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REPORT TO THE CITY COUNCIL

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SUBJECT

Reject all bids of a two-year service contract, with options for three one-year extensions for the purchase of mystery rider program (RFP File 12300134)

RECOMMENDATION

Staff recommends the Council reject all bids of a two-year service contract, with options for three one-year extensions for the purchase of mystery rider program.

EXECUTIVE SUMMARY

The Department of Transportation/Fresno Area Express (FAX) as the recipient of Federal Transit Administration (FTA) funds is mandated to abide by and monitor the requirements of the US DOT ADA regulations (49 CFR 37.161-137.69). To monitor compliance FAX solicited for mystery rider services to observe operator defensive driving habits, operator courtesy and appearance, on-time performance, operator and bus safety, ADA service provisions, and vehicles and facility cleanliness.

On August 24, 2022, Request for Proposals (RFP) 12300134 was posted to PlanetBids for competitive bidding and on November 1, 2022, the city received one proposal. An RFP committee was formed and determined that the proposal does not provide the best value in meeting the interests of the City and the objectives of the project.

BACKGROUND

The Department of Transportation/FAX as the recipient of FTA funds is mandated to abide by and monitor the requirements of the US DOT ADA regulations (49 CFR 37.161-137.69). These requirements include the following:

- a) The use of stop announcements for fixed-route service at transfer points, major intersections, destination points, intervals along the route sufficient to orient passengers to their location, and any stop upon request. Where automated stop annunciators are used, FAX must ensure the accuracy and usability of the annunciators and that drivers announce stops when the automated system is not functioning and any stop upon request.
- b) Permitting service animals to accompany individuals with disabilities in vehicles and facilities.
- c) Signage designating wheelchair locations is required on buses. Signage designating priority seating is required on buses. When an individual with a disability needs to sit in a seat or occupy a wheelchair securement location, FAX employees must ask the following persons to move in order to allow the individual with a disability to occupy the seat or securement location.
- d) FAX is prohibited from setting weight or size limitations on wheelchairs it will transport that understate the weight capacity that the vehicle fleet can actually accommodate.
- e) FAX must not refuse to permit a passenger who uses a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, the lift or ramp will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers. FAX must deploy lifts or ramps for persons who do not use wheelchairs, including standees. The entity may not seek waivers from standees who require the use of the lift.
- f) FAX shall not deny service to individuals using respirators, concentrators, or portable oxygen.
- g) Public information and communications must be made available in accessible formats, upon request.
- h) FAX is required under 49 CFR 37.5(i)(3) to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to its services.

To monitor compliance with the above FAX solicited for mystery rider services to observe operator defensive driving habits, operator courtesy and appearance, on-time performance, operator and bus safety, ADA service provisions, and vehicles and facility cleanliness.

On August 24, 2022, RFP 12300134 was posted to PlanetBids for competitive bidding and on

November 1, 2022, the City received one proposal. An RFP committee was formed and evaluated the proposal based on the criteria listed in the RFP. The criteria included:

- a) Approach to Program - This category will evaluate the Consultant's approach to the project. Some things that will be considered when evaluating this category are:
 - Contractor's Methodology
 - Contractor's expectations of staff
 - Does the Consultant have sufficient resources to complete tasks required by the project schedule?
- b) Past Performance and Experience - What is the Contractor's experience and history in Mystery Rider services relevant to FAX's needs, including a description of direct experience on projects of similar size, scope, and complexity?
- c) Qualifications of Key Personnel - Technical experience in performing work of a closely similar nature; experience working with public agencies; experience in proving specifically this type of service, strength and stability of the firm; strength, stability, experience, and technical competence of sub-consultants; assessment by client references; references with demonstrated success in providing similar services.
- d) Completeness of Response - The reasonableness and competitiveness of the total price for services rendered to FAX, the adequacy of source data and information provided to support cost quotes and figures, and the use of industry and government recognized measurements when compiling estimates.
- e) Technology - The efficiency and effectiveness of the Contractor's hardware and software to capture the necessary information listed in the Statement of Work discreetly.

The committee evaluated the proposal and determined that the proposal does not provide the best value in meeting the interest of the City and the objectives of the project. The committee recommended a rejection of the proposal.

Staff recommends that the Council reject all bids and direct staff to seek alternative methods for monitoring activities. The City Attorney's Office has reviewed and approved as to form.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, the award of this contract does not qualify as a "project", as defined by CEQA.

LOCAL PREFERENCE

The local preference was not implemented because this action is to reject all proposals.

FISCAL IMPACT

There is no fiscal impact to the General Fund from this request.

ATTACHMENTS

Bid Evaluation