



Request for Proposals No. DSP-NMEAD-RFP-2024-008 *Capital Project Oversight Services*

Invitation: The Puerto Rico Emergency Management and Disaster Administration Bureau (PREMB), attached to the Department of Public Safety (DPS) is requesting proposals for *State Safety Oversight consulting support services*.

Issue Date: This Request for Proposals (RFP) is issued on **September 19, 2024**.

Closing Date: All proposals must be submitted by **October 14, 2024, by 4:30 p.m.**

Contact Person: All questions and concerns regarding this Request for Proposals, including any requests for information and clarification, must be made in writing to the contact person listed below, who will respond to them within the term provided below. Information obtained from other sources is neither official nor reliable. If the DPS determines that it is necessary, all questions and answers will be documented and distributed to all proposers.

Comité de Evaluación de Propuestas

Department of Public Safety
Telephone: (787) 903-5602 ext. 6057
Email: propuestas@dsp.pr.gov

Submission of Proposals: Proposals must be submitted by email on the stated closing date. The email must clearly state the name and address of the proposer, the RFP number, and the project name. Proposals should be sent to the following email address:

propuestas@dsp.pr.gov

Faxed proposals will not be accepted or evaluated.

Questions: Questions to clarify doubts about the application process and requirements, the proposal process, or the specifications contained therein, must be submitted in writing to propuestas@dsp.pr.gov. Phone calls 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 information regarding additional costs may be requested for clarification purposes but will not change the original proposal received or the specifications of the requests for proposals. Any questions or concerns must be submitted in writing to the email provided on or before **October 7, 2024**.



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I. BACKGROUND

The Emergency Management and Disaster Administration Bureau (PREMB) was created by Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act”.

Under the provisions of the Act, PREMB has the duty and obligation to protect persons in emergency or disaster situations, providing the support necessary for protection before, during and after emergencies, ensuring the safety of property and life. DSP/PREMB also manages the recovery and stabilization of services and resources needed by citizens, industries, businesses, and government entities in an effective and efficient way.

To comply with federal regulation 49 CFR Part 674.11(c), the Governor of Puerto Rico, through Executive Order OE-2024-07, 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 (SCOPE OF WORK)

1. Oversight, on behalf of PREMB SSO Program, *Tren Urbano*’s Capital Projects, and undertake Safety and Security Certification oversight activities, including but not limited to:



- Develop an oversight plan and review certification procedures developed by the RTA to ensure alignment with the SSO Program Standard, RTA Safety Plans, project goals, safety standards, and regulatory requirements.
 - Conduct regular progress monitoring, overseeing certification activities, milestones, and adherence to timelines.
 - Perform quality assurance and compliance reviews to verify the accuracy of documentation and ensure compliance with project specifications and regulations.
 - Implement risk management strategies to address potential issues promptly, while facilitating communication between the SSO Program with RTA, stakeholders, and regulatory agencies.
 - Ensure throughout the process that documentation management and record-keeping are accurate.
 - Carry out a final certification verification to verify that it aligns with SSO Program Standards, RTA Safety Plans, FTA guidance and regulations, and any other regulatory requirements before project completion.
 - Identify lessons learned for continuous improvement and maintain oversight of regulatory compliance assurance.
 - Facilitate final certification approval before the project enters revenue service.
2. Provide support to the SSO Program in overseeing the implementation of SSO Program Standards, as well as RTA Safety Plans and SOPs, including additional activities inherent to the SSO Program.

IV. COST PROPOSAL

The hours assigned and the cost per hour for each task must be sufficient and consistent with the needs of the SSO Program and Scope of Work.

The cost proposal must be submitted in a separate sealed envelope and include the following:

- List of services provided.
- Number of personnel assigned to the project, along with their role and relevant expertise or qualifications.
- Hourly cost for the service (as a whole).
- Total number of hours to be provided for a year of contract.

V. TERMS AND CONDITIONS

- A. **Protection of Captured Data.** Due to the nature and responsibility of DPS/PREMB, the selected company or individual is required to sign a formal contract.



- B. Independent Contractor.** The nature of the relationship between DPS/PREMB and the successful proposer will always be treated 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 shall be the responsibility of the consultant. Therefore, DPS/PREMB can’t reimburse expenses.
- D. Billing and Payment.** The services will be detailed in an original formal invoice that must be presented within fifteen (15) days after the end of each quarter. The invoice must be signed and include the required government certification for conflict of interest. It should also include a detail of all tasks, jobs and activities performed per day and the number of hours incurred per activity. DPS/PREMB will make the payment within thirty (30) days from the date of receipt of the invoice if it complies with all 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 applicable government contributions and withholdings. Any tax exemption from the Puerto Rico Department of the Treasury must be included in the proposal. DPS/PREMB shall not be liable for any costs not specified in the invoice and 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 fluent in English and have an intermediate level of proficiency or higher in 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 PREMB SSO Program Standards, as required under 49 CFR 672. Additionally, depending on the task to be performed, other personnel may also be required to have the PTSCTP Certification.



6. Personnel designated to conduct safety audits and examinations or 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, it should describe its organization, size, structure, practice areas, and office location. Indicate, if applicable, whether 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, and not appear on the “List of Excluded Persons/Entities” maintained by the Office of the Inspector General on said portal
 10. Have an active Unique Entity ID number, previously known as Data Universal Numbering System (DUNS) number (of total exceeding \$25,000.00).
 11. 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>.
 12. Possess a valid identification.
 13. Have a valid license to practice the profession, if applicable.
 14. Be in good standing with the Puerto Rico Department of State.
 15. Adequate insurance coverage, covering all personnel who will be designated to provide the services subject to this request.
 16. Not have a conflict of interest with the parties to the contract.
- F. **Personnel.** The proposer will work primarily with PREMB 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 services required. 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, based on race, creed, color, sex, sexual preference, national origin, physical disability, age, height, weight, marital status, veteran status, religious belief, or political belief.

- J. **Prohibition of Tipping.** No employee or member of DPS/PREMB, the Committee, the Regional Boards or the municipalities shall, directly or indirectly, solicit, accept or receive a gift that has 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 any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the employee, or could reasonably be expected to influence the employee, the performance of his or her official duties, or intended to be a reward for any official action on part of the employee.

- K. DPS/PREMB reserves the right to cancel or modify the specifications of the *Request for Proposal* prior to the final evaluation. In such cases, all proposers who have requested or received copies of the *Request for Proposals* specifications shall 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 attachment 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 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 on both the originals and the copies.

- M. The award of the contract and its execution will not be final until the approval of the contract 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 shall acquire any right or privilege with respect to goods or services until written notice is given to it that the auction has been awarded and the process of formalization and registration of the contract has been completed.

- N. **Budget.** DPS/PREMB has strict budget controls and needs a proactive individual or company to provide quality professional services.

- O. **Acknowledgment of Federal Funds.** The funds to 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*. Proposals should include complete and accurate information on each of the following topics.

- A. **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.

- B. **Company/Individual Information.** Provide contact information, a brief history of you or the company, ownership, organizational structure, office location, top five (5) clients, and at least three (3) business references with contact information, including telephone and electronic mail (email). Also, 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.

- C. **Disclosure.** Provide information on 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.

- D. **Conflict of Interest.** The individual or company responding to this *Request for Proposals* attest that there are no interests 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.

- E. **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*.

- 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 should 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 4:30 p.m. on October 14, 2024**. 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 DPS/PREMB. In the event of disputes over the time and date of receipt of a proposal, the time and date of receipt set by DPS/PREMB shall prevail.

I. Expenses. All proposers are solely responsible for their own time and expenses in preparing the proposal, including costs incurred during subsequent submissions and 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 Midsize 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 should 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, signed and dated (*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. Prices, goods and services must be 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

Submitted proposals will be evaluated by the DPS Proposal Review Committee, based on the following selection criteria:

- A. Received at the location indicated in the invitation on or before the specified closing time;
- B. Completeness and accuracy of the information provided in the proposal;
- C. Services included;
- D. Cost competitiveness;
- E. Evidence of similar work done;
- F. Organizational structure;
- G. Evidence of active Unique Entity ID number, previously known as Data Universal Numbering System (DUNS) number (of total exceeding \$25,000.00);
- H. Evidence of registration at the Federal Government’s System for Award Management (SAM) system at www.sam.gov;
- I. Evidence of insurance policy covering Commercial General Liability and Professional Liability Insurance including Errors and Omissions Coverage;
- J. “Good Standing Certificate”, issued by the Puerto Rico Department of State;



- K. “Acceptance Form” completed in all its parts, signed and dated (*refer to last page*);
- L. 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);
- M. Reputation, including conducting business with the highest ethics and any potential or present sanctions or conflicts of interest;
- N. Services included:
1. Oversight, on behalf of PREMB SSO Program, *Tren Urbano*’s Capital Projects, and undertake Safety and Security Certification oversight activities, including but not limited to:
 - Develop an oversight plan and review certification procedures developed by the RTA to ensure alignment with the SSO Program Standard, RTA Safety Plans, project goals, safety standards, and regulatory requirements. (Management plan)
 - Conduct regular progress monitoring, overseeing certification activities, milestones, and adherence to timelines.
 - Perform quality assurance and compliance reviews to verify the accuracy of documentation and ensure compliance with project specifications and regulations.
 - Implement risk management strategies to address potential issues promptly, while facilitating communication between the SSO Program with RTA, stakeholders, and regulatory agencies. (Management plan)
 - Ensure throughout the process that documentation management and record-keeping are accurate.
 - Carry out a final certification verification to verify that it aligns with SSO Program Standards, RTA Safety Plans, FTA guidance and regulations, and any other regulatory requirements before project completion.
 - Identify lessons learned for continuous improvement and maintain oversight of regulatory compliance assurance.
 - Facilitate final certification approval before the project enters revenue service.
 2. Provide support to the SSO Program in overseeing the implementation of SSO Program Standards, as well as RTA Safety Plans and SOPs, including additional activities inherent to the SSO Program.
- O. Experience in Rail Transit Capital Project Safety Oversight activities and management for SSO or/and RTA, personnel qualifications and credentials, certifications and business references (minimum of 3 years of experience required);
- P. Evidence of similar work performed in Puerto Rico and/or the United States of America;



- Q. Trainings and certifications;
- R. Ability to meet all DPS/PREMB compliance requirements, including all qualification requirements detailed in Page 5, Section V, Bullet E of this *Request for Proposals*; and
- S. Any other criteria that DPS/PREMB believes will help make a better evaluation during the selection process.

The issuance of this *Request for Proposals* and receipt of proposals do not bind DPS/PREMB to award a contract. DPS/PREMB reserves the right to postpone the date of receipt or ultimately cancel all or part of this *Request for Proposals* without notice. Additional technical or cost action information may be requested for clarification purposes. The received information will not have the effect of changing the submitted original proposal, but it may lead to further negotiations between the potential proponents. Interviews and/or meetings are optional and may or may not be conducted at DPS’s discretion.

VIII. CHANGES TO PROPOSALS

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 DPS/PREMB for clarification purposes.

DPS/PREMB reserves the right, when necessary, to modify the objectives, scope, and specifications of the *Request for Proposals* prior to the final evaluation of the proposals. DPS/PREMB shall 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 has been received prior to giving such notice of amendment, shall have the right to withdraw the submitted proposal and resubmit it.

IX. PRICE STABILITY

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



X. SUBCONTRACTING

DPS/PREMB may consent to the outsourcing of the services or products that are subject of this *Request for Proposals* and that are likely to be subcontracted. For outsourcing to be considered, the proposer shall specify and detail in its proposal each and any of the services whose outsourcing is proposed.

XI. DELAY IN THE NEGOTIATION

If it is not possible to negotiate a written contract within thirty (30) days of the award notification, DPS/PREMB, in 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 may elect to terminate the *Request for Proposals* process without signing a contract with any of the proposers.

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.

DPS/PREMB reserves the right to reject any proposal for any of the selection criteria stipulated in the *Request for Proposals*, for near-expiring federal funds, for fiscal crisis, for any state or federal law or regulation affecting the procurement procedure, and for any other reason that is beyond DPS/PREMB's scope.

XIII. REJECTION OF OFFERS

DPS/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 bind DPS/PREMB to award a contract. DPS/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 any information related to this request, or any information obtained in subsequent communications related to the request, except for its employees directly connected with the response to it. No information contained in this *Request for Proposals* shall be duplicated, used, or disclosed without prior written consent of DPS/PREMB.



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





ACCEPTANCE FORM

This form must be completed and signed by a person duly authorized by the proposer and delivered along with the original proposal in PREMB's.

The enclosed proposal is submitted in response to the PREMB *Request for Proposals* No. DSP-NMEAD-RFP-2024-008. I accept that I agree to all the terms and conditions contained therein, and I agree that any inconsistency in the proposal submitted shall be deemed to have not been written as if it did not exist. I certify that I have read and reviewed the *Request for Proposals*, including all sections thereof, and that I have conducted prudent and reasonable research 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:	Title:
Cell Phone:	Email:
Signature:	Date:

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

