



Request for Proposals Num. NMEAD-RFP-2023-004
State Safety Oversight consulting support services

Invitation: PREMB request proposals for State Safety Oversight consulting support services.

Date of Issue: This Request for Proposals (RFP) is issued on the date of August 10, 2023.

Closing Date: All proposals must be submitted **before 4:00 p.m. of August 31, 2023.**

Point of Contact: All questions related to this Request for Proposals, including any requests for information and clarification, must be made in writing to the contact person mentioned below, who will respond to them within the term provided. Information obtained from other sources is not official or reliable. All questions and answers will be documented and distributed to all PREMB proposers as determined necessary.

Mrs. Lizbeth Feijóo
PREMB SSO Program Manager
Email: lfeijoo@dsp.pr.gov

Delivery of Proposals: Proposals **cannot** be submitted by email or fax. The proposals must be printed and delivered by hand in original in a sealed envelope that clearly indicates the name and address of the proposer, the number of the *Request for Proposals* and the project, at the following address:

Negociado para el Manejo de Emergencias y Administración de Desastres
Attention: Commissioner Office
Carr. 1 Km 24.5
Bo. Quebrada Arenas
San Juan PR 00926

Questions: Queries for clarification about the application process and requirements, the proposal process or the specifications contained therein, must be in writing, and be sent to lfeijoo@dsp.pr.gov.

Phone calls or text messages will not be accepted. Questions or meeting requests will only be accepted to clarify doubts about the application process and requirements, the proposal process or the specifications contained therein. Technical or additional information may be requested for clarification purposes, but will not change the original proposal received or the specifications of the *Request for Proposals*. Questions or queries must be submitted by written on or before **August 24, 2023.**

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I. BACKGROUND

The Puerto Rico Emergency Management Bureau (PREMB) was created by Law 20 of April 10, 2017. It was previously known as the Puerto Rico State Emergency and Disaster Management Agency, created by Law 211 of August 2, 1999.

PREMB has the duty and obligation to protect the citizens in emergency and disaster situations and, for this, to provide the fastest and most effective assistance necessary for protection before, during and after, ensuring the protection of the life and the property of citizens. PREMB manages the recovery and efficient stabilization of the services and resources necessary for citizens, industries, companies, and government entities.

To comply with federal regulation 49 CFR Part 674.11(c), the Governor of Puerto Rico, through Executive Order OE-2017-078, has assigned PREMB as the agency responsible for providing safety oversight of the *Tren Urbano* heavy rail system in the Government of Puerto Rico. The designated State Safety Oversight program will be referred to as SSO.

The purpose of the State Safety Oversight program is to oversee safety at rail transit systems. The SSO program is administered by eligible states with rail transit systems in their jurisdiction. The Federal Transit Administration (FTA) provides federal funds through the SSO Formula Grant Program for eligible states to develop or carry out their SSO programs. Therefore, the SSO is subsidized with funds from FTA, so acquisitions are subject to the standards under 2 C.F.R. 200 and FTA Circular 5010.1E, regardless of whether they are direct funds from an award/grant or its local match. In addition, the proposer must comply with the Federal requirements detailed in Attachment A.

As part of the activities, the SSO program requests competitive offer proposals from companies or qualified individuals, experts in the field and with the knowledge and experience required to provide consulting support services to the SSO office.

II. GENERAL OBJECTIVES

Provide consulting support services to the SSO office complying with all applicable Federal Transit Administration and the Government of Puerto Rico regulations, policies, procedures, and directives.

III. SERVICE SPECIFICATIONS

1. Develop a Risk-Based Inspection Program that fits PREMB SSO Program and complies with the FTA Special Directive 22-45. (About 350 hours / minimum 2 personnel)

2. Develop and conduct for PREMB SSO a comprehensive Triennial Safety Audit on the implementation of the Public Transportation Agency Safety Plan and other Safety Programs in the *Tren Urbano*. Must develop the checklist, procedures, schedule, interviews, document review, written audit report documenting recommendations and findings as result of the audit (draft and final), follow up on its findings and CAPs, and any other activity relevant to the Safety Audit. (About 600 hours / minimum 3 personnel)
3. Provide support and assistance with the oversight of the Safety and Security Certifications in *Tren Urbano*'s Capital Projects. (About 65 hours / minimum 1 personnel)
4. Review and update PREMB SSO Program Standards. (About 70 hours / minimum 1 personnel)
5. Review RTAs Public Transportation Agency Safety Plan (PTASP) and Operators (DBOM) Agency Safety Plan, including the SOPs. (About 50 hours / minimum 1 personnel)
6. Develop for PREMB SSO a program to oversight and track effectively *Tren Urbano*'s Safety Management Systems. (About 150 hours / minimum 2 personnel)
7. Create a template for PREMB SSO to record, keep and analyze data regarding accidents, incidents, and occurrences. (About 20 hours / minimum 1 personnel)

IV. **PRICE**

The proposal must include one (1) table with the following:

- List of services;
- Hours and number of personnel assigned to each service; and
- Hourly cost per service

V. **TERMS AND CONDITIONS**

- A. **Protection of Captured Data.** Due to the nature and responsibility of PREMB, the selected company or individual is required to sign a formal written contract.
- B. **Independent Contractor.** The nature of the relationship between PREMB and the successful proposer will always be addressed as an independent contractor. No subcontracting is permitted under the contract, but refer to Section X "Subcontracting" for more information.

- C. **Expenses.** Travel and mileage expenses and all miscellaneous expenses, including travel, printing and other expenses will be the responsibility of the service provider. Therefore, PREMB can't reimburse expenses.
- D. **Billing and Payment.** The services will be detailed in an original formal invoice that must be submitted within fifteen (15) days after the end of each quarter. The invoice must be signed and include the government certification of conflict of interest. It must also include a detail of all tasks, jobs and activities performed per day and the number of hours incurred per activity. PREMB will issue the payment within thirty (30) days from the date of receipt of the invoice if it complies with all the requirements, including being registered in the Puerto Rico Integrated Financial Accounting System "PRIFAS" system that is accessed through the *Colecturía Virtual* website of the Puerto Rico Department of the Treasury. All payments are subject to government taxes and withholdings, if applicable. Any tax exemption from the Puerto Rico Department of the Treasury must be submitted with the first invoice. PREMB will not be responsible for any cost not specified in the invoice and in the contract.
- E. **Qualifications of the Proposers.** The proposers must have the following qualifications:
1. Have state and/or federal government experience with a minimum of three (3) years of experience in projects financed by the Federal Government, grants and/or Government contracts.
 2. Have carried out similar work for a State Safety Oversight Program or a Rail Transit Agency and present evidence.
 3. Detailed resume with relevant related experience, education, and certifications.
 4. The Project Manager must be bilingual (English and Spanish).
 5. The Project Manager must comply with the Public Transportation Safety Certification Training Program and be willing to recertify, if necessary, with any of the biennial refreshers identified in the PREMB SSO Program Standards, as required under the 49 CFR 672.
 6. Personnel designated to conduct safety audits and examinations or is directly responsible for the safety oversight of Rail Fixed Guideway Public Transportation System must comply with the 49 CFR 672.
 7. Ability to meet the goals, objectives, and terms of this application.
 8. If the proposer is a company, the proposer must describe its organization, size, structure, practice areas and office location. Indicate, if applicable, if the company is a small or minority owned business. Also, include a copy of the Equal Opportunity/Affirmative Action Policy if the company has one.

9. Be registered at the Federal Government’s System Award Management (SAM) system at www.sam.gov, not appear on the “List of Excluded Persons/Entities” maintained by the Office of the Inspector General on said portal, and have an active Unique Entity ID number, previously known as Data Universal Numbering System (DUNS) number (of total exceeding \$25,000.00).
 10. Be registered in the Unique Registry of Professional Service Providers (“RUP” for its Spanish acronym), of the General Services Administration of the Government of Puerto Rico (“ASG” for its Spanish acronym), through its portal <https://registros.asg.pr.gov>.
 11. Possess a valid identification.
 12. Have a valid license to practice the profession, if applicable.
 13. Be in good standing with the Puerto Rico Department of State.
 14. Adequate insurance coverage, covering all the personnel that will be designated to provide the services requested.
 15. Not have a conflict of interest with the parties subject to the contract.
- F. **Staff.** The proposer will work primarily with PREMB SSO Program Manager and the SSO Staff.
- G. **Seller Code of Conduct.** The successful proposer will agree to follow and abide by Act 2 of January 4, 2018 “Anticorruption Code for the New Puerto Rico”, as amended.
- H. **Conflict of Interest Disclosure.** Proposers must attest that they have no interest and will not acquire any interest that may conflict with the performance of the required services. Any pre-existing relationship(s) must be disclosed and could be considered a potential conflict of interest.
- I. **Non-discrimination.** The successful proposer will not discriminate against any employee or applicant for employment, or any individual receiving services, on the basis of race, creed, color sex, sexual preference, national origin, physical disability, age, height, weight, marital status, veteran status, religious belief, or political belief.

- J. **Tipping Prohibited.** No employee or member of PREMB, the Committee, the Regional Boards or the municipalities shall, directly or indirectly, request, accept or receive a gift having a value of twenty-five dollars (\$25.00) or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably be inferred that the gift was intended to influence the employee, or could reasonably be expected to influence the employee, in the performance of official duties or intended to be a reward for any official action on part of the employee.
- K. PREMB reserves the right to cancel or modify the specifications of the *Request for Proposal* before the final evaluation. In such cases, all proposers who have requested or received copies of the *Request for Proposals* specifications will be notified of such cancellation or modification.
- L. All proposals received must be signed by a duly authorized representative of the proposer. Any accessory or addendum required in the specifications must be attached to each proposal form. Proposals that do not comply with the terms specified in the announcement or that do not include all the requirements, documents, forms, and certifications, will be considered non-responsive and will be rejected. Any correction or deletion in the documents must be initiated by the proposer or authorized representative, both in the originals and in the copies.
- M. The awarding of the contract and its execution will not be final until the approval is signed by PREMB Commissioner, by the Secretary of the Department of Public Safety, and registered in the Puerto Rico Office of the Comptroller. No proposer will acquire right or privilege with respect to goods or services until given a written notice that the auction has been awarded and the process of formalizing and registering the contract has been completed.
- N. **Budget.** PREMB has strict budget controls and needs a proactive individual or company that provides quality professional services.
- O. **Acknowledgment of Federal Funds.** The funds that will be used to pay for the goods and/or services acquired under this contract are granted by the Federal Transit Administration (FTA) through the SSO Formula Grant Program.

VI. PROPOSAL FORMAT

Individuals or companies that meet all prequalification requirements may respond to this *Request for Proposals*. The proposals must include complete and accurate information on each of the following topics.

- A. **Company/Individual Information.** Provide contact information, a brief history of yourself or the company, ownership, organizational structure, office location, top five (5) clients and at least three (3) commercial references including contact information, telephone, and electronic mail (email). In addition, if applicable, indicate whether the company or individual is a Minority and Women-Owned Business Enterprise (M/WBE) as defined by the Division of Minority and Women's Business Development.
- B. **Experience.** Describe previous relevant experience with State and/or Federal government agencies, State Safety Oversight Program, or Rail Transit Safety Program. Provide evidence of related previous work with government-funded programs in Puerto Rico and/or the United States of America. A minimum of three (3) years of experience is required. Describe similar work carried out for a State Safety Oversight Program or a Rail Transit Agency and present evidence.
- C. **Qualifications.** Describe and/or provide evidence that supports the qualifications listed in *Page 5, Section V, Bullet E* of this *Request for Proposals*, except for *Bullets 1 and 2*.
- D. **Disclosure.** Provide information about past or pending sanctions of the individual or company through any regulatory agency or professional organization; disclose the circumstances and status of any disciplinary action taken or pending against the individual or company during the past three (3) years.
- E. **Conflict of Interest.** The individual or company responding to this *Request for Proposals* attest there is no interest and will not acquire any interest that may conflict with the performance of the requested services. Any pre-existing relationship(s) must be disclosed and could be considered a potential conflict of interest.
- F. **Signature.** Include attestation that the person signing the proposal is entitled to represent the company and is authorized to sign the proposal.
- G. **Proof of Insurance Coverage.** The proposal must include proof of insurance coverage for Commercial General Liability insurance and for Professional Liability Insurance including Errors and Omissions coverage.
- H. **Late Proposals.** Proposals must be received **no later than 4:00 p.m. of August 31, 2023**. Proposals received after that time and date, or **without all the required information detailed above, may be rejected**, and returned to the proposing party, at the discretion of PREMB. In case of disputes about the time and date of receipt of a proposal, the time and date of receipt set by PREMB will prevail.

- I. **Expenses.** All proposers are solely responsible for their own time and expenses in preparing the proposal, including costs incurred during submissions and subsequent negotiations.
- J. **Documentation.** All proposers must have the following documents at the time of the award notification:
1. Certificate of Eligibility, issued by the General Services Administration of the Government of Puerto Rico (“ASG” for its Spanish acronym), by the Unique Registry of Professional Service Providers (“RUP” for its Spanish acronym) or by the United States General Services Administration (GSA);
 2. Small and Midsized Enterprise Certificate, if applicable (“PyMES” for its Spanish acronym);
 3. Sworn Statement under Act 2 of January 4, 2018 “Anti-Corruption Code for a New Puerto Rico”;
 4. Corporate Resolution of the company’s authorized representative to sign the contract;
 5. Letter from the authorized distributor, if applicable;
 6. Exclusive supplier letter, if applicable;
 7. Public Transportation Safety Certification Training Program Certificate (PTSCTP) or the plan to complete the certification within the time allowed by the regulation.
- K. **Style.** The following format, sequence and instructions must be followed to provide consistency in the proposer’s response and ensure that each proposal receives full consideration.
1. All pages must be numbered consecutively;
 2. Include a cover page;
 3. Acceptance Form completed in all its parts and signed (*refer to last page*);
 4. Table of contents including page numbers. Must identify each document of the proposal;
 5. A brief summary (one or two pages) of the key features of the proposal;
 6. The body of the proposal, including prices and other service specifications;

7. The prices, goods and services must appear described in a detailed, itemized and specified manner;
8. Proposers of more than one (1) alternative, must submit them separately. Each of the alternatives must meet the requirements of this *Request for Proposals*.

VII. EVALUATION

The proposal submitted must include all documentation applicable and will be reviewed by PREMB Evaluation Committee, according to the following selection criteria:

Selection Criteria by PREMB Procurement Committee:

- A. Received at the location indicated on the invitation on or before the specified closing time;
- B. Completeness and accuracy of the information provided in the proposal;
- C. Acceptance Form completed in all its parts and signed (*refer to last page*);
- D. Good Standing Certificate from the Puerto Rico Department of State;
- E. Evidence of registration at the Federal Government’s System for Award Management (SAM) system at www.sam.gov, current status and evidence of active Unique Entity ID number, previously known as Data Universal Numbering System (DUNS) number (of total exceeding \$25,000.00);
- F. Evidence of insurance policy;
- G. Evidence of being registered in the Unique Registry of Professional Service Providers (“RUP” for its Spanish acronym), of the General Services Administration of the Government of Puerto Rico (“ASG” for its Spanish acronym);

Technical Criteria by PREMB Evaluation Committee:

- A. Services included:
 1. Develop a Risk-Based Inspection Program that fits PREMB SSO Program and complies with the FTA Special Directive 22-45. (About 350 hours / minimum 2 personnel)

2. Develop and conduct for PREMB SSO a comprehensive Triennial Safety Audit on the implementation of the Public Transportation Agency Safety Plan and other Safety Programs in the *Tren Urbano*. Must develop the checklist, procedures, schedule, interviews, document review, written audit report documenting recommendations and findings as result of the audit (draft and final), follow up on its findings and CAPs, and any other activity relevant to the Safety Audit. (About 600 hours / minimum 3 personnel)
 3. Provide support and assistance with the oversight of the Safety and Security Certifications in *Tren Urbano*'s Capital Projects. (About 65 hours / minimum 1 personnel)
 4. Review and update PREMB SSO Program Standards. (About 70 hours / minimum 1 personnel)
 5. Review RTAs Public Transportation Agency Safety Plan (PTASP) and Operators (DBOM) Agency Safety Plan, including the SOPs. (About 50 hours / minimum 1 personnel)
 6. Develop for PREMB SSO a program to oversight and track effectively *Tren Urbano*'s Safety Management Systems. (About 150 hours / minimum 2 personnel)
 7. Create a template for PREMB SSO to record, keep and analyze data regarding accidents, incidents, and occurrences. (About 20 hours / minimum 1 personnel)
- B. Organizational structure;
- C. Cost competitiveness;
- D. Experience in Rail Transit Safety Programs (SSOs or/and RTAs) activities and management, personnel qualifications and credentials, certifications and business references (minimum of 3 years of experience required);
- E. Evidence of similar work performed in Puerto Rico and/or the United States of America;
- F. Trainings and certifications;
- G. Ability to meet all PREMB compliance requirements, including all qualification requirements detailed in Page 5, Section V, Bullet E of this *Request for Proposals*; and
- H. Any other relevant technical criteria that exceed the ones listed in this *Request for Proposals*, but in the opinion of PREMB to help make a better evaluation during the selection process.

Issuance of this *Request for Proposals* and receipt of proposals do not commit PREMB to award a contract. PREMB reserves the right to postpone the date of receipt or, ultimately, to cancel all or part of this *Request for Proposals* without prior notice. Additional technical or cost information may be requested for clarification purposes but will in no way change the original proposal received but may lead to further negotiations between potential proposers. Interviews and/or meetings are optional and may or may not take place at the discretion of PREMB.

VIII. PROPOSAL CHANGES

The proposer may modify or withdraw its proposal before the established closing date and time by submitting a clear and detailed written notice. Upon the closing date and time, all proposals are unalterable. The proposer will not change the proposal in any way, unless requested by PREMB for clarification purposes.

PREMB reserves the right, when necessary, to modify the objectives, scope, and specifications of the *Request for Proposals* before the final evaluation of the proposals. PREMB will promptly notify all potential proposers who have requested or received copies of the specifications of such amendment. If the objectives, scope, and specifications are modified, any proposer from whom a proposal was received prior to giving such notice of amendment, shall have the right to withdraw the proposal and resubmit it.

IX. PRICE STABILITY

The prices established in the proposal will remain unchanged during the term of the contract.

X. SUBCONTRACTING

PREMB may authorize the services or products that are subject of this *Request for Proposals* that are likely to be subcontracted under the condition that the proposer specifies in the proposal what those services will be.

XI. DELAY IN THE NEGOTIATION

If it is not possible to negotiate a written contract within thirty (30) days of the award notification, PREMB, at its sole discretion and at any time, may determine to terminate negotiations with the successful proposer and negotiate a contract with the next qualified proposer, or choose to terminate the *Request for Proposals* process without entering into any proposer contract.

XII. NOTIFICATION

A final decision on the successful proposer is expected to be made within approximately one (1) month from the closing date for receipt of proposals but could take longer depending on the approval process of the different agencies as required by law, Circular Letters, Bulletins, and regulations applicable to the process.

PREMB reserves the right to reject any proposal for any of the selection criteria stipulated in the *Request for Proposals*, for federal funds that are about to expire, for fiscal crisis, for any state or federal law or regulation that affects the procurement procedure and any other reason that is beyond the scope of PREMB.

XIII. REJECTION OF OFFERS

PREMB reserves the right to reject any proposal that does not meet the specifications outlined in the *Request for Proposals*. The issuance of this *Request for Proposals* and receipt of proposals do not commit PREMB to award a contract. PREMB reserves the right to postpone the date of receipt, or ultimately cancel all or part of this request.

Confidentiality: The content of this *Request for Proposals* is considered confidential information. The individual or company receiving it, shall not disclose to anyone, other than the employees directly related in responding to it, any information related to this request, or any information obtained in subsequent communications related to the request. No information contained in this *Request for Proposals* will be duplicated, used, or disclosed without prior written consent of PREMB.

The information in this *Request for Proposals* may only be distributed with the written permission of PREMB. Furthermore, no press release, public announcement or any other reference to this application may be made without the prior written consent of PREMB, which consent may be withheld for any reason solely at PREMB's discretion.



DEPARTAMENTO DE SEGURIDAD PÚBLICA

NEGOCIADO DE MANEJO DE EMERGENCIAS Y
ADMINISTRACIÓN DE DESASTRES

Comisionado | Nino Correa Filomeno | ncorrea@prema.pr.gov

ACCEPTANCE FORM

This form must be completed and signed by a person duly authorized by the proposer and hand-delivered together with the original proposal to PREMB.

The enclosed proposal is submitted in response to the *Request for Proposals* No. NMEAD-RFP-2023-004 of PREMB. I accept that I agree with all the terms and conditions contained therein, and I agree that any inconsistencies in the proposal submitted will be considered as if it had not been written and if it did not exist. I certify that I have read and examined the *Request for Proposals*, including all its sections, and that I have conducted careful and reasonable investigations in order to prepare the proposal. I agree to comply with everything outlined in the proposal.

Company:	Address:
Telephone:	Fax:
Website:	Unique Entity ID Number:
Name of Authorized Representative:	Position:
Mobile:	Email:
Signature:	Date:

FAILURE TO COMPLETE THIS FORM OR NOT SUBMIT THE FORM WITH THE PROPOSAL, MAY TERMINATE YOUR PARTICIPATION IN THE PROCESS.