the RFQ at (503) 221-1646.

Sincerely,

Andrew C. Cotugno, Director
Transportation Department

Richard H. Carson, Director
Planning and Development Department

Enclosure

REQUEST FOR QUALIFICATIONS

REGION 2040: TRANSPORTATION AND LAND USE CONCEPTS - PHASE I

Project Context

This first phase of work is intended to be a 12-month effort. The project purpose is to develop a limited number of future metropolitan growth concepts, depicted by images and written descriptions, not a plan. Public participation involving citizens and local governments will be a vital part of each step of the process. A base case which describes the future as a projection of present policies will be completed as well as alternative development concepts, applied to maps, for evaluation to be completed as part of a later phase. The soon-to-be completed Regional Urban Growth Goals and Objective (RUGGO) will serve as the policy basis for the work effort. This Phase I project is part of a larger body of work to be carried out in the next three to four years. This larger body of work includes completion of RLIS (Metro's parcel-based geographic information system), an Urban Infill Analysis, an Urban Reserve Analysis, Growth Forecasts, Growth Allocations and major update of the Regional Transportation Plan.

SOQ Process

The Metropolitan Service District (Metro) is requesting Statements of Qualifications (SOQ) from firms or teams of firms, to determine a short list of candidates to prepare proposals for the completion of Phase I of the Region 2040: Transportation and Land Use Concepts. No proposal, but, work program or response to the RFP attached is requested at this time.

SOQ's must be submitted on the basis of a full team seeking to complete the scope of work. Metro reserves the right to select all or a portion of a team. Upon determination of the highest ranking firms/teams, each selected firm/team will be asked to complete a Proposal based upon the specifications attached. Metro reserves the right to cancel this solicitation prior to contract execution without liability.

An original and 15 copies of SOQ's are due not later than 4:30 p.m. (PDT), ~~Monday, September 16, 1991~~ Friday, October 4, 1991, at the Metro Planning and Development Department office, 2000 S.W. First Avenue, Portland, Oregon 97201-5398. Postmarks are not acceptable. All SOQ's should be labeled "Statement of Qualifications - Region 2040."

SOQ Content

SOQ's should address the firm's or teams knowledge of and expertise in the following:

- Urban Growth Management
- Transportation Planning
- Urban Design
- Community Planning
- Economic Market Analysis

- Public Involvement
- Opinion Research
- Project Management

SOQ's should be no longer than 15 pages and will be judged by the Region 2040 Management Committee. The SOQ's will be ranked based upon the following:

1. The experience of present firm/team individuals on projects within the above-mentioned fields, and the applicability of experiences to the proposed project.
2. The number of applicable projects in which present firm/team individuals have participated.
3. References of present or former clients who may be contacted.
4. No more than a two-page description of the approach the team would take.

SOQ's should include the following:

1. The name of each firm on the consultant team and whether each firm is an individual corporation, joint venture, partnership, etc. In addition, identification of each firm's contact person and whether the firm is a qualified DBE or WBE should be included.
2. The consultant proposed organization, including team-building arrangements.
3. A description of the background and expertise and education of the consultant team as related to this project. A list of similar projects including the type of work completed and approximate dollar amount of the firm's contract should be included.
4. The identification of key individuals who would be assigned and the roles they would take in completing the anticipated products.

Consultant Selection Timeline*

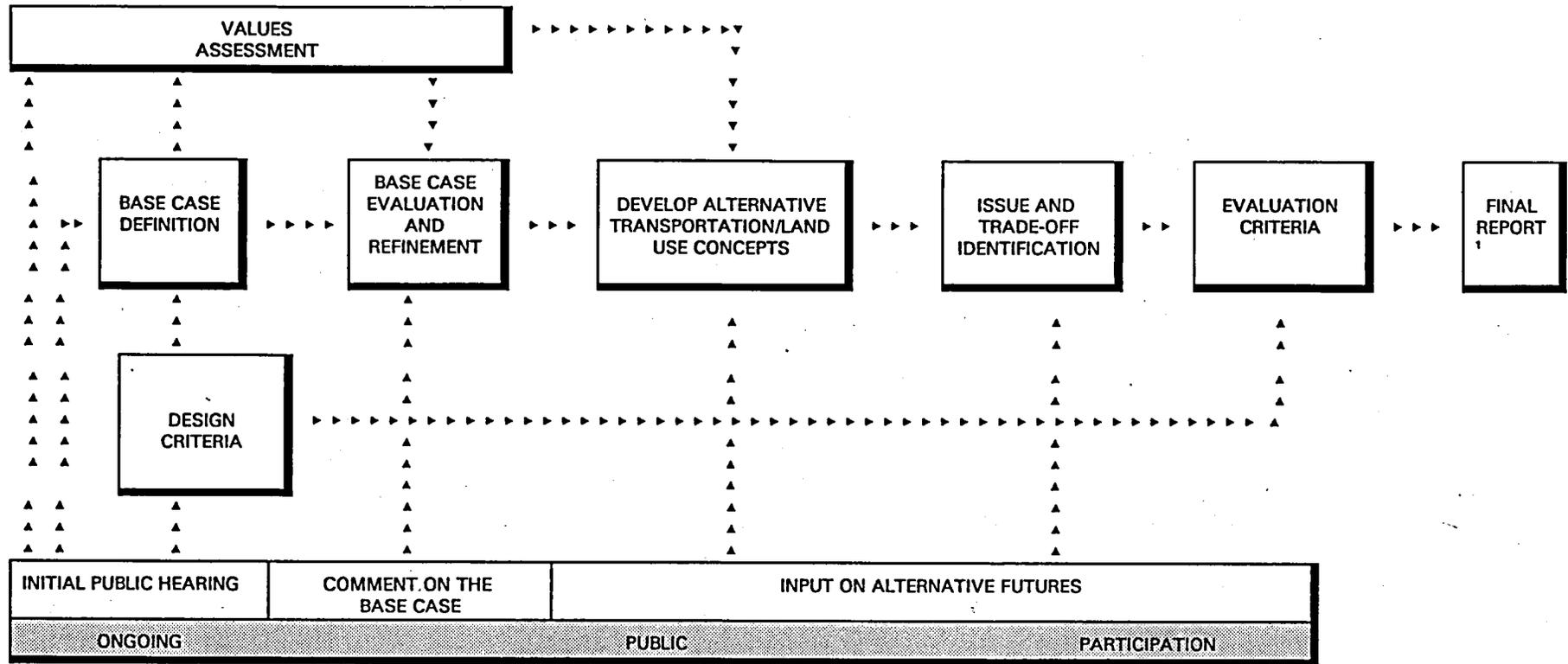
~~{September 10 — Pre-submittal conference.
September 16 — Statement of Qualifications due, in response to the RFQ.
September 19 — Review by Management Committee. Short list determined.
September 20 — Notification.
October 15 — Proposals due, in response to RFP.
October 22 — Proposal review completed.
October 23 — Interviews conducted by Management Committee.
October 31 — Contract signed.}~~
September 12 Council Approval to Release RFQ/RFP.
September 25 Pre-Submittal conference.

October 4 Statement of Qualifications due, in response to the RFQ.
October 10 Review by Management Committee. Short list determined.
October 11 Notification.
November 1 Proposals due, in response to RFP.
December 1 Contract signed

All questions should be directed to Mark Turpel, Metro Planning and Development Department, 503/221-1646. Metro shall not be liable for any expenses incurred by persons responding to this RFQ.

*Assumes Metro Council has approved release of RFQ/RFP by ~~August 22 and waived need to approve contract~~ September 12 and all deadlines met. In addition, the Transportation and Planning Committee and the Metro Council will need to meet and approve the contract prior to contract execution. All dates are tentative and subject to change. Respondents shall indicate if schedule delays will impact on compensation proposed.

Region 2040: Transportation and Land Use Study, Phase I



METRO
 2000 S.W. First Avenue
 Portland, OR 97201
 503/221-1646

¹ The final product will consist of camera-ready: 1) tabloid; 2) final report and 3) final technical report.

Request for Proposals

*Region 2040:
Transportation/
Land Use
Concepts,
Phase I*

~~{October 30, 1991}~~

September 12, 1991

Transportation Department/
Planning and Development
Department

METRO

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 - Metro Code Excerpts
 - Disadvantaged Business Program Compliance Form
 - Disadvantaged Business Enterprise Utilization Form
 - Women Business Enterprises Utilization Form
 - Personal Services Agreement

ATTACHMENT "A"**FOR RESPONSE ONLY BY FIRMS WHICH SUBMIT SOQ'S
AND WHO ARE REQUESTED BY METRO TO SUBMIT PROPOSALS****REQUEST FOR PROPOSALS
REGION 2040: TRANSPORTATION/LAND USE CONCEPTS, PHASE I****I. KEY OBJECTIVES**

This work effort is intended to provide a better understanding of community attitudes and afford the public numerous and meaningful opportunities to express their preferences about transportation system and land use pattern futures to accommodate the growth of the region. This will be facilitated by the completion of "base case" scenario, which will describe how the region would likely look given current plans and trends. In addition, a set of design/evaluation criteria and alternative concept maps depicting up to five future regional transportation/land use development alternatives would be completed. Each concept will articulate a unique policy choice and will provide a transportation system and land use pattern which are consistent and integrated with each other.

II. INTRODUCTION

The Metropolitan Service District (Metro) through its Transportation Department and Planning and Development Department, will request proposals from firms or teams selected as provided above, for Region 2040: Transportation/Land Use Concepts, Phase 1 study. Metro is the contracting agent and client. Metro is providing funding as well as Tri-Met, the Oregon Department of Transportation and the cities and counties of the region. The work will be a 12-month effort, from the time of contract approval, initiated as a fixed-price personal services contract, not to exceed \$280,000. This study is intended to provide the following products:

- Products:
- A negotiated final work plan;
 - Possible design/evaluation criteria, developed by the public in a open forum, prior to any consultant work on these work items;
 - Possible development scenarios, developed by the public in a open forum, prior to any consultant work on these work items;
 - A strategy for efficiently reaching interested parties;
 - A process for effectively presenting alternatives;

- A means of accurately recording and responding to comments received;
- Definitions of mixed use urban center types (e.g., large, transitioning, small, new, etc.);
- Delineation of mixed use urban center characteristics and plan-view and schematic perspective views;
- One base case concept map;
- An interim report describing the base concept;
- At least one survey of community values;
- Design/evaluate criteria which could include transportation, air quality, energy conservation, housing affordability, economic opportunity and other livability measures as may be identified; a matrix or other means of displaying the costs and benefits of individual alternatives; a matrix for displaying and comparing the costs and benefits of all alternatives.
- Up to six alternative development concepts (including the base case); and up to six (including the base case) concept maps completed on the ARC/INFO format. The development concepts will represent a logical integration of a transportation system with a land use pattern. Each concept must be the articulation of a basic policy choice, and be described in sufficient detail to be measured by the evaluative criteria. (Actual evaluation will occur in Phase II.)
- Descriptions of community attitudes as reflected in responses to development alternatives.
- An action agenda of recommended steps to be pursued in Phase II of the project; and
- Camera-ready final products including a tabloid, final report and a final technical report.

Proposals are due on ~~{Tuesday, October 15, 1991}~~, November 1, 1991 at 4:30 p.m. ~~{(PDT)}~~ (PST) at the Planning and Development Department office, 2000 S.W. First Avenue, Portland, Oregon 97201-5398. All proposals should be clearly marked "Proposal - Region 2040."

Request for Proposals
METRO
September 12, 1991

Region 2040: Transportation and Land Use Concepts, Phase I
{August 30, 1991}

III. BACKGROUND/HISTORY OF PROJECT

By many measures, the Portland metropolitan region is among the more livable urban areas in the nation. Residents of this area enjoy relatively short work commutes, convenient access to the natural environment, and housing which is more affordable than other west coast metropolitan areas. The region is anchored by a nationally recognized downtown which serves as the focus of the transportation system and is complemented by economically robust suburbs. The first leg of the region's light rail system, MAX, has been completed, and the citizens of the region have voted their desire to expand the system.

Nonetheless, there are signs that residents of this region ought not to take their present level of livability for granted. Within the next 20 years, 310,000 new residents are expected to be accommodated within the urban portion of the region. Recent studies have concluded that the present resources available to meet the infrastructure needs of the region fall far short of the actual expenditures required.

The growth projected to occur in this region is expected to change the quality and nature of this place, threatening to reduce the livability that residents now enjoy. The challenge is clear: how can we maintain, even enhance the livability of this region while accommodating growth? How can the region act cooperatively to add diversity to the options before us? How can the growth that is coming be addressed by the communities of the region so that it is an asset rather than regarded solely as a cause for concern?

Region 2040 will involve a 50-year look into the future. It is designed to build from at least two current policy documents. The first is the statewide Planning Goals including the newly adopted Transportation Rule, which provides guidance with regard to how transportation and land use should be coordinated. The second policy guide is the draft Regional Urban Growth Goals and Objectives (RUGGO), adopted by Metro. RUGGO begin to describe a range of "building blocks" or variables that could be combined in a variety of ways to develop future growth scenarios. Some of the key RUGGO building blocks include mixed use urban centers, urban reserve areas outside the current Urban Growth Boundary and a transportation balance which encourages more use of non-auto trips. The mixed use urban centers are a concept which would include a cluster of urban land uses which are less reliant on autos and contain a blend of more intensive land uses, probably residential and commercial (retail and office) at a minimum. Urban reserves are a RUGGO concept which would provide for the designation of additional land for expansion of the urban growth boundary, when a need for additional land is shown. These and other RUGGO concepts would provide the basis for land use development alternatives. In addition to the base case scenario, a wide-range of alternatives would be produced.

The process would begin with giving the public the first opportunity (before any substantive work is done by the consultant) to express preferences about directions for future growth and the key evaluative criteria (as well as relative priority). This will be the first of several efforts to provide the public with meaningful opportunities to help decide the direction of future regional growth (public being defined as broadly as possible and including at least citizens and citizen organizations, cities, counties and special districts, business, environmental and trade organizations, other interested individuals and institutions as well as policy and technical committees which have or will be formed by metro for more formal review and recommendation work). It also is intended as one means of demonstrating that the process of identifying and evaluating alternative futures will be one which gives the public the first, as well as last opportunities to help shape our future.

The second work element will provide a strategy and process for the balance of public participation efforts through the end of the project. The strategy will need to include means for reaching diverse groups and interests, as well as a process for holding meetings or other public forums for the discussion of issues.

The third work element is the definition of mixed use urban centers. This work is being undertaken because the concept is one included within the RUGGO's, but has yet to be defined. This effort would define types of mixed use urban centers, describe characteristics and provide images of model centers.

The fourth work element is the creation of a "base case," taking the transportation system as well as existing city and county comprehensive plans, and looking out 50 years as to how local governments might respond, given likely growth patterns and practices. Another way of describing the base case is that it is an expression of current trends with some allowances for policy and technological changes that have a very high likelihood of being achieved. All assumptions will need to be explicitly stated. The base case will utilize the regional models and will be reviewed and revised by the planners of the region. In addition, a survey of community attitudes will help to describe the concerns and relative priorities of livability and growth factors.

Evaluation of all growth alternatives, including the base case will be a very important part of selecting a preferred alternative. Criteria will need to be devised which can measure important features of the alternatives for comparison. This work will be completed as part of the fifth work element of the project.

Work Element 6 will include the design and application of transportation and land use development alternatives to maps of the region. These will not constitute a plan, but rather will illustrate how the various concepts, if applied to the region could look and work. These

are proposed because the description of development concepts alone would likely be much more difficult for the public to understand. By testing their viability through both technical and public participation processes, their usefulness will be better understood.

Work Element 7, although listed last, is very important to the whole process, as it is intended to provide a much more detailed and clearer understanding of the livability concerns and priorities of the public. Through careful discussion of the base case and development alternatives, attitudes should become evident, and better understood, particularly as the costs and benefits of each alternative are weighed by the public.

The product of this effort would be up to six policy alternative scenarios (including a base case scenario) defined in sufficiently specific terms so that generalized maps could be developed to illustrate them. As in the Vision 2020 program in the Puget Sound region, the scenarios would be summarized in the form of a readable, illustrative tabloid or similar vehicle for wide public distribution.

Parallel to the study, Metro would carry out two other more specific analyses. The first will be a study of urban infill potential in the region and the second will be analysis of the application of the urban reserve concept. Both are needed to prepare for the next regional growth forecast of population and employment growth to 2015. In addition, both would include a least preliminary assessments of infrastructure needs. These studies will be used in Phase II of the study (and should be considered in Phase I) to help shape and select a preferred vision for the region.

Phase II of the project, not the subject of this work effort, will involve the following work elements: 1) measurement of the costs and benefits of each alternative; 2) completion of a public participation process which allows sufficient time for the public to understand and respond to the alternatives; 3) completion of a public deliberation process which concludes with the selection of a preferred alternative; and 4) adoption of the preferred alternative as an amendment to RUGGO in the form of refined policies and a map. Implementation of the preferred alternative would be by individual organizations, management of the Urban Growth Boundary and/or by a functional plan or plans such as the Regional Transportation Plan. All questions should be directed to Mark Turpel, Metro Planning and Development Department, 503/221-1646. Metro shall not be liable for any expenses incurred by persons responding to this RFO.

Several other efforts are also being pursued which will or may have import for the Metro study. These include work to be done by the local AIA chapter on a Regional Alternatives Plan, visioning work underway in the cities of Forest Grove, Gresham and Portland and the LUTRAQ study being conducted by 1000 Friends of Oregon, which will

identify alternative land use and transportation alternatives for a portion of the region. Under the direction of several advisory committee, alternatives which are developed and available as a result of these studies should be considered for possible inclusion in Phase I.

Specific products would include a camera-ready copy suitable for reproduction as a four-color tabloid, a report documenting all findings and recommendations and a set of presentation graphics, which would include map alternatives. An electronic copy of all products will be required in addition to camera-ready copies.

Oversight and management of the study process will be supplied by a Management Committee. The Management Committee's primary task will be to ensure the involvement of citizens, JPACT, RPAC, cities and counties, standing technical committees, local governments, the Metro Council and other interests in the study process. The Management Committee does not have any policy-related role and is composed of eight members.

IV. PROPOSED SCOPE OF WORK

General Comments:

An agreement will be negotiated between Metro and the contractor for the provision of data and mapping support using the Regional Land Information System (RLIS), Metro's parcel-based geographic information system. The RLIS system will be particularly useful for the generation of the existing trend base case map, the development scenarios maps, as well as a source of geographically-based information.

Metro anticipates that public participation efforts, which could include surveys, focus groups and other forms of outreach should comprise a significant portion of the consultant effort. In addition, an understanding of community values, ascertained through technical measures, must be an important part of the work effort. Given the broad scope of the project and budget, it is recommended that public participation and intergovernmental communication efforts can be substantially augmented through Metro staff involvement and the staffs of participating jurisdictions within the region.

Metro expects that the consultant will provide a final workplan within two weeks of signing a contract, for review and approval.

Following are work elements including a purpose statement and expected products. The elements are listed generally in the order in which they are expected to be completed. The consultant will be expected to write a draft work plan which details how the consultant proposes to complete work elements, the timing of the work tasks and the cost of each element.

Work Element 1 Initial Public Participation

Purpose: To provide the public with the first opportunity to suggest evaluation criteria and development scenarios. This opportunity must be prior to any significant activities to identify development alternatives or other potential policy directions by the selected consultant. "Public" is defined as citizens as well as the cities, counties, special districts, citizen organizations, business and trade organizations, environmental organizations and individuals of the region, as well as the Metro policy and technical advisory committees (Joint Policy Advisory Committee on Transportation, Regional Policy Advisory Committee, Technical Policy Advisory Committee, Urban Growth Management Technical Advisory Committee, Urban Growth Management Policy Advisory Committee and the State Agency Council for Growth Issues in the Portland Area).

Products: A list of: 1) possible evaluation criteria and, 2) possible development scenarios.

Work Element 2 Subsequent Public Participation Process Design

Purpose: To provide a means throughout the project in which all interested parties are afforded a reasonable opportunity to understand and comment upon the development concepts and evaluation criteria which result from the collaborative efforts of the consultant, Metro staff and technical advisory committees.

Products: 1) A strategy for efficiently reaching interested parties; 2) a process for effectively presenting alternatives; and 3) a means of accurately recording and responding to comments received.

Element 3 Definition of Mixed Use Urban Centers

Purpose: To understand the opportunities for development, locational criteria and other important characteristics of mixed use urban centers.

Products: 1) Definitions of mixed use urban center types (e.g., large, transitioning, small, new, etc.); and 2) mixed use urban center characteristics including minimum and maximum land area; minimum and maximum floor area; minimum and maximum height; required, desirable and excluded land uses and mixes, minimum and maximum land uses by type; minimum and maximum residential densities, minimum and maximum employment densities, transportation needs (for access to and circulation within mixed use urban centers), other public facility requirements; locational requirements; and plan-view and schematic perspective views.

Work Element 4 Base Case Design

Purpose: To construct a "base case," which projects how existing and planned transportation systems as well as existing city and county comprehensive plans and reasonable responses to growth pressure could accommodate projected 50-year population and employment growth.

Products: 1) One base case concept map, with accompanying interim report; and 2) a survey of community attitudes, using the base case as a reference.

Comment: The construction of this concept map is expected to be one of the most difficult and involved tasks of the project. However, through collaboration between the

consultant, Metro staff, the LUTRAQ study and technical staffs of cities and counties, the work task appears to be possible. It is anticipated that the ongoing LUTRAQ study will have completed two preliminary products by October 1991. These products can be adapted for Region 2040 use. Specifically, these products are an "unconstrained" forecast of land uses for the region, assuming no land use controls, based upon the Putman model. The second LUTRAQ product is a constrained forecast, assuming existing land use policies, particularly existing city and county comprehensive plans. By taking the constrained LUTRAQ model and working with the technical staffs of cities and counties regarding reasonable assumptions for both infill/redevelopment and hypothetical urban growth boundary expansions, a "base case" land use concept map can be developed. This base case could take the form of current trends plus a potential for more suburban development inside and outside the current urban growth boundary. All current and planned transportation systems will also need to be integrated into the concept plan in a manner that the scenario is tied to the evaluation criteria so that performance can be measured.

The survey of community attitudes will be used to better understand what the basic community values are with regard to growth and development. The base case can be used to help explore likes and dislikes about livability, the transportation system and the manner in which growth is accommodated.

Work Element 5 Identification of Design/Evaluative Criteria

- Purpose:** To devise design/evaluative criteria which address regional livability concerns. The criteria would be used for designing and comparing development alternatives and the base case.
- Products:** 1) Transportation, air quality, energy conservation, housing affordability, economic opportunity and other livability measures as may be identified; 2) a matrix for displaying the costs and benefits of individual alternatives; 3) a matrix for displaying and comparing the costs and benefits of all alternatives.
- Comment:** Criteria would consist of gauges which measure economic and environmental costs and benefits for livability factors important to the public. We have evaluative criteria which can be drawn from the RUGGO and RTP. Following are possible measures:

<u>Criteria</u>	<u>Set By</u>	<u>Tool</u>	<u>Tool User</u>
●Level of Service	Metro RTP	EMME-2	Metro - Trans.
●Air Quality	Feds, SIP	Mobile-5	Metro, DEQ (Enhanced)
●Energy Conservation	none - comparative ¹	EMME-2 plus ²	Metro Metro package
●Affordability ³ (Housing)	none - comparative	??????????	?????
●Public Open Space	none - comparative	??????????	?????
●Employment/Family Wage Jobs	none - comparative	??????????	?????

Work Element 6 Identification of Development Alternatives

Purpose: To provide reasonable, distinct and integrated transportation and land use development alternatives (for public consideration and technical evaluation to be completed outside the scope of this project).

Products: 1) Up to six alternative development concepts (including the base case); and 2) up to six (including the base case) concept maps completed on the ARC/INFO format on the Metro street base.

Comment: Each concept should be a unique alternative which describes a transportation system and land use pattern which are consistent with each other (i.e., transit and higher density, auto and low density, etc.). Several types of development alternatives have already been proposed or publicly discussed. The first would be: 1) the base case, (described and included in work outlined above); 2) the no

¹The criteria above are current standards. This and other criteria indicated as comparative would have a measure established so that each alternative could be measured in the same units for comparison with other alternatives.

²This model would only project the amount of gasoline used by the estimated auto fleet and public transport in the region.

³There is a question as to whether this criterion category could be meaningfully measured so that comparisons could be made.

UGB expansion for 20 years scenario [This would involve accommodating all growth within the existing vacant land base and would likely involve heavy reliance upon infill and redevelopment. A variation on this alternative would be no change in the metropolitan urban growth boundary, intensive development inside the boundary and the growth of the outlying cities (sometimes referred to as a "satellite city" alternative]; and 3) a combination of more intensive development inside the urban growth boundary, including mixed use urban centers, as well as some development outside the present urban growth boundary. Once developed, each concept will be reviewed by the Management Committee, the Transportation Policy Advisory Committee and the Urban Growth Management Technical Advisory Committee to insure that the concepts ~~[-are generally reasonable]~~ describe the widest possible range of futures, as based upon significant numbers of responses from the values assessment work and/or public participation meetings, that the transportation system appears to be reasonably related to the land use pattern, that sufficient detail has been provided to test the concept, and that a wide enough range of choice has been supplied.

Work Element 7 Community Attitude Identification/Clarification

- Purpose:** To identify key community attitudes with regard to livability and growth, so that they are recognized, organized and priorities are understood. The values will be identified by testing responses to the base case and development alternatives prior to public review.
- Products:** Descriptions of community attitudes as reflected in responses to base case and development alternatives.
- Comment:** Surveys, focus groups or other means to identify community attitudes should be organized so that in addition to giving a perspective of the citizens of the region as a whole, some finer distinctions may be made. This could include distinctions based upon geographic considerations such as urban, suburban or exurban residence, or demographic factors such as income and race.

V. PROPOSAL INSTRUCTIONS

The following section defines the form and content required for the consultants' proposals and the basis upon which the proposals will be evaluated.

A. Proposal Submission

Six copies of the consultant's proposal must be provided to Metro, directed to the attention of:

Mark Turpel
 Planning and Development Department
 Metropolitan Service District
 2000 S.W. First Avenue
 Portland, Oregon 97201-5398

Proposals are due ~~{Monday, September 30,}~~ Friday, November 1, 1991, 4:30 p.m. ~~{(PDT)}~~ (PST). Proposals will not be considered if submitted after the deadline. Postmarks are not acceptable.

B. Format and Content

The format required for the proposal is as follows:

Letter of Transmittal
 Part 1 - Proposed Work Plan
 Part 2 - Project Staffing
 Part 3 - Budget/Cost Proposal

Each part should be clearly labeled for easy reference.

1. Letter of Transmittal

The Letter of Transmittal should contain a brief summary of the key points of the proposal and must include:

- An identification of firms involved in the proposal with a clear designation of prime consultant and lead contact person;

- A statement as to which components of the scope of work are included in the consultant's proposal; and
- A statement that the proposal remain in effect for ninety (90) days after receipt of Metro.

2. Part 1 - Work Plan

The consultant should describe the proposed methodology for carrying out the work tasks described in this RFP. The work plan should be clearly separated into the components outlined in the Scope of Work and should clearly delineate whether the proposal is for all or part of the work defined in this RFP.

3. Part 2 - Project Staffing

Each principal staff person to be assigned to the project will be identified for both the prime and any subconsultant(s). For each person, relevant experience should be described with particular emphasis on the following:

- Role and responsibility proposed for this project and an estimate of time commitment for the individual; and
- Relevant experience in the formulation of transportation and/or land use policy, public opinion research of public participation process formulation.

Proposals must identify a single person as project manager to work with Metro. The consultant must assume responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

4. Part 3 - Budget/Cost Proposal

The consultant should summarize all expected products and services to be delivered and provide a proposed budget for the overall proposal. Budget details should be provided for the following:

- Delineation of personnel by level (i.e., Principal, Professional and Administrative), hourly rate, person-days assumed and cost;

- Delineation of materials and other direct costs; and
- Administrative support, overhead and profit.

The estimated budget for this contract is \$280,000 although the consultant is free to recommend alternative task and compensation increments for Metro's review and consideration.

C. Evaluation

All proposals will be evaluated by the Project Management Committee. The interview panel will likely include appointees from the Project Management Committee, JPACT and RPAC.

Each component for which the consultant submits a proposal will be evaluated based upon the following criteria:

	<u>Percent</u>
● Proposer's understanding of the project objective of the particular component of this RFP and conformance to the instructions in this RFP. Expertise with the Oregon land use planning system and/or experience with similar efforts to link transportation and land use is desirable.	25
● Effectiveness of the proposed work plan in meeting the objectives of the particular component.	25
● Extent of experience of proposed staff for the particular component.	20
● References for successful projects.	15
● Cost of proposed service.	15

A proposal may address all or part of the request. Metro reserves the right to select the component(s) for which the consultant submits the most competitive proposal and may offer a contract for only that portion.

D. RFP as Basis for Proposals

This RFP represents the most definitive statement Metro will make concerning information upon which proposals are to be based. No information, other than that which is contained in this RFP, will be considered by Metro in evaluating the proposals. All questions relating to the RFP or the project must be submitted in writing to Mark Turpel, who will determine if a written response or RFP amendment to all parties receiving a copy of this RFP is required. All questions must be received by ~~{September 20,}~~ October 20, 1991.

E. Subconsultants; Disadvantaged Business Program

Metro has made a strong commitment to provide maximum opportunities for Disadvantaged Businesses in its contracting activities (pertinent excerpts of Metro's Disadvantaged Business Program policy are attached). As such, the successful proposer shall be required to meet the DBE goal of 7 percent and the WBE goal of 5 percent for this contract or demonstrate that a good faith effort (defined in the attached sections of the Metro Code) has been made to meet the goals. All said DBE's and WBE's for purposes of this requirement must be certified by the State of Oregon by the submittal deadline.

The proposal submitted must contain fully completed Disadvantaged Business Program Compliance form (which is attached). Detailed procedures for completing this form, and the additional DBE Utilization form which must be submitted by the close of the next working day following the proposal submission date and any other forms, are contained in Metro Code Section 2.04.155 and 2.04.160(b), which are attached. Proposers should not the following requirement of the latter section:

"Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any, and through a minority-owned newspaper or minority-owned trade publication concerning the subcontracting of material supply opportunities at least 10 days before bids or proposals are due."

The following are minority newspapers published in the Portland metropolitan area:

The Skanner

2337 N. Williams
Portland, OR 97211
503/287-3562

**The Portland Observer
Contractor**

P. O. Box 3137
Portland, OR 97208
503/288-0033

The American

P. O. Box 11233
Portland, OR 97211
503/285-9000

If a proposal does not include at least the minimum participation for **both** DBE and WBE, then the proposal shall include **all** (A through E) of the following, or it is highly probable that the proposal will be disqualified:

- A. Copies of ads seeking the deficient WBE and/or DBE participation published at the proposer's expense at least 10 days prior to the proposal due date in: a newspaper of general circulation, and a minority oriented publication, or, a trade association publication, or a women-focused publication.
- B. Copies of letters addressed to five or more DBE's and/or five or more WBE's addressed not less than 10 days before the proposal due date. In the event that less than five DBE's or five WBE's are certified within the professionals category, and described as having land use planning, transportation or civil engineering and public affairs expertise in the current list of certified DBE/MBE/WBE firms by the Office of Minority and Women Businesses, State Executive Department, Salem, OR 97310, 503/378-5651, then all DBE's and WBE's listed within the professionals category, and described as having land use planning, transportation or civil engineering or public affairs expertise shall be contacted by letter. In addition, a signed statement from the proposer shall affirm that the proposer has mailed the above-referenced letters by regular or certified letter not less than 10 days before the proposal due date.
- C. Copies of a phone log documenting the name of the WBE/DBE contacts, the proposers contact name, the dates and times of follow-up calls, and a summary of the discussion made not later than five days prior to the proposal due date to those WBE/DBE's referred to above.
- D. Copies of letters dated at least 10 days before the proposal date from the proposer and addressed to at least five minority community organizations, local, state and federal minority business assistance offices, other organizations identified by the State of Oregon Executive Department's Advocate for Minority and Women Business. Such copies of letters shall be accompanied by statement signed by the proposer affirming that said letters were mailed by regular or certified mail at least 10 days prior to the proposal due date.

- E. A copy of an attendance sheet from a presolicitation meeting, held by Metro to inform DBE's and WBE's of an upcoming proposal opportunity, which includes the signature of a representative of the proposer.

Detailed procedures for completing the forms and for demonstrating good faith efforts are contained in Ordinance No. 88-259, Metro's Disadvantaged Business Program (Attachment G). Proposers special attention is also directed to Section 2.04.155 (Contract Award Criteria), and Section 2.04.160 (Determination of Good Faith Efforts).

Proposers should also note that a showing of a good faith effort includes segmenting of the work to be completed so that sufficient subcontracting is possible to meet the 12 percent goal consistent with the size and capability of DBE/WBE firms.

The requirement to advertise is but one of the actions necessary to demonstrate good faith effort under this program. Failure to comply with all of the requirements of Metro's Disadvantaged Business Program will constitute a nonresponsive proposal.

A subconsultant is any person or firm proposed to work for the prime consultant on this project. Metro does not wish any subconsultant selection to be finalized prior to contract award. For any task or portion of a task to be undertaken by a subconsultant, the prime consultant shall not sign up a subconsultant on an exclusive basis. Metro reserves the right at all times, during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program.

VI. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. Limitation and Award -- This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. Contract Type -- Metro intends to award a personal services contract with the selected firm for this project. A copy of the standard form contract which the successful consultant will be required to execute is attached.

- C. **Billing Procedures** -- Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. A monthly billing, accompanied by a progress report, will be prepared for review and approval.
- D. **Validity Period and Authority** -- The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

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VII. APPENDIX

Excerpts Metro Code

2.04.155 Contract Award Criteria:

(a) To be eligible for award of contracts containing a DBE/WBE goal, prime contractors must either meet or exceed the specific goal for DBE and WBE participation, or prove that they have made good faith efforts to meet the goal prior to the time bids are opened or proposal are due. Bidders/Proposers are required to utilize the most current list of DBEs and WBEs

certified by ODOT until December 31, 1987, and, thereafter, by the Executive Department, in all of the bidders'/proposers' good faith efforts solicitations. The address where certified lists may be obtained shall be included in all applicable bid/proposal documents.

(b) All invitations to bid or request for proposals on contracts for which goals have been established shall require all bidders/proposers to submit with their bids and proposals a statement indicating that they will comply with the contract goal or that they have made good faith efforts as defined in Section 2.04.160 to do so. To document the intent to meet the goals, all bidders and proposers shall complete and endorse a Disadvantaged Business Program Compliance form and include said form with bid or proposal documents. The form shall be provided by Metro with bid/proposal solicitations.

(c) Agreements between a bidder/proposer and a DBE/WBE in which the DBE/WBE promises not to provide subcontracting quotations to other bidders/proposers are prohibited.

(d) Apparent low bidders/proposers shall, by the close of the next working day following bid opening (or proposal submission date when no public opening is had), submit to Metro detailed DBE and WBE Utilization Forms listing names of DBEs and WBEs who will be utilized and the nature and dollar amount of their participation. This form will be binding upon the bidder/proposer. Within five working days of bid opening or proposal submission date, such bidders/proposers shall submit to Metro signed Letters of Agreement between the bidder/proposer and DBE/WBE subcontractors and suppliers to be utilized in performance of the contract. A sample Letter of Agreement will be provided by Metro. The DBE and WBE Utilization Forms shall be provided by Metro with bid/proposal documents.

(e) An apparent low bidder/proposer who states in its bid/proposal that the DBE/WBE goals were not met but that good faith efforts were performed shall submit written evidence of such good faith efforts within two working days of bid opening or proposal submission in accordance with Section 2.04.160. Metro reserves the right to determine the sufficiency of such efforts.

(f) Except as provided in paragraph (g) of this section, apparent low bidders or apparent successful proposers who state in their bids/proposals that they will meet the goals or will show good faith efforts to meet the goals, but who fail to comply with paragraph (d) or (e) of this section, shall have their bids or proposals rejected and shall forfeit any required bid security or bid bond. In that event the next lowest bidder or, for personal services contracts, the firm which scores second highest shall, within two days of notice of such ineligibility of the low bidder, submit evidence of goal compliance or good faith effort as provided

above. This process shall be repeated until a bidder or proposer is determined to meet the provisions of this section or until Metro determines that the remaining bids are not acceptable because of amount of bid or otherwise.

(g) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's or proposer's compliance with the requirements of this section provided, however, that the bid or proposal substantially complies with public bidding requirements as required by applicable law.

(Ordinance No. 83-165, Sec. 12; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.160 Determination of Good Faith Efforts:

(a) Bidders or Proposers on USDOT-assisted contracts to which DBE goals apply must, to be eligible for contract award, comply with the applicable contract goal or show that good faith efforts have been made to comply with the goal. Good faith efforts should include at least the following standards established in the amendment to 49 CFR §23.45(h), Appendix A, dated Monday, April 27, 1981. A showing of good faith efforts must include written evidence of at least the following:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform disadvantaged and women business enterprises of contracting and subcontracting or material supply opportunities available on the project;
- (2) Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any and through a minority-owned newspaper or minority-owned trade publication concerning the sub-contracting or material supply opportunities at least 10 days before bids or proposals are due.
- (3) Written notification to a reasonable number but no less than five (5) DBE firms that their interest in the contract is solicited. Such efforts should include the segmenting of work to be subcontracted to the extent consistent with the size and capability of DBE firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting quotes or proposals from DBE firms, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes or proposals are solicited from

DBE firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portions of work for which quotes or proposals are desired are discouraged, as such letters generally do not bring responses. It is expected that such letters will be sent in a timely manner so as to allow DBE sufficient opportunity to develop quotes or proposals for the work described.

- (4) Evidence of follow-up to initial solicitations of interest, including the following:
 - (A) The names, addresses, telephone numbers of all DBE contacted;
 - (B) A description of the information provided to DBE firms regarding the plans and specifications for portions of the work to be performed; and
 - (C) A statement of the reasons for non-utilization of DBE firms, if needed to meet the goal.
- (5) Negotiation in good faith with DBE firms. The bidder shall not, without justifiable reason, reject as unsatisfactory bids prepared by any DBE firms;
- (6) Where applicable, the bidder must provide advice and assistance to interested DBE firms in obtaining bonding, lines of credit or insurance required by Metro or the bidder;
- (7) Overall, the bidder's efforts to obtain DBE participation must be reasonably expected to produce a level of participation sufficient to meet Metro's goals; and
- (8) The bidder must use the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs.

(b) Bidders or proposers on locally-funded contracts to which DBE/WBE goals apply shall achieve the applicable contract goal or demonstrate that they have made good faith efforts to achieve the

goals. Good faith efforts shall include written documentation of at least the following actions by bidders:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform DBEs and WBEs of contracting and subcontracting or material supply opportunities available on the project;

Documentation required: Signature of representative of bidder or proposer on prebid meeting attendance sheet.

- (2) Identifying and selecting specific economically feasible units of the project to be performed by DBEs or WBEs to increase the likelihood of participation by such enterprises;

Minimum documentation required: At least the documentation required under subsection (4) below.

- (3) Advertising in, at a minimum, a newspaper of general circulation, and trade association, minority and trade oriented, women-focused publications, if any, concerning the subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due;

Documentation required: copies of ads published.

- (4) Providing written notice soliciting sub-bids/proposals to not less than five (5) DBEs or WBEs for each subcontracting or material supply work item selected pursuant to (2) above not less than ten (10) days before bids/proposals are due.

If there are less than five certified DBEs/WBEs listed for that work or supply specialty then the solicitation must be mailed to at least the number of DBEs/WBEs listed for that specialty. The solicitation shall include a description of the work for which subcontract bids/proposals are requested and complete information on bid/proposal deadlines along with details regarding where project specifications may be reviewed.

Documentation required: Copies of all solicitation letters sent to DBE/WBE along with a written statement from the bidder/proposer that all the letters were sent by regular or certified mail not less than 10 days before bids/proposals were due.

- (5) Making, not later than five days before bids/proposals are due, follow-up phone calls to all DBEs/WBEs who have not responded to the solicitation letters to determine if they would be submitting bids and/or to encourage them to do so.

Minimum documentation required: Log showing a) dates and times of follow-up calls along with names of individuals contacted and individuals placing the calls; and b) results attained from each DBE/WBE to whom a solicitation letter was sent (e.g., bid submitted, declined, no response). In instances where DBE/WBE bids were rejected, the dollar amount of the bid rejected from the DBE/WBE must be indicated along with the reason for rejection and the dollar amount of the bid which was accepted for that subcontract or material supply item.

- (6) Using the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs; where applicable, advising and assisting DBEs and WBEs in obtaining lines of credit or insurance required by Metro or the bidder/proposer; and, otherwise, making efforts to encourage participation by DBEs and WBEs which could reasonably be expected to produce a level of participation sufficient to meet the goals.

Minimum documentation required: Letter from bidder/proposer indicating all special efforts made to facilitate attainment of contract goals, the dates such actions were taken and results realized.

- (7) Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBEs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer.

Metro reserves the right to require additional written documentation of good faith efforts and bidders and proposers shall comply with all such requirements by Metro. It shall be a rebuttable presumption that a bidder or proposer has made a good faith effort to comply with the contract goals if the bidder has performed and submits written documentation of all of the above actions. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not performed or has not submitted documentation of all of the above actions.

(Ordinance No. 83-165, Sec. 13; amended by Ordinance No. 84-181, Sec. 6 and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.165 Replacement of DBE or WBE Subcontractors: Prime contractors shall not replace a DBE/WBE subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace a DBE or WBE subcontractor shall replace such DBE/WBE subcontractor with another certified DBE/WBE subcontractor or make good faith efforts as described in the preceding section to do so.

(Ordinance No. 83-165, Sec. 14; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.170 Records and Reports:

(a) Metro shall develop and maintain a recordkeeping system to identify and assess DBE and WBE contract awards, prime contractors' progress in achieving goals and affirmative action efforts. Specifically, the following records will be maintained:

- (1) Awards to DBEs and WBEs by number, percentage and dollar amount.
- (2) A description of the types of contracts awarded.
- (3) The extent to which goals were exceeded or not met and reasons therefor.

(b) All DBE and WBE records will be separately maintained. Required DBE and WBE information will be provided to federal agencies and administrators on request.

(c) The Liaison Officer shall prepare reports, at least semiannually, on DBE and WBE participation to include the following:

- (1) The number of contracts awarded;
- (2) Categories of contracts awarded;
- (3) Dollar value of contracts awarded;
- (4) Percentage of the dollar value of all contracts awarded to DBE/WBE firms in the reporting period; and
- (5) The extent to which goals have been met or exceeded.

(Ordinance No. 83-165, Sec. 15; amended by Ordinance No. 84-181, Sec. 7, and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

Disadvantaged Business Program Compliance Form

(To be submitted with ~~Bid or~~ Proposal)

Name of Metro Project: _____

Name of Contractor: _____

Address: _____

Phone: _____

In accordance with Metro's Disadvantaged Business Program, the above-named contractor has accomplished the following:

- _____ 1. Has fully met the contract goals and will subcontract _____ percent of the contract amount to DBEs and _____ percent to WBEs.

- _____ 2. Has partially met the contract goals and will subcontract _____ percent of the contract amount to DBEs and _____ percent to WBEs. Contractor has made good faith efforts prior to bid opening (or proposal submission date, as applicable) to meet the full goals and will submit documentation of the same to Metro within two working days of bid opening (or proposal submission date).

- _____ 3. Will not subcontract any of the contract amount to DBEs or WBEs but has made good faith efforts prior to bid opening (or proposal submission date, as applicable) to meet the contract goals and will submit documentation of such good faith efforts to Metro within two working days of bid opening (or proposal submission date).

Authorized Signature

Date

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION FORM

1. Name of Metro Project _____
2. Name of Contractor _____
 Address of Contractor _____
3. The above-named contractor intends to subcontract _____ percent of the contract amount to the following Disadvantaged Business Enterprises (DBEs):

Names, Contact Persons, Addresses and Phone Numbers of DBE Firms Contractor Anticipates Utilizing

Nature of Participation

Dollar Value of Participation

<u>Names, Contact Persons, Addresses and Phone Numbers of DBE Firms Contractor Anticipates Utilizing</u>	<u>Nature of Participation</u>	<u>Dollar Value of Participation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total

Amount of Total Contract

DBE Percent of Total Contract

 Authorized Signature

Date: _____

THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED

BY THE CLOSE OF THE NEXT WORKING DAY FOLLOWING

BID OPENING/PROPOSAL SUBMISSION

WOMEN BUSINESS ENTERPRISES UTILIZATION FORM

1. Name of Metro Project _____

2. Name of Contractor _____

Address of Contractor _____

3. The above-named contractor intends to subcontract _____ percent of the contract amount to the following Women Business Enterprises (WBEs):

Names, Contact Persons, Addresses and Phone Numbers of WBE Firms Contractor Anticipates Utilizing

Nature of Participation

Dollar Value of Participation

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total

Amount of Total Contract _____

WBE Percent of Total Contract _____

Authorized Signature

Date: _____

THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED

BY THE CLOSE OF THE NEXT WORKING DAY FOLLOWING

BID OPENING/PROPOSAL SUBMISSION

Contract No. _____

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT dated this _____ day of _____ 19____,
is between the METROPOLITAN SERVICE DISTRICT, a municipal
corporation, hereinafter referred to as "METRO," whose address is
2000 S.W. First Avenue, Portland, OR 97201-5398, and
_____, hereinafter referred to as
"CONTRACTOR," whose address is _____
for the period of _____, 19____, through _____, 19____,
and for any extensions thereafter pursuant to written agreement
of both parties.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal
Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement,

including but not limited to ORS 279.310 to 279.320.

Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by Oregon Laws 1989, ch 684.

4. To maintain records relating to the Scope of work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labeled; and

7. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411. In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR services are those of an

independent contractor as provided under Oregon Laws 1979,
ch 864.

METRO AGREES:

1. To provide full information regarding its requirements for the Scope of Work; and
2. To pay CONTRACTOR for services performed in the manner and at the time designated in the scope of work.

BOTH PARTIES AGREE:

1. That METRO may terminate this Agreement upon giving CONTRACTOR five (5) days written notice without waiving any claims or remedies it may have against CONTRACTOR;
2. That, in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;
3. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;
4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

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