



North Central Texas Council of Governments

**NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
METROPOLITAN PLANNING ORGANIZATION**

**REQUEST FOR PROPOSALS
NORTH TEXAS EQUITABLE ELECTRIC VEHICLE INFRASTRUCTURE PROJECT –
DEPLOYMENT DREAM TEAM**

October 18, 2024

REQUEST FOR PROPOSALS
FOR
NORTH TEXAS EQUITABLE ELECTRIC VEHICLE INFRASTRUCTURE PROJECT –
DEPLOYMENT DREAM TEAM

INTRODUCTION

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from qualified firms) to provide advisory and liaison services to the project team to assist with streamlining implementation of EV charging infrastructure projects, including site selection, layout and feasibility and guidance on streamlining “soft cost” barriers such as permitting, zoning, inspection, and utility coordination.

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

The North Central Texas Council of Governments (NCTCOG) is a voluntary association of, by, and for local governments, and was established to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. NCTCOG’s purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions.

Since 1974, NCTCOG has served as the Metropolitan Planning Organization (MPO) for transportation in the Dallas-Fort Worth (DFW) Metropolitan Area. NCTCOG’s Transportation Department is responsible for regional transportation planning for all modes of transportation. The Department provides technical support and staff assistance to the Regional Transportation Council (RTC) and its technical committees, which compose the MPO policy-making structure. In addition, the Department provides technical assistance to the local transit providers of North Central Texas in planning, programming, coordinating, and implementing transportation decisions.

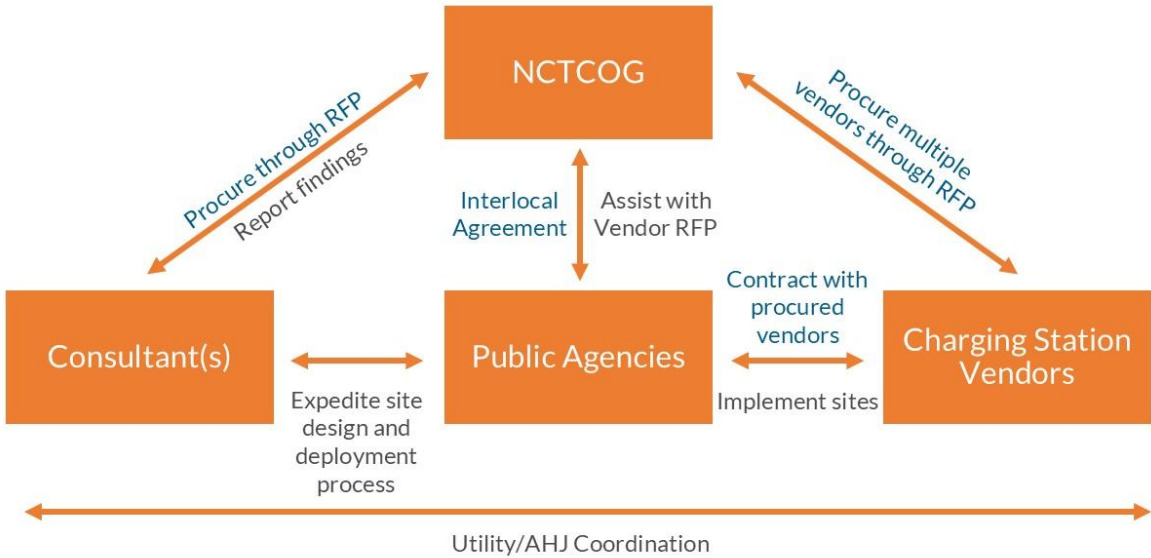
PURPOSE AND NEED

The North Central Texas Council of Governments (NCTCOG) is seeking a firm, or multiple firms, to serve in an advisory capacity as part of an electric vehicle (EV) charging “Deployment Dream Team.” This advisory role is an aspect of the North Texas Equitable Electric Vehicle Infrastructure (NTx-EEVI) project for which NCTCOG was awarded \$15 million by the Federal Highway Administration. The purpose of the NTx-EEVI project is to build out additional EV charging infrastructure to serve regional community needs, with focus on filling gaps in existing infrastructure access, by deploying up to 100 EV new charging ports across the 16-county NCTCOG service area, at least 50 percent of which will be in Justice 40 communities as identified by the Electric Vehicle Charging Justice40 Map developed by Argonne National Laboratory. One of the largest risks in the project is the potential for implementation delays associated with permitting, siting plans, construction and installation, utility coordination, and inspection. NCTCOG seeks to streamline these topics by employing advisory services to collaborate with the rest of the project team to push through administrative silos and barriers, particularly related to authority having jurisdiction (AHJ) and utility coordination.

The Deployment Dream Team consists of NCTCOG as project manager/administrator, public sector subrecipients which will host charging sites (not yet selected), charging station vendor(s) who will provide equipment/construction/installation (not yet selected), and the advisory Consultant(s), which will provide support to the entire rest of the team and is being selected via this RFP. The various roles and responsibilities are illustrated in Exhibit 1. Note that the advisory Consultant(s) is the only private sector team member being selected through this RFP – the charging station vendor(s) will be selected through a separate procurement after subrecipient public agencies and likely sites have been determined.

Exhibit 1.

Project Structure



The selected Consultant(s) will serve in an advisory/liaison role to the rest of the project team, providing guidance to streamline and navigate obstacles related to site selection, site scoping, EV charger permitting and zoning, utility coordination, construction and installation, inspection, and any other aspects of the deployment process where expertise is needed. The Consultant will also assist NCTCOG staff in developing an instructional final report to be shared with stakeholders in the region. No engineering services are required under this RFP.

PROJECT SUPPORT

The project will be conducted under the guidance and supervision of a Project Review Committee. The responsibilities of the Project Review Committee will be to serve as the principal technical review committee for this project. NCTCOG shall serve as project manager to implement a mutually agreed upon scope of work, monitor the progress of consultant activities; and serve as a liaison between the consultant and other partners. The selected consultant will enter into a contract with NCTCOG for the agreed upon scope and budget. NCTCOG shall also serve as the contract manager and procurement administrator for the project.

SCOPE OF WORK

The scope of work is summarized by the tasks outlined below. Proposers are encouraged to exercise creativity in responding to the project needs. Modifications to the tasks and task

sequencing which will improve the effectiveness of the project effort, while containing costs, are encouraged.

The study area includes the full 16-county NCTCOG territory, including Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise counties. Eligible project sites will be restricted to public property only, and NCTCOG seeks to ensure at least 50% of all sites will serve Justice40 areas.

Exhibit 2 shows all eligible counties and all currently existing and planned EV charging stations with Justice40 areas highlighted in purple. This grant strives to provide EV charging to Justice 40 areas while avoiding areas already saturated with chargers.

Exhibit 2:

Existing EV Charging Stations and EV Charging Justice40 Communities within the NCTCOG Service Area

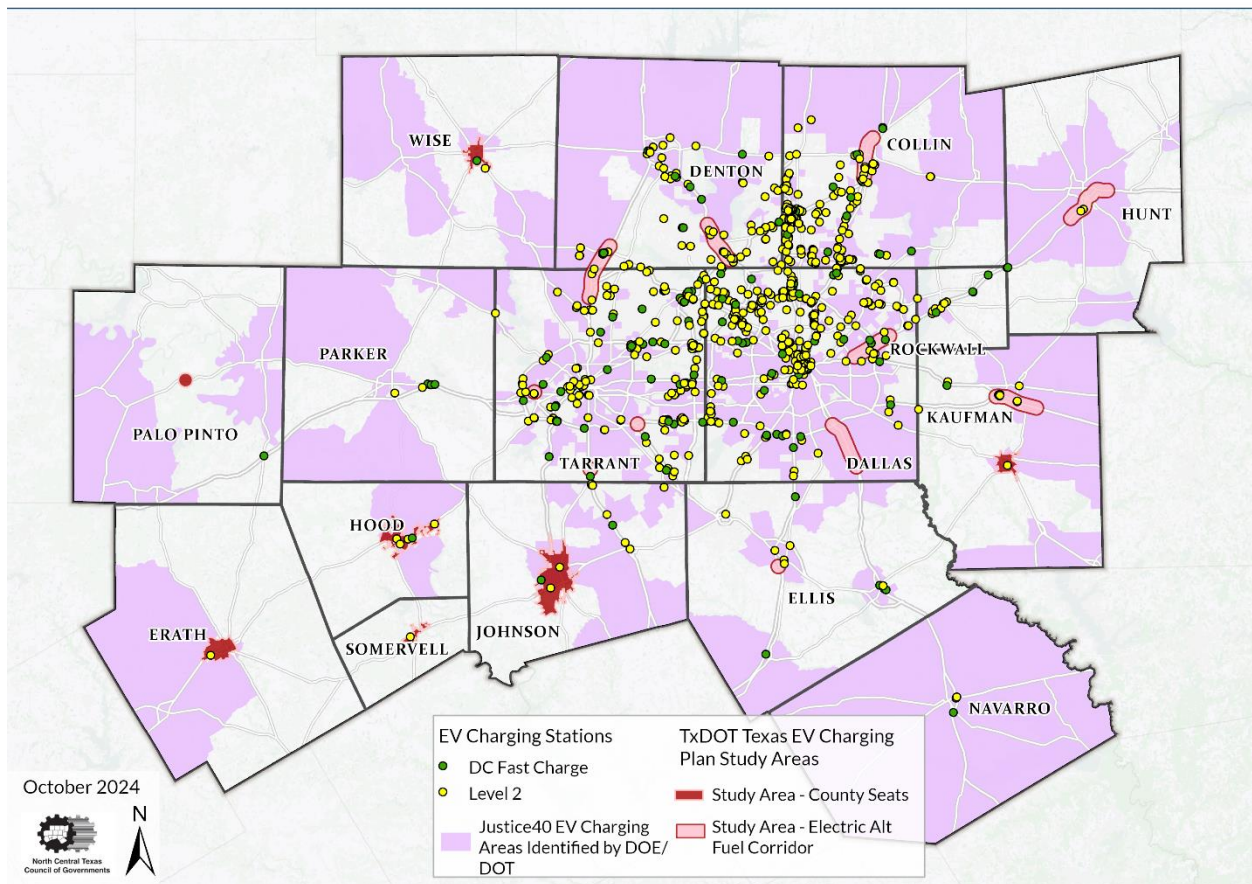
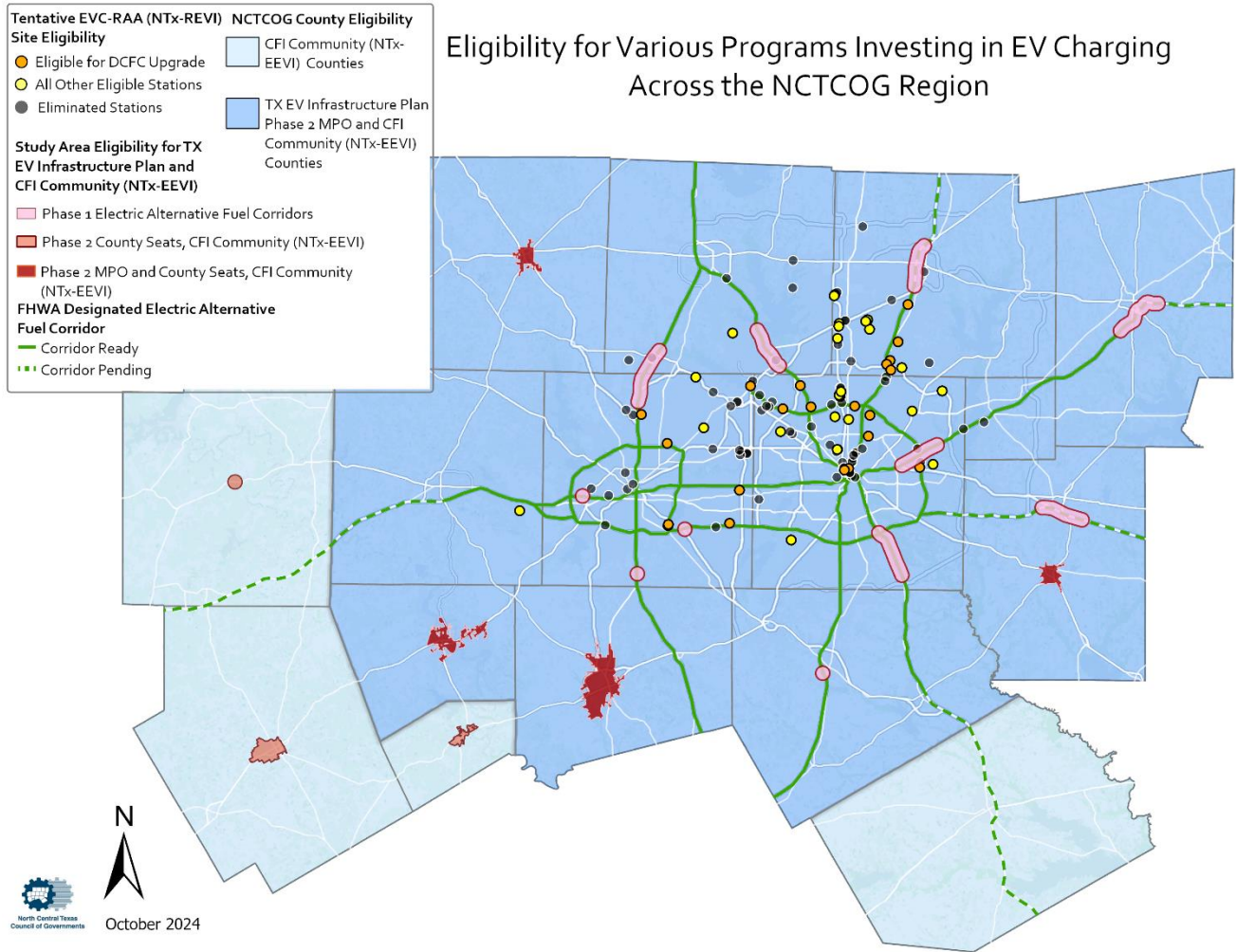


Exhibit 3 illustrates the connections and differences between three EV infrastructure funding programs NCTCOG is currently involved in. While there is significant overlap in the project areas, each serves a different purpose. The North Texas Reliable EV Infrastructure project will repair and replace non-operational chargers while the Texas EV Infrastructure Plan is building additional chargers as part of the National EV Infrastructure Formula Program. The NTx-EEVI project is uniquely focused on community and Justice40 needs in the NCTCOG region and is the only project without specific study areas that encompasses all 16 counties. The

Consultant(s) selected through this procurement will be supporting the NTx-EEVI project but should be familiar with the interactions of this project with other funding programs.

Exhibit 3:



TASKS

The Consultant(s) will perform the following tasks and subtasks and will produce the deliverables listed for each task:

Task 1.0 – Project Management

After the Notice to Proceed is issued, a kickoff meeting will be conducted to review the project goals, scope of work, methodology, and schedule/timeline with the PRC. In addition, the Consultant(s) will be responsible for the following deliverables:

Task 1 – Deliverables:

- Regularly scheduled conference calls with the PRC to discuss project progress (monthly to quarterly frequency depending on project schedule).
- Project schedule with a detailed description of tasks.
- Monthly progress reports and billings.
- Meeting notes summary for each meeting.

Task 2 –Siting Feasibility and Recommendation

NCTCOG will develop a short list of potential sites based on a gap analysis of existing infrastructure and conversations with potential public partners. This “short list” will include a greater number of sites than ultimately will be implemented to provide flexibility in siting based upon more specific feasibility assessment by the Consultant(s) in consultation with the rest of the team. The Consultant(s) will be responsible for completing these feasibility assessments and any other tasks required for site determination, including project risk assessment and possible in-person site visits to evaluate the most appropriate locations within the area as well as the most appropriate location on a chosen lot.

Task 2 – Deliverables:

- Completed feasibility/site suitability assessments for short-listed sites, including, but not limited to the following for each site:
 - Layout, traffic patterns/nature of how prospective drivers use the site, and any available information (e.g. pending permits, developer announcements,) about potential new EV charger sites that may impact the value of the proposed location in terms of filling gaps in charging access;
 - High-level assessment of utility capacity and/or upgrades need
 - Inventory and assessment of relevant AHJ regulations that may support or hinder deployment (e.g. zoning and permitting practices);
 - Evaluation of applicable electric utility experience, requirements, and processes that may support or hinder deployment;
 - Approximate site recommendations for power level, number, and location of EV chargers and ports;
 - Description of additional feasibility assessment elements that proposer believes should be included
- At least three total project (regionwide) siting recommendations representing the following scenarios. Each scenario should include cost estimates for charger build-out,

map and list of recommended sites, and explanation of key rationales, benefits and disbenefits of each scenario:

- Scenario 1: DC Fast Charger emphasis: likely reflects fewer sites but may result in more DC Fast Charge ports
- Scenario 2: Broader deployment: likely reflects more locations with fewer Level 2 charging ports per site
- Scenario 3: Mixed deployment: may reflects a mix of DC Fast Charge and Level 2, or a variety of different size installations of the same type
- Proposer may outline additional scenarios.
- Strategies for mitigating potential project deployment risks, including but not limited to the following:
 - Site owner experience/inexperience with EV chargers
 - Utility coordination
 - Challenges with AHJ coordination
 - Supply chain availability and cost increases
 - Other site-specific risks, as appropriate

Task 3 – Conceptual Site Design

The Consultant(s) will use input from the team to provide recommendations on the power level, number, and location of EV chargers to be placed at each site. These recommendations will be presented to the project team, and if agreed upon will be used by the Consultant(s) to develop approximate layouts for each site. The Consultant(s) will also be responsible for providing recommendations on the most feasible total number of EV chargers and ports that can be funded through the NTX-EEVI project based on the project budget, number of available public parcels, and community and project team feedback.

Task 3 – Deliverables:

- Assessment of the degree to which U.S. Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations can be integrated given the existing site layout and potential location of chargers
- Evaluation of appropriate resilience strategies and estimated costs
- Approximate site design/layout
- Table or similar document summarizing estimated per-site costs
 - At least two scenarios reflecting a high and low degree of integration of U.S. Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations should be provided
 - At least two scenarios reflecting a high and low degree of integration of resilience strategies should be provided

Optional Task 4: Support Procurement of Charging Station Vendor(s)

The Consultants(s) may choose to assist NCTCOG in developing the Request for Proposals (RFP) to select one or more EV charging station vendors. If this task is selected, the

Consultant(s) would be responsible for assisting with drafting the vendor scope of work to ensure compliance with relevant minimum standards as detailed in Code of Federal Regulations Title 23, Chapter I, Subchapter G, Part 680 – National Electric Vehicle Infrastructure Standards and Procedures (23 CFR Part 680) and the U.S. Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations. The Consultant(s) will be involved with NCTCOG throughout the RFP process and assist with responding to official RFP questions and publicizing the opportunity. Additionally, 23 CFR Part 680.106(j) specifies that the workforce installing, maintaining, or operating chargers has appropriate licenses, certifications, and training, such as a certification from the Electric Vehicle Infrastructure Training Program (EVITP) or graduation or a continuing education certificate from a registered apprenticeship program for electricians as specified in 23 CFR 680.106(j)(1)(ii). The Consultant(s) will assist with identifying technicians that meet these requirements.

Note that if a respondent submits to complete the optional task 4, they and any member of their proposed Consultant team will be ineligible to bid on the future procurement for Charging Station infrastructure and installation. In addition, Consultant(s) will only have a technical advisory role during selection of the Vendor(s) and will not have a scoring or voting role.

Task 4 – Deliverables:

- Draft content for the EV charging station vendor Scope of Work
- Checklist of applicable minimum standards from 23 CFR Part 680
- Assistance with responses to technical questions received about the RFP
- List of EVITP or other qualified technicians as specified in 23 CFR 680.106(j) operating in the NCTCOG region to be provided to subrecipients

Task 5 – Coordination with Subrecipients, Vendors, Utilities and Authorities Having Jurisdiction

As final subrecipients are selected, the Consultant(s) will be responsible for facilitating a kick-off meeting to educate and prepare all members of the team for the implementation process. Educational materials on EV charger deployment and any other necessary meeting materials shall be developed and provided to the team for the kickoff meeting. The Consultant(s) will host subsequent meetings with subrecipients, AHJs, electrical utilities, and vendors, as individuals or groups, as needed. NCTCOG staff will accompany the Consultant(s) throughout coordination meetings with the team to build additional subject matter expertise within NCTCOG. The Consultant(s) will also be responsible for troubleshooting issues and assisting subrecipients throughout the project implementation process and into operations and maintenance, as well as completing any other tasks necessary to streamline the project and minimize delays. The Consultant(s) should be familiar with the 23 CFR Part 680 and procedures as well as the Americans with Disabilities Act and be able to assist subrecipients in ensuring adherence to minimum standards where applicable.

Task 5 – Deliverables:

- Meeting materials and education materials for the team.
- Kickoff meeting with the team, including:
 - an overview of subrecipient roles, responsibilities, and processes related to deploying the EV charging station
 - presentations by each selected charging station vendor
 - presentations by each affected electrical utility to discuss respective entities' plans/processes
- Subsequent meetings, as needed.
- Meeting notes summary for each meeting.
- Documentation of any issues that arise and how the issues were solved.

Optional Task 6 – Operations and Maintenance

In accordance with 23 CFR Part 680, funded EV charging stations must remain in compliance with the standards it sets forth for a minimum of 5 years from the initial date of operation. If respondents choose to include this Task in their bids, they would have the responsibility to assist subrecipients in preparing for and managing the operations and maintenance of their EV charger in accordance with the standards by providing education on contracts, maintenance, and operations practices necessary to keep the charger functioning. Minimum standards require stations to have an average annual uptime of greater than 97%, meaning the hardware and software are both online and available for each port, which the Consultant(s) will guide subrecipients through methodology on how to calculate uptime and recommend best practices for working with EV charging station vendor(s) to optimize uptime. The formula for calculating uptime can be found in 23 CFR Part 680.116(b).

Task 6 – Deliverables:

- Guidance on facilitating operations and maintenance up to the required 97% uptime standard as described in 23 CFR Part 680.
- Recommendations on a preventive maintenance schedule.
- Guidance on how to diagnose operational issues with an EV charger as being related to hardware, software, or some other aspect of operations.

Task 7 – Final Report

The Consultant(s), with assistance from NCTCOG staff, will be responsible for preparing a final report of “lessons learned” throughout the project. This report will include detailed documentation of each step in the implementation process, including any setbacks or delays and how those were overcome. The purpose of this report is to serve as a best practice guide to NCTCOG and other public agencies for future EV infrastructure projects, reducing errors and streamlining processes. The final report will be disseminated to local governments, stakeholder, and communities across the state through postings on NCTCOG webpages, webinars, and case studies.

Task 7 – Deliverables:

- Draft final report that includes:

- Documentation of steps in the implementation process and corresponding timelines
- Discussion of any delays and how such delays can be avoided in the future
- Summary of lessons learned and best practices for replicating a successful project
- Revised final report drafted in Microsoft Word and final version as PDF plus all associated electronic files, if applicable (images, maps, etc.).
- Assistance in publicizing and promoting the final product through posting on Consultant(s) webpages and presentations at meetings and webinars.

PRICING PROPOSAL

The consultant shall provide a cost-plus fixed fee based proposed budget. The Consultant shall complete the budget template file, as provided by NCTCOG, to include proposed budget for personnel, expenses, and fixed fee/profit for the prime Consultant and all subconsultants. Please note that several columns include formulas that may not be edited.

PROJECT SCHEDULE

Proposers shall develop a schedule of tasks with completion deadlines and methodologies for the project. NCTCOG will select all the identified tasks or a subset of the tasks to be completed. NCTCOG and the selected firm will jointly determine a schedule for progress meetings in accordance with the final schedule for the scope of work. The timetable for completion of this project is twenty (20) months from the date the consultant firm is authorized to proceed. NCTCOG anticipates the contract will begin March 2025.

CONSULTANT SELECTION CRITERIA

The Consultant Selection Committee (CSC) will review all proposals and select a firm, or multiple firms, it considers qualified to undertake the project. The following criteria will be used to evaluate the proposals:

1. Project Understanding	25 percent
2. Scope of Services	25 percent
3. Project Manager/Staff Qualifications	20 percent
4. Knowledge of the Dallas/Fort Worth Area	15 percent
5. Project Cost	10 percent
6. Project Schedule	5 percent

If the CSC determines that interviews will be required before a final decision can be made, the interviews will take place **the week of December 16, 2024**. Proposers should be willing and able to attend these interviews in person or via web conference, if necessary. Consultants who are invited to an interview will be notified by the close of business on **December 13, 2024**, that an interview has been scheduled. Costs for developing the proposal and costs attributed to interviews (and subsequent negotiations) are at the proposer's own expense and will not be reimbursed by NCTCOG.

CONTRACT AWARD

Following final negotiations of the work plan and costs satisfactory to NCTCOG, the consultant will be asked to execute a contract with NCTCOG. If applicable, a Notice to Proceed will be issued upon execution of the contract. NCTCOG reserves the right to reject any and all proposals, to contract for any or all portions of the project with the selected firm(s), or to hire multiple firms.

The successful responder(s) to this Request for Proposals is expected to provide qualified personnel to accomplish each portion of the work in this study. NCTCOG will maintain the right to request the removal of any personnel found, in its opinion, during the course of work on this project, to be unqualified to perform the work.

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

The Disadvantaged Business Enterprise participation must meet the **7.9** percentage goal identified for this type of procurement. Proposers should also include an Affirmative Action Plan is included in the proposal. Failure on the part of the majority contractor to meet this goal or show meaningful good faith efforts may be grounds for finding the proposal nonresponsive.

QUESTIONS AND ANSWERS

All questions regarding the RFP shall be directed in writing by e-mail to TransRFPs@nctcog.org by the close of business on **Friday, October 25, 2024**. All questions and responses will be posted on the NCTCOG website at www.nctcog.org/rfp by the close of business on **Wednesday, November 6, 2024**. NCTCOG reserves the right to respond to inquiries as it deems necessary.

OVERALL PROCUREMENT SCHEDULE

This RFP shall be used to accept, review, and score proposals based on the following schedule with the intent of awarding a Cost-Plus-Fixed Fee contract. The following represents the schedule of procurement activities leading to contract award:

Issue Request for Proposals	October 18, 2024
Last Day to Submit Questions	October 25, 2024
Pre-Proposal Conference	October 29, 2024
NCTCOG Q&A Posted to Website	November 6, 2024
Proposals Due & Proposal Public Opening	November 15, 2024
Consultant Selection Committee	week of December 9, 2024
Interviews (if needed)	week of December 16, 2024
NCTCOG Committee Approval	February 27, 2025
Execute Contracts	March 2025

NCTCOG reserves the right to make changes to the above-mentioned schedule. All such changes shall be made by an amendment to the RFP and shall be posted on NCTCOG's website at www.nctcog.org/rfp. It is the responsibility of the consultant to frequently check this website for information concerning amendments to the RFP.

*Public opening of the proposals will be done via Microsoft Teams on Friday, November 15, 2024 at 5:00 pm. A link to the Microsoft Teams meeting is below. Microsoft Teams is integrated with audio so you will only need to use the conference call number (below) if you are unable to access the Microsoft Teams App. The Teams App is available for download [HERE](#).

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 216 003 466 568

Dial in by phone

[+1 903-508-4574](tel:+19035084574)

Phone conference ID: 968 239 267#

INSTRUCTIONS FOR PROPOSALS

PLANNING SERVICES

The Sample Contract provided with this Request for Proposals contains federal requirements which must be included with Proposals. The proposed budget must be itemized on the budget template provided. Appendices C through J contain compliance requirements and certification forms which must accompany the Proposals. **Failure to comply with the requirements may result in finding the proposal to be nonresponsive.**

Additional information is provided below:

1. Proposers may submit one hard copy or one flash drive of the proposal to Lori Clark, Senior Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. **Proposals must be received by 5:00 p.m., Friday, November 15, 2024.** Proposals received after that time will not be considered and will be returned to the proposer unopened. Proposals containing original signatures and notary seals should be labeled "Original." The in-hand submittal will count as the official submittal. In addition to the in-hand submittal, NCTCOG is requesting electronic submission of proposal documents to TransRFPs@nctcog.org. Electronic submissions only will **not** be evaluated. Flash drives that are unreadable or contain corrupted files may be considered non-responsive.

2. The proposal should address the criteria identified in the Request for Proposals that will be used for consultant selection. Proposals should include, at a minimum, the following information.
 - **Proposal Formatting** – Proposals should be printed double-sided and include a footer containing consultant firm name, page number, and total pages in the proposal. (e.g., Planning firm 1 of 20). The proposals should be concise with a preferred page limit of 30 (thirty) pages including supplemental materials with relevant project sheets describing comparable work.

 - **Cover Letter** -- A brief summary of the key points of the proposal and approach to accomplishing the work. Name and address of the firm, as well as the contact person's name, phone number, and email address should also be included.

 - **Project Understanding** - A general description of the approach to be used in accomplishing the work, including the project organization and management plan. Senior personnel who will work on the project, including subcontractor personnel, should be identified by name and by role in the project; e.g., project manager, principal in

charge, project advisor, etc. The project manager in particular must be specified and a clear indication given as to his/her involvement in the project. If more than one firm will be involved, the proposal should clearly delineate the work to be accomplished by each firm and how the work will be coordinated and managed. Any special requirements or coordination needs should be clearly identified.

- **Scope of Services and Schedule** - This section should respond to the Request for Proposals task descriptions for the project by describing clearly in detail what and how work in each task will be accomplished, the technical methodology to be used, and the planned work flow and schedule. A description should be included concerning quality control and how this will be maintained and accomplished during the course of this project.
- **Consultant Qualifications** - This section should identify the background and experience of the consulting firm(s) and individuals in similar types of work and the results of that experience, along with up-to-date references (name, current affiliation, and phone number), should be included. Knowledge of the Dallas-Fort Worth area should be specifically indicated.
- **Compliance Requirements** - Appendices C through I of the Sample Contract contain compliance requirements and other certification forms which must accompany the Proposal.
- **Affirmative Action Plan** - NCTCOG is required, under Title 49, Code of Federal Regulations, Part 21 to request from all contractors an Affirmative Action Plan for the contracting entity. Such a plan will be reviewed by NCTCOG to determine compliance with federal Equal Employment Opportunity requirements. You are requested, then, to submit a plan which should include, at a minimum, a policy statement and utilization analysis of your workforce. An indication of the number and percent of your employees who would be classified as minorities, including both women and ethnic minorities, should be provided. An indication of the number and percent in professional versus nonprofessional positions, or administration versus clerical positions, should also be provided.
- **Entities that Boycott Israel (House Bill 89)**
 - If proposers are required to make a certification pursuant to Section 2271.002 of the Texas Government Code, proposers should include a certification statement that they do not and will not boycott Israel during the term of the contract resulting from this solicitation. If the proposer does not make that certification, proposer must indicate that in its response and state why the certification is not required.
- **Prohibition on Firearm and Ammunition Industry Discrimination (S.B. 19)**
 - Pursuant to Chapter 2274, Government Code, as enacted by S.B. 19, 87th Legislature, NCTCOG is prohibited from using public funds to contract with entities who discriminate against firearm and ammunition industries. By signing this contract, the Consultant agrees that it does not

have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the Contract.

- **Prohibition on Boycotting Energy Companies (S.B. 13)**

- Pursuant to Chapter 2274, Government Code, as enacted by S.B. 13, 87th Legislature, NCTCOG is prohibited from using public funds to contract with entities who boycott energy companies. By signing this contract, the Consultant verifies that it does not discriminate against energy companies and will not discriminate during the term of the Contract.

3. The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000(d) to 2000(d)(1) and Title 49, Code of Federal Regulations Part 26, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all proposers that it will affirmatively assure that, in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

4. The NCTCOG Transportation Department has a Disadvantaged Business Enterprise (DBE) participation goal on the part of socially and economically disadvantaged individuals in DOT-assisted projects. The specific DBE goal requirement for this procurement is identified in the RFP and Appendix D to the Sample Contract and is determined by the type of services being procured. **Failure on the part of a majority contractor to meet this goal or to show meaningful good faith efforts may be grounds for finding the proposal nonresponsive.** To facilitate this goal, a list of DBEs is attached for consideration. In the event the proposer is a majority firm and the above stated goal for DBE participation is not met, the prime contractor shall be required to provide justification and documentation for not reaching the goal with disadvantaged subcontractors.
 - a. Joint ventures between majority and disadvantaged contractors are encouraged. Whenever a joint venture involves a disadvantaged firm(s), the proposer shall submit with the proposal the names, scope of work, and the anticipated percentage of work of each proposed DBE subcontractor and joint venture. The Affidavit of Intended Entrepreneurship, included as Appendix D.2 of the Sample Contract, is intended for this purpose. **Please submit the original notarized affidavit with the Proposal.** NCTCOG shall reserve the right to approve all substitutions of subcontracts.

 - b. For the purposes of this policy, a Disadvantaged Business Enterprise is defined as:
A business enterprise that is owned and controlled by one or more socially and/or

economically disadvantaged persons. "Owned and controlled" is specified as a business which is (1) a sole proprietorship legitimately owned by an individual who is a disadvantaged person or (2) a partnership or joint venture controlled by disadvantaged persons and in which at least 51 percent of the voting interest and 51 percent of the beneficial ownership interests legitimately are held by disadvantaged persons. Such persons include individuals who are Women, Black, Hispanic, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. **D/M/WBE Certificates issued through the Texas Unified Certification Program are required.**

- c. The contractor shall maintain for three years such records as are necessary to determine compliance with their DBE obligations and shall submit regular reports to enable the North Central Texas Council of Governments to monitor this compliance.
5. The NCTCOG Executive Board encourages the use of local firms. However, all proposals, regardless of firm locale, will be evaluated using the consultant selection criteria contained in the Request for Proposals.
6. A consultant selection committee will review the proposals and select a firm it considers qualified to undertake the project. The selection of the proposal will be based on the technical proposal and/or interviews but will be subject to negotiation of conditions of cost satisfactory to NCTCOG. NCTCOG reserves the right to reject any or all proposals and to contract for any or all portions of the project with the selected consultant.
7. As part of the proposal, consultants should summarize the budget for the project on the excel form provided. The overall project budget should include the cost of personnel, fringe benefits, overhead supplies, printing, and travel. The budget shall detail out separately the tasks by prime and sub-consultant, and profit. If needed, additional tabs should be added for sub-consultants working on the project.
8. The Texas Legislature has adopted House Bill 1295. In short, the law states a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to our agency at the time of a signed contract. As part of contract development, the consultant will be asked to complete the disclosure of interested parties electronically

and submit through the Texas Ethics Commission website. NCTCOG will provide a specific contract number associated with the award for inclusion in the submittal. Once submitted, the consultant will be requested to return an e-mail confirmation of submittal to NCTCOG.

For more information about the process, please visit the following website for a Frequently Asked Questions:

https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php

9. Procurement information shall be a public record to the extent provided by the Texas Open Records Act and the Freedom of Information Act and shall be available to the public as provided therein. If a proposal contains information that the proposer considers proprietary and does not want disclosed to the public or used for any purpose other than the evaluation of the offer, all such information must be indicated with the following suggested language:

The information contained on pages _____ shall not be duplicated used in whole or in part, for any purpose other than to evaluate the proposal; provided that if a contract is awarded to this office as a result of or in connection with the submission of such information, NCTCOG has the right to duplicate, use or disclose this information to the extent provided in the contract.