

ADDENDUM 2
WCCTA REQUEST FOR PROPOSALS FOR OPERATION AND MAINTENANCE
OF FIXED ROUTE AND PARATRANSIT BUS SERVICES
Issued: June 3, 2020

Changes to Method of Bid Submission, Responses to Follow up Questions, and Clarifications

Electronic Submissions

In response to requests submitted by several potential bidders, WCCTA has made the following change to the submittal instructions on page 10 of the Request for Proposals: Bidders are now directed to submit their initial proposals and all required documents electronically through the Bonfire platform.

Please follow these instructions to submit via our Public Portal.

1. Prepare your submission materials:

Requested Information

Name	Type	# Files	Requirement
Proposal	File Type: PDF (.pdf)	Multiple	Required
Proposal Forms	File Type: Excel (.xls, .xlsx)	Multiple	Required
Confidential Documents	File Type: PDF (.pdf)	Multiple	Optional

Requested Documents:

Please note the type and number of files allowed. The maximum upload file size is 1000 MB.

Please do not embed any documents within your uploaded files, as they will not be accessible or evaluated.

2. Upload your submission at:

<https://westcat.bonfirehub.com/opportunities>

Your submission must be uploaded, submitted, and finalized prior to the Closing Time of **June 24, 2020 4:00 PM PDT**. We strongly recommend that you give yourself sufficient time and **at least ONE (1) day** before Closing Time to begin the uploading process and to finalize your submission.

Important Notes:

Each item of Requested Information will only be visible after the Closing Time.

Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed. Logging in and/or uploading the file(s) does not mean the response is submitted. Users must successfully upload all the file(s) and MUST click the submit button before the proposal due date and time.

You will receive an email confirmation receipt with a unique confirmation number once you finalize your submission.

Minimum system requirements: Internet Explorer 11, Microsoft Edge, Google Chrome, or Mozilla Firefox. Javascript must be enabled. Browser cookies must be enabled.

Need Help?

WestCAT (Western Contra Costa Transit Authority) uses a Bonfire portal for accepting and evaluating proposals digitally. Please contact Bonfire at Support@GoBonfire.com for technical questions related to your submission. You can also visit their help forum at <https://bonfirehub.zendesk.com/hc>

Initial proposals submitted by hard copy, mail, facsimile, or e-mail will not be accepted, though proposing firms may still be obligated to produce and submit up to 5 hard copies of their proposal at a subsequent time if requested by the evaluation committee for this procurement.

Responses to Follow-up Questions Received by May 27 Deadline

This section contains the responses to five follow-up questions received by May 27. The questions were all submitted by Transdev, and they are presented below along with WCCTA's responses. The numbering begins with 143, to continue the question sequence presented in Addendum 1.

143. **Vehicle Insurance** - Please confirm what are the policy limits for the liability insurance provided by WCCTA through CalTIP?

\$25,000.000 Liability Limits

144. **21. Hold Harmless** – This section indicates that the Contractor is responsible for all liability loss, damage, expense and cost arising out of any negligent act of the Contractor. Will the Contractor be included as an Additional Named Insured on the CalTIP insurance policies? If not, will WCCTA amend the Hold Harmless language to provide an exception for losses covered under the WCCTA CalTIP coverages?

In past contracts, WCCTA has not issued Certificates naming a Contractor as an additional covered party. WCCTA contract has included a provision whereby the Contractor is required to carry insurance sufficient to satisfy WCCTA's SIR, and Contractor is responsible for the losses to that level; CalTIP then provides coverage above that level. The contract terms will be finalized by WCCTA and the vendor, consistent with the CalTIP Memorandum of Coverage. CalTIP is providing coverage to the operator of any WCCTA-owned vehicle under Section IV(C) of the CalTIP MOC which sets forth who is the covered party, as it would be an "owned" vehicle ("Owned" vehicle used by a person with the authorization of the member).

145. **22. General Insurance Requirements** – Please clarify why GL and Auto liability limits are required by Contractor if the GL and Auto is placed through CalTIP? Or is the auto coverage you are seeking in this section for non-revenue vehicles only?

GL liability may arise for the contractor as to conduct that is outside the coverage afforded by the CalTIP MOC. CalTIP is not an insurer for the vendors; CalTIP provides coverage for WCCTA, and other covered parties, for occurrences arising from WCCTA's transit operations. This provision ensures that if a non-CalTIP-covered loss occurs for which liability exists for the vendor, or if a non-CalTIP-covered loss exists and the vendor is liable, that GL Liability coverage exists in an amount sufficient to cover the loss, and/or indemnify WCCTA. With respect to Auto Liability, the coverage requirements exist to ensure that the vendor's coverage is sufficient to cover its obligations to defend and indemnify WCCTA up to the limits of the WCCTA SIR, as well as to provide protection against an "occurrence" that is not within the CalTIP Memorandum of Coverage, including indemnifying WCCTA.

146. **Other Insurance Provisions** – This section requires each policy be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the WCCTA. The Standard Notice of Cancellation will provide 30 Day Notice, 10 Days for Non-Payment, but does not require notification by certified mail. In our experience, insurers are not willing to agree to this type of notification. Will WCCTA remove the certified mail requirement?

WCCTA is open to removing this provision, provided that standard notice practices outlined above are followed.

147. **Verification of Coverage** - The WCCTA reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time. Complete copies of policies contain proprietary information (relating to other contracts/customers) which, given the possible exposure for release under the Freedom of Information Act, we are not permitted to release. Please confirm that WCCTA will accept a Certificate of Insurance evidencing the required coverage as is standard in the industry instead?

WCCTA's concern is that, in the absence of the policy declaration pages and coverage forms (including exclusions and the endorsements), we are unable to confirm what insurance is in place. It may be subject to an SIR that is required to be paid by the contractor. In that case, if there is insolvency, none of the policy will provide coverage unless and until the contractor pays the SIR. There may not be coverage for an insured contract (i.e., the insurance wouldn't necessary cover the contractor's indemnity obligations).

In order to address this concern, we will need the following information from a prospective contractor before considering any modification to this requirement:

(1) Are these standard form policies? If so, what forms (typically an ISO form)? Where is the proprietary information located in the policy documents? Can coverage forms, endorsements, and declaration pages be provided without disclosing proprietary information?

Corrections and Clarifications

Transdev informed us that the non-bargained employee section of the Labor Code 1070 “Wage and Benefit Information” document that was provided as part of Addendum 1 appears to have duplicate entries for the Road Supervisor staffing. This information appears on page 9 of 15, and again on page 10 of 15.

The correct number of Road Supervisor positions at this time is six (6). Please disregard the duplicate entries in the table on page 10 of the Wage and Benefit Information file in the Dropbox folder referenced in Addendum 1.