

CITY OF PLACERVILLE
Development Services Department
ENGINEERING DIVISION



REQUEST FOR PROPOSALS

FOR ENGINEERING DESIGN AND ENVIRONMENTAL CONSULTING SERVICES

for

**PLACERVILLE DRIVE BICYCLE AND PEDESTRIAN
FACILITIES PROJECT (CIP #41816)**

and

**PLACERVILLE DRIVE AT HANGTOWN CREEK
BRIDGE REPLACEMENT PROJECT (CIP #41410)**

A Federally Funded CMAQ and HBP Project
Project No. CML-5015(030) and CML-5015(024)

Release Date: January 22, 2018
Proposals due by: February 13, 2018 at 3:00 pm

A complete copy of the RFP and attachments can be found at:
www.cityofplacerville.org/rfp-rfq-projects-out-to-bid

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SECTION 1: PROJECT INFORMATION & PROPOSAL REQUIREMENTS

INTRODUCTION

The City of Placerville (City) is seeking environmental clearance, final design, and ultimately construction of new bicycle and pedestrian facilities in the Placerville Drive corridor from Armory Drive to the Highway 50 undercrossing (see Attachment A - Project Vicinity Map). Placerville Drive, part of the Historic Lincoln Highway, is classified as a minor arterial that primarily has one lane in each direction, a center two-way left-turn lane, and some widening at intersections and key driveways for turn pockets. The existing roadway has discontinuous sidewalks and limited Class II bike lanes throughout its length. The purpose of this project is to complete the bicycle and pedestrian facilities in this corridor. The project will also include the replacement of the Placerville Drive Bridge (State Bridge 25C0029) at Hangtown Creek and will accommodate the adjacent roadway facilities. The bridge is located 0.7 miles west of the Placerville Drive undercrossing. The existing bridge is rated as “Functionally Obsolete” in the Caltrans Bridge Inspection Report, dated July 26, 2016. That report is provided as Attachment B. Both the active transportation project and bridge project are federally-funded with Congestion Mitigation Air Quality Improvement Program (CMAQ) and Highway Bridge Program (HBP) funds, respectively.

The bicycle and pedestrian project is divided into three functional segments. The first segment is Placerville Drive from Armory Drive to Cold Springs Road, and will include new sidewalks on both sides of the street, and Class II or Class IV bicycle facilities. The second segment from Cold Springs Road to the Highway 50 undercrossing will include the construction of new sidewalks to fill-in gaps in the existing sidewalks. This segment already has existing Class II bike lanes that will be maintained with the project (or potentially converted to Class IV cycle tracks). And, lastly, for the third segment new sidewalk will be constructed on the west side of Green Valley Road from Placerville Drive to Mallard Lane.

The existing bridge is a narrow two-lane single span concrete T-beam structure approximately 41 feet long by 28 feet wide, and was constructed in 1930. The City has determined that new bridge is expected to be a cast-in-place reinforced concrete voided slab approximately 60 feet in width to include two 12-ft travel lanes, a 12-ft center two-way-left-turn-lane, bike lanes/cycle tracks, and curb, gutter and sidewalk.

The selected consultant will be expected to coordinate with any adjacent projects, including the Western Placerville Interchanges Project (Phase 3) on the westerly end of Placerville Drive (see Attachment C).

City staff has determined it is necessary to hire a consultant team with outstanding qualifications, experience and knowledge of design and delivery of projects with these component types, including knowledge of the Caltrans Highway Design Manual, Caltrans Structure Design procedures, the Caltrans Local Assistance Procedures Manual (LAPM) and procedures, and the Federal Highway Administration (FHWA) Local Assistance Highway Bridge Program (HBP). The team must have substantial experience in California Environmental Quality Act (CEQA) / National Environmental Policy Act (NEPA) environmental review, documentation and permitting procedures. This Request for Proposals (RFP) seeks engineering firms that have the necessary expertise to assist the City in driving and completing this project.

All elements of the project must comply with federal funding requirements and is subject to the provisions set forth in the most recent version of the Caltrans LAPM.

It is the City's intention to take a strategic approach to project delivery for the project corridor. The consultant will complete Project Approval and Environmental Document (PA&ED) and preliminary engineering for the entire bicycle and pedestrian facilities project and bridge replacement project. After completion of the 35% design, the consultant along with the City will develop a funding and phasing strategy to divide the remaining project corridor into phases. After prioritizing the phases, only the bridge replacement project and a portion of the bicycle and pedestrian facilities project (Phase 1) will move forward into Final Design. The consultant is expected to provide a scope of work and costs for Bidding and Construction Support services for the bridge replacement project. The bridge replacement project is currently programmed in the HBP for construction in 2021. Construction funding has not yet been identified for the bicycle and pedestrian facilities project.

The tentative project schedule is as follows:

1. RFP Release – January 22, 2018
2. Proposals due – February 13, 2018
3. Interviews – February 21, 2018
4. Award Contract for Engineering Services – March 13, 2018
5. Project Kick-off for PA&ED – March 2018
6. Request for Authorization to Proceed with Right-of-Way – January 2020
7. Completion of PS&E – June 2020
8. Request for Authorization to Proceed with Bridge Construction – July 2021
9. End Contract – December 2022

SCOPE OF SERVICES

The City of Placerville is seeking proposals from qualified engineering firms to provide professional engineering and design services. The services shall begin with preliminary site investigation inclusive of Project Approval and Environmental Document (PA&ED), topographic surveying, Right-of-Way engineering, and continue through the development of final contract documents including Plans, Specification, and Estimate (PS&E).

The City expects the consultant to develop their own detailed scope of work and identify deliverables based on knowledge of City and Caltrans/FHWA procedures and understanding of the project. The scope of work, at a minimum, should include the tasks described in Attachment D. Proposers are expected to gain thorough knowledge of the project and exercise professional judgment in development of the scope of work that will deliver the project to construction.

PROPOSAL REQUIREMENTS

Please submit eight (8) hard copies and one (1) electronic copy (PDF preferred) of the proposal. The proposal shall be limited to 20 double-sided pages in 8.5-inch by 11-inch format. Charts, exhibits, and schedules may be included in 11-inch by 17-inch format and folded to fit in an 8.5-inch by 11-inch page, and will count as one (1) page. The page limit does not include the outside cover, section dividers, cover letters, resumes, subconsultant commitment memorandum, or scope of work. Each response to this RFP shall include the information described in this section in the specified order (tabs and page numbers are required). Failure to meet the minimum requirements of the RFP shall be cause for rejection

of the package. The City reserves the right to reject any or all proposals. The proposal must include the following items:

1. Cover Letter, including:
 - The title of this RFP
 - Contact person's name, address, email address, and telephone number
 - Signature of an officer empowered by the Consultant to sign such material and thereby commit the Consultant to the obligations contained in the RFP response. Signing and submission of a response shall indicate the intention of the proposer to adhere to the provisions described in this RFP and a commitment to enter a binding contract.
2. Capabilities of the Firm / Team:
 - Describe what makes your firm uniquely qualified to do this work.
 - Describe your firm's experience in dealing with bridge replacement projects and bicycle and pedestrian facility "infill" projects in a corridor with numerous properties and access points/driveways, requiring public outreach and right-of-way assessment.
 - Summarize related experience with local agency projects using local, Caltrans, and applicable Federal standards of similar size and magnitude, including consultant staff that worked on the project. Preference is given to project references that demonstrate an understanding of the type of work relevant in this RFP.
3. Qualifications and Availability of Proposed Staff:
 - Identify specific staff members assigned to the project and a description of their workload and availability. Provide a table showing the percentage of time key staff members are available during the course of the project.
 - Provide a brief summary of the qualifications and relevant experience for each key team member identified, including length of service with the firm. Resumes should be included and should not be more than two (2) pages for key team members and one page or less for support staff.
 - Provide an organizational chart for all staff members and subconsultants identified.
 - Include qualifications and experience of any subconsultant(s) to be used. Identify the services which would be completed by your firm's staff and those provided by subconsultant(s).
4. Project Understanding and Approach:
 - Describe your firm's approach for successful implementation of the project and what you believe are the key constraints, project milestones, and approvals.
 - Provide your understanding of the project based on existing information available in the RFP, site visits, available documents, and applicable regulations or requirements.
 - Provide a detailed scope of work and proposed schedule to accomplish all of the required tasks within the desired timeline and list of

deliverables (include submittal review and approval for the City and other stakeholders).

5. A statement acknowledging that the Consultant has reviewed the language contained within the City's Agreement for Engineering Services (Attachment E) and that the consultant will enter into that agreement, or explain any objections or concerns.
6. A Cost Proposal as detailed below.
7. Any additional forms, as described in the following sections.

COST PROPOSAL REQUIREMENTS

In a separate, sealed envelope, Proposers must provide a total cost proposal for all services to be delivered, and a breakdown of costs delineated by tasks as described outlined in its Scope of Services outline. Within each task, the cost proposal must be separated out for each project (Placerville Drive Bicycle and Pedestrian Facilities and Placerville Drive at Hangtown Creek Bridge Replacement) because ultimately invoices and billing will be separate for each project. A schedule of hourly rates in a cost-plus format for all proposed staff and the amount of time each person will be devoted to this project must be included. Define any reimbursable expenses requested to be paid by the City. The cost proposal must be in a cost-plus-fixed fee format in accordance with current requirements of Chapter 10 of the Caltrans LAPM. Proposer must indicate whether or not your firm's overhead rate has been audited by Caltrans Division of Audits and Investigations or other equivalent method. Attachment F of this RFP is a sample cost proposal for use.

For consultant services on public works projects involving local, State, and/or Federal funds, the City requires that fee schedules must be consistent with applicable prevailing wage requirements.

FEDERAL AID REQUIREMENTS

The project is federally funded with CMAQ and HBP funds, and the project is therefore subject to all the provisions of Chapter 10 of the Caltrans LAPM.

The Disadvantaged Business Enterprise (DBE) participation requirement for this contract is 6.0%. The consultant must meet the DBE goal by using DBE firms, or provide documentation indicating a good faith effort was made to meet the contract goal. A completed Disadvantaged Business Enterprise (DBE) Commitment form (Exhibit 10-O1) must be included in the proposal (see Attachment G). Good faith efforts must be documented by the consultant and approved by the local agency (see Exhibit 15-H DBE Information-Good Faith Efforts of the LAPM). Attachment H contains additional information regarding the DBE requirement.

The selected consultant will be subject to a pre-award audit. The City intends to request that Caltrans perform the pre-award audit. Refer to Section 10.3 of the Caltrans LAPM for information related to the pre-award audit.

NON-LOBBYING CERTIFICATION

The prospective participant certifies by signing and submitting a proposal to the best of his or her knowledge and belief that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or

employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his/her proposal that he/she shall require that the language of this certification be included in all lower-tier subcontracts which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

Exhibit 10-Q Disclosure of Lobbying Activities form, Attachment I of this RFP, shall be completed and submitted with the proposal.

MODIFICATION OR WITHDRAWAL OF PROPOSAL

Any proposal received prior to the date and time specified for submittal may be withdrawn or modified by written request of the prospective Consultant.

EVALUATION AND CONTRACT AWARD

Selection of a consultant will not necessarily result in a project guarantee with the City of Placerville. Selection of consultant is a Staff recommendation and entering into a contract is only by action of the City Council and is not in force until fully executed by authorized personnel. The City has established the following criteria for the selection process:

- The selection process shall be fair, open, and competitive.
- Selection shall be based upon demonstrated competence, professional qualifications, experience, and capabilities to perform the required services at a fair and reasonable price. Ranking of the Proposals shall follow the scoring criteria described below.
- After the Proposals are reviewed, a short list will be prepared by the selection panel.
- The short-listed firms will be interviewed. At the completion of the interviews, the firms will be rated and ranked. Negotiations will commence with the top-ranked firm. If negotiations are unsuccessful, then the City will begin negotiations with the second-ranked firm. The City reserves the right to reject any and all Proposals and to negotiate with any responsible, responsive firm. The City is under no obligation to issue contracts for the services described in this RFP.

The following evaluation criteria and rating schedule will be used to determine the most highly qualified firm(s).

Evaluation Criteria	Maximum Points Possible
1. Overall Approach to Project	10
2. Firm / Team’s Experience with Similar Work	35
3. Qualifications and Availability of Proposed Staff	20
4. Project Understanding	25
5. Understanding of Political Environment	10
Total Possible Points:	100

Reference checks will be performed at the sole discretion of the selection committee for the top teams selected for interviews.

INQUIRIES AND SUBMITTALS

All inquiries to this RFP should be submitted to:

City of Placerville
 Rebecca Neves, P.E., City Engineer (rneves@cityofplacerville.org), or
 Melissa McConnell, P.E., City Project Manager (mmcconnell@cityofplacerville.org)
 (530) 642-5250

Proposals shall be submitted in sealed envelopes or containers bearing the name and business address of the firm and labeled as follows in the lower left hand corner of the envelope:

**City of Placerville
 Placerville Drive Bicycle and Pedestrian Facilities and Bridge Replacement Project
 Proposal for Engineering Design and Environmental Consulting Services**

The City of Placerville will accept written Proposals at the following address:

City of Placerville
 Engineering Division
 3101 Center Street
 Placerville, CA 95667
 Attn: Melissa McConnell, P.E.
 City Project Manager

Proposals may be hand delivered or mailed via U.S. Post Office or overnight service. The City of Placerville will NOT accept proposals submitted via e-mail.

All proposals shall be received no later than **3:00 pm, February 13, 2017**. Late proposals will not be accepted.

SECTION 2: LEGAL NOTICES & CONTRACT PROVISIONS

I. THE CITY OF PLACERVILLE PROPOSAL AND CONSULTANT POLICIES

A. RFP AS THE BASIS FOR PROPOSALS

This RFP, including any addenda, will represent the most definitive statement the City of Placerville will make concerning information upon which Proposals are to be based. Any information, verbal or written, which is not contained in this RFP and addenda thereto, will not be considered by the City of Placerville in evaluating the Proposals.

B. AGENCY RIGHT TO WAIVE MINOR IRREGULARITIES

The City of Placerville reserves the right to waive minor irregularities in the proposal process or to modify the selection process and timeline as it deems necessary.

C. ROLE OF CONSULTANT

The division of work among the selected Consultant and any proposed sub-consultant is left to the selected Consultant to identify in assembling a project team. The selected Consultant will be responsible for management, design integration, scheduling, control, review and approval of all subcontract work and services for the total project. The selected Consultant will be responsible for the quality and timeliness of all sub-consultant work and must coordinate all sub-consultant activities. The selected Consultant must keep the City of Placerville apprised of any problems incurred and provide regular progress and budget reports. At the City of Placerville's direction, or as detailed in this RFP, the selected Consultant may be required to coordinate directly with other City of Placerville consultants and contractors.

The selected Consultant will be responsible for assuring that all subcontract work is in conformance with the project's policies, standards, and criteria. Use of any sub-consultants not identified in the Proposal will be subject to prior approval by the City of Placerville.

D. LIMITATION AND AWARD

The City of Placerville reserves the right to award multiple contracts. This RFP does not commit the City of Placerville to award a contract. The City of Placerville reserves the right to reject all Proposals. If the City of Placerville rejects all Proposals, the project may be abandoned, re-advertised, or performed in any manner authorized under City ordinance and applicable law.

The contents of the successful Consultant's Proposal will be incorporated into the resulting contract. The City of Placerville's Sample Contract is included in Attachment E of this RFP. The City of Placerville reserves the right to rescind the contract award if the selected Consultant is unable or unwilling to enter into a contract substantially identical to the sample contract within twenty (20) days from the date it is sent to the selected Consultant for execution.

A selection panel will evaluate the Proposals and establish a rank ordering of the qualified firms for the project. City staff will then negotiate with the highest-ranked

firm, and recommend award of the contract to the City Council. Proposals will be made available, upon request, for copying or inspection when a recommendation is made for award of the resulting contract.

E. DEBARRED PROPOSERS

Proposers, including any of its officers or holders of a controlling interest, are obligated to inform the City of Placerville whether or not it is or has been on any debarred proposers list maintained by the State of California or any federal agency. Should a Proposer be included on such a list during the performance of this project, it must inform the City of Placerville. Failure to do so may result in rejection of the proposal.

F. DISCLOSURE OF PROPOSAL INFORMATION

Once submitted, Proposals become a matter of public record. Where a Proposer submits technical or business information that is claimed to be confidential, Proposer must so indicate by delineating each section of the Proposal with the heading "Confidential". The City of Placerville will give consideration to the claim of confidentiality. However, Proposers should understand that the City of Placerville has reservations as to whether any such information is exempt from disclosure under the California Public Records Act (Government Code Section 6250, et seq). The City of Placerville will notify a Proposer if it receives a request for release of information identified as confidential by Proposer. By submitting its Proposal, Proposer agrees that the City of Placerville will not be held liable for complying with the Public Records Act.

G. USE OF RFP IDEAS

The City of Placerville reserves the right to use any or all of Proposer's ideas as set forth in its Proposal. Selection or rejection of the Proposal does not affect this right.

H. FACILITIES AND RESOURCES

Proposer must furnish all equipment, facilities, labor, supervision, and any and all other required materials and services, except as otherwise specified in Consultant's Proposal. No City of Placerville resources in terms of personnel, facilities, or equipment will be provided unless agreed upon in writing.

II. CITY OF PLACERVILLE PROPOSAL PROTEST PROCEDURE

A. SCOPE OF PROTEST PROCEDURE

This Article specifies procedures for interested parties to protest the following City of Placerville staff actions:

- 1) A written recommendation to the City Council to disqualify a bidder, subcontractor, or proposer; and/or,
- 2) A written recommendation to the City Council to award a Contract to a particular bidder or proposer.

B. EFFECT OF PROTEST ON CONTRACT AWARD OR BID OPENING

When a protest has been properly filed prior to Contract award, the City Council will not award the Contract prior to issuance of a final decision on the protest. When a protest has been properly filed before the opening of bids, bids will not be opened prior to the City Council's decision on the protest.

C. RELEASE OF PROTEST INFORMATION

Materials submitted as a part of the protest resolution process will be available to the public except to the extent that:

- 1) The withholding of information is permitted or required by law or regulation; and
- 2) The information is designated proprietary by the person submitting the information to the City of Placerville. If the person submitting material to the City of Placerville indicates that the material contains proprietary material that should be withheld, a statement advising of this fact must be affixed to the front page of the material submitted, and the alleged proprietary information must be specifically identified in the body of the materials wherever it appears.

D. MAINTENANCE OF PROTEST RECORDS

The City Manager or his/her designee will maintain a written record of each step taken in every bid or proposal protest. The record will list dates of each event and photocopies of all correspondence sent and/or received by the City of Placerville pertaining to the protest. These records will be retained for at least three (3) years from the date each protest is resolved.

E. WHO MAY FILE A PROTEST

Protests may be filed only by interested parties. Interested parties are defined as actual or prospective bidders or proposers for a City of Placerville contract and subcontractors or suppliers at any tier whose direct economic interest would be affected by an award or failure to amend a Contract, a provision of the specifications, or a bid or proposal submitted to the City of Placerville by a prime Consultant, or by the interpretation of the provisions of such documents. Submission of a bid or sub-bid protest will be deemed a waiver of any protest to any provision of the specifications which is not the subject of the protest, and entitle the bidder/proposer or sub-bidder/sub-consultant only to protest any subsequent recommendations/decisions of the City of Placerville staff, the City Manager, or the City Council to disqualify the bidder/proposer, reject its bid/proposal, or award the Contract.

F. TIME FOR FILING A PROTEST

Protest to any particular provision of the specification must be received by the City of Placerville no later than five (5) working days prior to the date established in the RFP as the deadline for the submittal of bids, proposals or qualifications. Protests of staff's recommendation to the City Council pertaining to the award of a Contract or the list of qualified proposers responding to an RFP must be received by the City of Placerville no later than five (5) working days from the date of the letter providing notice of the staff recommendation.

G. FORM FOR FILING A PROTEST

Protests must be addressed to the Placerville City Manager, 3101 Center Street, Placerville, CA 95667. Protests must be in writing and contain a statement of the ground(s) for protest. At least ten (10) copies of the protest must be submitted by the protestor in the time and manner specified in this Article. The City Manager or his/her designee will provide notice, by telephone or by letter, to all bidders or proposers known to the City of Placerville for the Contract that is the subject of the protest. Such notice will state that a protest has been filed with the City of Placerville and identify the name of the protestor. The notice will be given not more than five (5) working days after receipt of a properly filed protest. The notice will state that interested parties will receive further information relative to the protest only if they submit a written request to the City Manager.

H. THE CITY OF PLACERVILLE'S PRELIMINARY RESPONSE TO A PROTEST

All City of Placerville responses to a protest will be issued in writing. The City Manager will designate a City staff person who, not more than ten (10) working days after receipt of a properly filed protest, will prepare and mail the following information to the protestor and all interested parties requesting such information:

- 1) A preliminary staff response to the protest including a brief explanation of the rationale supporting the response; and
- 2) The proposed time, date and place of the meeting at which the protestor and The City of Placerville staff will attempt to resolve the protest, if such a meeting is appropriate in the judgment of the City Manager.

Within five (5) working days after the meeting, or if no meeting is scheduled, within five (5) calendar days after the date the City of Placerville's response was mailed, the protestor must give the City Manager written notice that the protest is withdrawn or, alternatively, that the protestor requests further consideration of the protest.

If the protestor fails to deliver such notice to the office of the City Manager by the applicable deadline, the protest will be deemed withdrawn.

I. FURTHER INVESTIGATION OF PROTEST

If a protest is not withdrawn the City Manager or his/her designee will further investigate the protest. The City Manager may contract for third-party consulting services to investigate a protest, when necessary. The City Manager may negotiate with the protestor and other interested parties to share the cost of such consulting services. As part of the investigation, the City Manager or his/her designee will establish reasonable times when the City of Placerville, the protestor, and other interested parties will exchange all documents and arguments relevant to the protest.

Upon written request of the protestor, the City Manager may forward the protest and the City of Placerville's staff response to the City Council for decision without further investigation of the protest by the City Manager. If the City Manager elects to proceed without further investigation of the protest, the prior City of Placerville staff response

will be the recommendation of the City Manager and the City Manager will proceed as set out as follows in section J. City Manager's Recommendation or Decision.

J. CITY MANAGER'S RECOMMENDATION OR DECISION

Following investigation, the City Manager will distribute to the protestor, and all interested parties requesting such information, either a written decision, if the City Manager is awarding authority, or a written recommendation that the City Manager will submit to the City Council to resolve the protest, if the City Council is the awarding authority. The City Manager's written decision is final. Within five (5) working days after the date of the letter transmitting the City Manager's recommendation on the protest, the protestor must notify the City Manager in writing whether that the protest is withdrawn or that the protestor requests the protest continue to the City Council for decision. If the protestor fails to submit such a notice, the protest will be deemed to be withdrawn and all proceedings will cease.

K. SUBMITTAL OF PROTEST TO THE CITY COUNCIL

If the protest is continued to the City Council for resolution, the protestor, and all interested parties requesting such information, will be notified of the date, time and place of the City Council's hearing at which the protest will be considered; and the date that the protestor and other interested parties must submit written comments with respect to the recommendation. The date established by the City Manager for submittal of comments by the protestor and other persons will allow a reasonable period for rebuttal and may vary according to the complexity of the particular protest.

A copy of the agenda package sent to City Council members prior to a protest hearing will be sent to the protestor and sent or made available to any interested person at least five (5) working days before the hearing and will include the City Council's recommendation and all written comments received from the protestor and other persons within the submittal period. If the City Manager has revised his/her recommendation since its distribution, a written description of the new intended decision and the reason(s) for revision will be sent to the protestor and sent or otherwise made available to any interested person.

L. CITY COUNCIL'S DECISION

At the City Council meeting scheduled for the protest hearing, the City Council, in its discretion, may conduct the hearing and/or continue the hearing to a subsequent City Council meeting, or hire an impartial hearing officer to conduct a hearing and prepare a written recommended decision including findings of fact.

At the hearing, the Mayor may announce procedural rules, including those that are reasonably necessary to preclude repetitious or irrelevant testimony. The City of Placerville staff, the protestor, and any interested person may present evidence relating to the protest. If either party arranges for the use of a court reporter to transcribe the hearing, the other party must share the cost of transcribing the hearing if it requests a copy of the transcript.

If an impartial hearing officer conducts the hearing, the City will provide written notice to the protestor, and all interested parties requesting such information, of the

date, time and place of the City Council meeting at which the hearing officer's recommendation will be considered for adoption, and the date that the protestor must provide written comments for submittal to the City Council. A copy of the documents pertaining to the protest that is provided to the City Council with its meeting agenda will be sent to the protestor at least five (5) days before the meeting.

In rendering its decision on the protest, the City Council, in its discretion, may adopt the decision recommended by the City Manager, adopt the written recommendation and findings of fact prepared by a hearing officer, or adopt a separate decision. The protestor and all interested parties will be notified in writing of the final decision of the City Council within thirty (30) calendar days from the date of the City Council meeting.

M. WAIVER OF DAMAGES

By submitting a bid/proposal or sub-bid/sub-proposal, each bidder/proposer and sub-bidder/sub-proposer agrees that in the event that it submits any protest to the terms of the specifications or to any subsequent decision of the City of Placerville staff, City Manager or City Council. The City of Placerville retains the discretion to reject all bids/proposals or to make no decision whatsoever. If the City of Placerville City Manager or City Council rejects all bids/proposals for any reason, or overrules any protest and awards the Contract, the protesting entity waives all claims, rights and causes of action for loss of anticipated profits from the Contract or any subcontract, regardless of whether the City of Placerville's decision is subsequently invalidated by a court of law. The City of Placerville will be deemed to have relied to its detriment on such waiver in deciding either to reject all bids/proposals or to award the Contract. Any attempted reservation of rights waived herein will be grounds to reject a bid as nonresponsive.