

**REQUEST FOR PROPOSAL
FOR TDA TRIENNIAL PERFORMANCE AUDITS**



**Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721
(559) 233-4148**

Additional background information on this proposal can be found on the Fresno COG website

www.fresnocog.org

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Due: August 5, 2024 by 4:00pm

REQUEST FOR PROPOSAL FOR TDA TRIENNIAL PERFORMANCE AUDITS

Fresno Council of Governments (FCOG) is soliciting proposals from qualified consultants to conduct triennial performance audits for FCOG and the four transit operators in Fresno County that receive Transportation Development Act funding. This request covers a total of five audits for 2021-22, 2022-23, and 2023-24.

I. GENERAL INFORMATION

A. *Requester's address and receipt of proposals:*

1. Name and Address:

**Fresno Council of Governments
c/o Les Beshears, Finance Director
2035 Tulare Street, Suite 201
Fresno, Ca. 93721**

2. Procedural questions concerning the audit proposal should be directed to Jennifer Rodriguez at jrodriguez@fresnocog.org. Substantive questions concerning the transit operators should be directed to the operator contact persons:

City of Fresno, Fresno Area Express (FAX) – Sharlee Flores,
sharlee.flores@fresno.gov

City of Clovis Public Transit and Clovis CTSA – Amy Hance,
amyh@ci.clovis.ca.us

Fresno County Rural Transit Agency (FCRTA) – Janelle Del Campo,
delcampo@fresnocog.org

Fresno Economic Opportunities Commission (Fresno EOC) -
Urban and Rural CTSA – Thomas Dulin,
thomas.dulin@fresnoeoc.org

3. **Six copies of the proposal should be delivered to the FCOG at the address listed above by 4 p.m., Monday, August 5, 2024. Late proposals will be rejected.**

4. All proposals will become a part of FCOG's official files without obligation on the requester's part.

B. Nature of Services Required.

1. FCOG is required, pursuant to Section 99246 (a) of the California Public Utilities Code Section 99246 and Title 21 of the California Administrative Code, Section 6664.5, to conduct a triennial performance audit of itself and the three transit operators that the FCOG allocates funds to under Article IV of the Transportation Development Act. These operators are Fresno Area Express (FAX), City of Clovis Public Transit, and Fresno County Rural Transit Agency (FCRTA). Caltrans publishes a digest of the pertinent PUC and CAC statutes entitled "Transportation Development Act Statutes and Administrative Code."

The FCOG Assembly Bill 120 Action Plan, enacted in response to AB 120 (Chapter 1120/Statutes 1979), requires a Triennial Performance Audit to be conducted for the Consolidated Transportation Service Agencies (CTSA) within Fresno County to determine if the goals of the AB120 Plan are being met. The Fresno Economic Commission (Fresno EOC) was previously co-designated with FAX and FCRTA as a CTSA and now operates as a contractor to FAX and FCRTA. Therefore, the fourth operator (social services) covered by the scope of this RFP is Fresno EOC. The City of Clovis is also a designated CTSA.

The five audits requested by this proposal are:

- Fresno Council of Governments
- City of Fresno, Fresno Area Express (FAX) and Urban CTSA
- City of Clovis Public Transit and Clovis CTSA
- Fresno County Rural Transit Agency (FCRTA) and Rural CTSA
- Fresno Economic Opportunities Commission as a contractor to FAX and FCRTA

Caltrans publishes a performance audit guidebook for transit operators and regional transportation planning entities.

2. PUC 99246 (b) *The performance audits shall evaluate the efficiency, effectiveness, and economy of the operation of the entity being audited and shall be conducted in accordance with the efficiency, economy, and program results portions of the Controller General's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."*
3. PUC 99246 (d) *With respect to an operator providing public transportation services, the performance audit shall include, but not be limited to, a verification of the operator's operating cost per passenger, operating cost per vehicle service hour, passengers per vehicle service hour, passengers per vehicle service mile, and vehicle service hours per employee, as defined in Section 99247 of the Act.*
4. The budget for this audit is \$65,000.

C. *Description of entities and records to be audited*

1. Fresno Council of Governments (FCOG)

Fresno Council of Governments is a joint powers agency whose members include the County of Fresno and the 15 incorporated cities within the County. FCOG is empowered to perform a broad variety of functions as outlined in its joint powers agreement and bylaws. FCOG's major role is to foster intergovernmental coordination, undertake comprehensive regional planning with an emphasis on transportation, provide for citizen involvement in the planning process, and to provide technical services to its member governments.

The State of California recognizes FCOG as the regional transportation planning agency (RTPA) for the Fresno Area. As the RTPA, FCOG is responsible for administering Transportation Development Act (TDA) funds for Fresno County. It is also responsible for developing a Regional Transportation Plan (RTP) and must comply with State requirements addressing regional transportation planning and transportation project programming.

Federal agencies also recognize FCOG as the Metropolitan Planning Organization (MPO) for the Fresno Area. As the MPO, FCOG must comply with various federal agencies' (FTA, FHWA, EPA, HUD) regulations in its responsibilities associated with the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP). In other federal emphasis areas, FCOG coordinates transportation and related air quality planning.

FCOG is designated by Fresno County and the majority of cities as the Congestion Management Agency for Fresno County (AB 471).

FCOG also has statutory responsibility to update the Fresno County Transportation Authority's expenditure plan pursuant to a voter approved 1/2cent sales tax (Measure C).

FCOG is also required to prepare an annual budget called the Overall Work Program (OWP). The OWP provides a narrative description and fiscal determination of the tasks that FCOG plans to accomplish during the year. FCOG's operating budget is approximately \$45.5 million.

2. City of Fresno, Fresno Area Express (FAX)

Fresno Area Express is the transit enterprise for the City of Fresno. It is the major provider of urban public transportation in the Fresno-Clovis metropolitan area. FAX provides two categories of public transportation service: fixed-route service for the general public, and Handy Ride demand-responsive. The fixed-route service is on a modified grid system consisting of 18 transit routes operating seven days a week. FAX's active fleet consists of 123 full-size buses. Handy Ride is a service designed to assist eligible persons with disabilities who cannot functionally use the fixed-route system. These services are contracted out. A 49,000 square

foot maintenance facility allows FAX to perform nearly all maintenance functions.

FAX's annual operating budget is approximately \$87 million.

3. City of Clovis Public Transit

The City of Clovis provides two types of urban transit service. Clovis Stageline is a fixed-route transit service for the general public and Round-Up CTSA is a demand-responsive transit service for disabled residents. The City of Clovis also contributes funds to FAX through a formal contract to provide fixed-route services to and within the City of Clovis. Maintenance is provided through City of Clovis' fleet maintenance.

Clovis Stageline operates 17 city-owned vehicles. Clovis Round-Up's fleet consists of 16 cut-away buses, 7 vans, and 10 nine-passenger conversion vans. All vehicles are wheelchair accessible.

The City of Clovis Public Transit annual operating budget is approximately \$12.6 million.

4. Fresno County Rural Transit Agency (FCRTA)

Fresno County Rural Transit Agency is a joint powers agency whose members comprise the County of Fresno and 13 rural incorporated cities. Public transportation services within all rural unincorporated areas of Fresno County are also provided under FCRTA. FCRTA provides fixed-route services that link communities with each other and to the Fresno Metropolitan Area.

Intra-community public transportation service (fixed route and/or demand-responsive) for each rural city is provided through one of two methods. Each city and FCRTA may combine staff and equipment to provide transit service for that city's area or FCRTA contracts with a private contractor to provide the service. Transit is provided to the cities of Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, San Joaquin, and Selma using various combinations of these methods.

Inter-community, fixed-route public transportation service is provided using the same methods along four corridors as follows:

- Firebaugh-Mendota-Kerman Corridor
- Kingsburg-Selma-Fowler Corridor
- Orange Cove-Reedley-Parlier-Sanger Corridor
- Coalinga-Huron-O'Neills-Five Points-Lanare-Riverdale-Caruthers-Raisin City-Easton Corridor
- Inter-regional routes
 - KART
 - Dinuba Transit

FCRTA's fleet consists of wheelchair lift-equipped passenger vans and full-sized buses totaling 127 vehicles which includes 43 CNG, 50 gasoline and 33 electric vehicles. Beginning 9/2/18 the maintenance services was provided through an agreement with the City of Selma and the transit services was provided through an agreement with MV Transportation through the term of this audit.

FCRTA's annual operating budget is approximately \$10.6 million.

5. Fresno Economic Opportunities Commission (as a contractor to Urban CTSA (FAX) and Rural CTSA (FCRTA))

Pursuant to the Social Service Transportation Improvement Act of 1979, FCOG designated three Consolidated Transportation Service Agencies within Fresno County:

- Fresno Metropolitan Area CTSA (Fresno Area Express and Fresno Economic Opportunities Commission as co-designates)
- Fresno Rural Area (FCRTA and Fresno EOC as co-designates)
- Clovis Urbanized Area (the City of Clovis)

The CTSA's primary role is to coordinate transportation services among social service programs with social service agencies and other transportation providers. The Fresno Metropolitan CTSA provides transportation to 12 social service programs/agencies. The rural CTSA provides transportation to nine social service agencies.

In 2020, the Fresno COG board re-designated FCRTA as the sole designee of the Rural CTSA and City of Fresno/FAX as the sole designee of the Urban CTSA, although Fresno EOC continued to operate social service transportation services under the direction of FAX and FCRTA.

In early 2023, FAX and FCRTA jointly procured a five-year contract with Fresno EOC to continue providing social service transportation services on their behalf for CTSA.

The FY 2024 operating budget for the Urban CTSA is approximately \$6.2 million and \$2.2 million for the Rural CTSA

D. Assistance Available to Consultant/Auditor

1. FCOG retains certifications and other information pertinent to its responsibilities as an RTPA and MPO, and the functions of the transit operators that will be made available to the Consultant selected to perform this audit. Such documents will include but not be limited to:

- FCOG Board minutes and resolutions
- Regional Transportation Plan
- Transportation Improvement Program
- Fresno County Congestion Management Process
- Short-Range Transit Plan for the Fresno/Clovis Urban

Area

- Short-Range Transit Plan for the Rural Fresno County Area
- FCOG Overall Work Program
- Fresno Area Express operations budget
- Clovis Public Transit operations budget
- FCRTA operations budget
- CTSA Operations Programs and Budgets
- FCOG Assembly Bill 120 Action Plan
- Strategic Plan for Expenditure of ½-Cent Sales Tax
- Transit productivity evaluation

2. Any studies undertaken by or for the benefit of FCOG or the related transit operators relevant to the time frame or the topics subject to the performance audit will be available.
3. Previous triennial performance audits conducted in 2021 for fiscal years 2019, 2020, and 2021 are available for review at the FCOG office and on the Fresno COG website: <https://www.fresnocog.org/project/public-transit-planning/>.
4. Ridership and operational statistics relative to the performance indicators required as per the PUC are on file at the transit operators at various office locations. Fresno Area Express keeps records on their public transit functions. The City of Clovis keeps records on Clovis Stage Lines and Round-Up/Clovis CTSA. FCRTA keeps records for all participating member public transit operations on file at the FCOG office. Fresno EOC keeps records separately for the Fresno Metropolitan Area CTSA and the Fresno Rural Area CTSA.

E. Proposal Criteria

1. Proposals shall be evaluated based on the criteria below:

Criteria	Points
Experience with performance audits	20
Experience with comparable agencies	5
Organization and size of audit firm	5
Qualifications of audit team make-up	20
Supervision of audit team	5
Understanding of audit coverage	15
Realistic time estimates	5
Cost of audit	25
TOTAL POINTS	100

2. Proposals shall provide sufficient information to address each of these criteria.

F. Time considerations and requirements

1. Questions regarding the audit proposal must be submitted by July 22, 2024.
2. Proposals must be submitted no later than 4 p.m., Monday, August 5, 2024.
3. Selection process anticipated to take place the week of August 19-August 23.
4. The FCOG Board will make the final selection at its September 26, 2024, meeting. The approved consultant will be notified and may start work as soon as practicable.
5. Consultant will deliver to each of the member parties (FCOG, FAX, City of Clovis, FCRTA, and Fresno EOC), their respective performance audit report by June 30, 2025. An additional unbound copy of all the reports will be delivered to the FCOG to be used as an original for copies.
6. Prior to submission of the completed reports, the Consultant will review draft proposed reports with FCOG, FAX, City of Clovis, FCRTA, and Fresno EOC staff.
7. The consultant will retain working papers for at least three years and will be available for examination by authorized representatives of the FCOG, FAX, City of Clovis, FCRTA, and Fresno EOC.

II. INFORMATION REQUESTED FROM PROPOSER

To ensure a uniform review process and the maximum degree of comparability, proposals should be organized in the manner specified. Please keep submittals as brief and concise as possible to facilitate selection.

A. Title page

List the request for proposal subject, the name of the proposer's firm, local address, telephone number, contact person, and date.

B. Table of contents

Include a clear identification of the material by section and a page number.

C. Letter of transmittal

Limit to one or two pages.

1. Briefly state the proposer's understanding of the work to be completed and provide a commitment to perform the work within the time period.
2. Give the names of the persons who will be authorized to make representations for the proposer, their titles, address and telephone numbers.

D. Profile

1. State whether the firm is local, national, or international.
2. Give the location of the office from which the work is to be completed and the number of partners, managers, supervisors, seniors, and other professional staff employed at that office.
3. Describe the range of activities to be performed.

E. Summary of proposer's qualifications

1. Identify the audit team. Include a short resume of each person assigned to the audit that clearly defines their qualifications to perform the work.

2. Affirm that audit will be conducted in accordance with GAO Standards for Audits of Governmental Organizations, Programs, Activities and Functions.
3. Describe recent local and regional experience similar to the type of audit requested and give the name and telephone numbers of client officials that FCOG may contact as a reference.

F. Scope

Clearly describe the scope of the required services and the methodology to be followed. Estimate as close as possible what tasks and the number of hours each member of the audit team described in section II.E.1. above will be scheduled to perform described tasks.

G. Schedule

The prospective contractor shall provide a schedule for completing the project, within the schedule set forth in this RFP. The schedule shall identify the major tasks to be undertaken and the time frame for each task.

H. Compensation

The proposal shall contain a schedule of the billing rates for each person assigned to this project. The billing rates shall be maintained without change during the term of the contract.

The proposal shall contain a detailed schedule specifying estimated hours to accomplish each task multiplied by the appropriate billing rate(s) to arrive at a total cost per task. Other direct costs associated with the project that are not included in the billing rates should be itemized. If subcontractors are to be used, the cost of each subcontract should be itemized. The cost schedule should total to an all-inclusive, not-to-exceed cost for the project. An example of the cost schedule format is included as Attachment C. Additional tables and detail may be added but are not required.

If travel costs are itemized, transportation and subsistence costs shall not exceed rates authorized to be paid State employees under current State Department of Personnel Administration rules.

I. Additional data

Give only additional information considered essential to the proposal in this section. Publications of the proposer, such as directories, articles, and lists of clients will not be included.

III. EVALUATION OF PROPOSALS

A. FCOG will invite representatives from the City of Fresno, Fresno County, City of Clovis, Fresno County Rural Transit Agency, and Fresno Economic Opportunities Commission to evaluate and select the best proposal. If the committee decides that several proposals are too similar in quality to make a valid choice, oral interviews may have to be arranged. Evaluation considerations will include the following:

1. Responsiveness in clearly and briefly stating the understanding of the work to be performed.
2. Costs, although a significant factor, may not be the dominant factor. Cost is particularly important when all other evaluation criteria are relatively equal.
3. Firm's technical experience.
4. Audit team experience.
5. Past performance for similar government agencies.

FCOG reserves the right to reject any and all proposals submitted and to request additional information from proposers. FCOG's Policy Board will award the best qualified proposal based on the criteria.

IV. RULES AND REGULATIONS.

A. *Subcontracts*

If any subcontractors are to be used, the prospective contractor must submit a description of each person or firm, the work to be completed by each subcontractor and the cost of that work. All subcontracts must be approved by FCOG, and no work may be subcontracted without prior approval. In addition, the prospective contractor must indicate the cost of any subcontracts and any mark-up that the prospective contractor plans to take on subcontracts.

B. *Conflict of interest*

The prospective contractor shall disclose any financial, business, or other relationship with the Fresno Council of Governments that may have an impact on the selection.

C. *Insurance requirements*

1. Comprehensive general liability insurance with coverage of not less than \$2 million combined, single-limit-per-occurrence for bodily injury, personal injury and property damage. Comprehensive general liability insurance policies shall name FCOG, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned. Such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by FCOG, its officers,

agents, and employees, shall be excess only and not contributing with insurance provided under the CONTRACTOR'S policies herein.

2. Comprehensive automobile liability insurance with limits for bodily injury of not less than \$25,000 per person, \$250,000 per accident and for property damage of not less than \$50,000, or such coverage with a combined single limit of \$250,000.

3. Professional liability insurance in the minimum amount of at least \$1 million coverage per occurrence.

4. Workers compensation insurance as required by law.

D. Disadvantaged Business Enterprise (DBE) certification

If the prospective contractor or subcontractor is DBE-certified, proof that the company has been certified shall be included in the proposal. Certification will be from an agency authorized to make such determinations, e.g., Small Business Administration, State of California, National Economic Development Administration, City of Fresno, Fresno County, etc.

E. Signature

The proposal shall be signed by an official authorized to bind the proposer and shall contain a statement to the effect that the proposal is a firm offer for a 90-day period. The proposal shall also provide the following: name, title, address and telephone number of individuals with authority to negotiate and contractually bind the company.

F. Modification or withdrawal

Any proposal received before the date and time specified above for receipt of proposals may be withdrawn or modified by written request of the proposer. To be considered, however, the modified proposal must be received by the date and time specified previously.

All verbal modifications to these conditions or provisions are void and ineffective for proposal evaluation purposes. Only written changes issued by proposers to the FCOG are authorized and binding.

G. Rejection

Failure to meet the requirements for the request for proposal will be cause for rejection. The FCOG may reject any proposal if it is conditional, incomplete or contains irregularities or inordinately high cost rates. The COG may waive an immaterial deviation in a proposal. Waiver of an immaterial deviation shall in no way modify the request for proposal documents or excuse the proposer from full compliance with the contract requirements if the proposer is awarded the contract.

H. Contract award

The FCOG Policy Board intends to award the actual contract at its September 26, 2024 meeting. Proposal opening does not constitute an award. The contract is not in force until it is awarded by the FCOG and executed by the FCOG's designee(s).

For contracts with a term longer than three months, or total cost greater than

\$10,000, the contractor may request progress payments to be made monthly in arrears based on services provided and actual costs incurred. FCOG will withhold 10 percent of each progress payment. The retention amount will be paid to the contractor after the FCOG has evaluated the contractor's performance and made a determination that all contract requirements have been satisfactorily fulfilled.

I. Attachments

Attachments to be included at the end of the proposal are as follows (as attached herein):

Attachment "A": Title VI Assurance
Attachment "B": DBE Participation
Attachment "C": Cost Schedule Template

V. FCOG's rights

FCOG may investigate any proposer's qualifications, require that information a proposer furnishes be confirmed, and require additional evidence of qualifications to perform the work described in this RFP. FCOG reserves the right to:

- Reject any or all of the proposals if it deems such action is in the public interest
- Cancel the entire RFP
- Issue a subsequent RFP
- Remedy technical errors in the RFP process
- Appoint an evaluation committee to review the proposals
- Seek the assistance of outside technical experts in proposal evaluation
- Approve or disapprove the use of particular subcontractors
- Establish a "short list" of proposers eligible for interviews after reviewing written proposals
- Negotiate with some, all, or none of the RFP respondents
- Solicit best and final offers from all or some of the proposers
- Award a contract to one of more proposers
- Accept other than the lowest price offer
- Waive informalities and irregularities in proposals and the bid process

VI. Proposer objections

A proposer may object to any of the terms or provisions set forth in the RFP's scope of Work or to the selection of a particular proposer on the grounds that FCOG's procedures, the provisions of this RFP or applicable provisions of federal, state, local law have been violated or inaccurately or inappropriately applied, by submitting to FCOG a written explanation of the basis for this objection. Deadlines for submittal of objections are:

- No later than two weeks prior to the date proposals are due, for objections to RFP provisions; or
- Within three working days after the date on which contract award is authorized or the date the proposer is notified that it was not selected, whichever is later, for objections to proposer selection.

If the proposer does not state any objections, FCOG will assume that the RFP scope of services are acceptable to the proposer and have been fully factored into its response. If the proposer intends to negotiate with FCOG concerning any part of the triennial audits scope of services that the proposer finds objectionable, the proposer must provide specific language in its response that will address or remedy its objections.

ATTACHMENT "A"

TITLE VI ASSURANCE

Fresno Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, 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 bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

ATTACHMENT "B"
DBE PARTICIPATION

The following stated dollar (\$) amounts(s) will be compensation paid to DBE firms certifiable per 49 CFR Part 26.

\$ _____ DBE Participation: _____
Company

The undersigned hereby certifies that the foregoing statements and information are true and correct:

Date: _____

Name of Proposer: _____

By: _____

Title: _____

Attachment C - Cost Schedule Example

Table 1.- Direct cost by Task

Cost Items	Task 1	Task 2	Task 3	Total
1. Direct Salary & Benefits	5,180	23,874	7,703	36,757 ~
Total Salary Burden	5,180	23,874	7,703	36,757
2. Direct Expenses				
Telephone/FAX	35	28	15	78
Postage/Shipping	12	8	35	55
Graphics/Printing	11	11	75	97
Travel	350		500	850
Misc.	45	45	45	135
Total Direct Expenses	453	92	670	1,215
3. Sub consultant Fees * (itemize Sub Consultants)	4,244	22,276	2,726	29,246
Total	9,877	46,242	11,099	67,218

Table 2 - Project Task Costs by Key Personnel

Task No. and Description	Key Staff #1	Key Staff #2	Staff Support	Total Hours
Task 1. Establish Parameters	25	75		100
Task 3. Data Collection and Analysis		400	250	650
Task 4. Final Report and Presentation	15	50	175	240
Total Hours	40	525	425	990
Full Absorption Billing Rate	\$75.00	\$44.06	\$25.00	
Memo Total	3,000	23,132	10,625	36,757 ~

~ Project Cost by Key Personnel equal Direct Salary & Benefits

* Sub consultants must provide required cost components found in Tables 1 & 2