

INTRODUCTION

Ozark Regional Transit Authority (ORT) is issuing this Request for Proposal (RFP) to solicit proposals from qualified contractors/consultants to provide push-to-talk (PTT) portable radios, companion equipment and all software and hardware required to operate the portable radios either hand-held or vehicle mounted to support mission critical communications for the transit system.

The PTT radio is often considered one of the most important tools that transit operators, buses and dispatchers use. The most significant goal of the PTT radio is to provide employees in the field reliable two-way mission critical voice communications in both an urban and rural environment. The proposed PTT radio must be able to provide a variety of key features to meet the needs of each job assignment within ORT, the key features include encryption, GPS, noise suppression, emergency call and corded and/or wireless remote speaker/microphone.

I. GENERAL INFORMATION

Any explanation desired by a contractor regarding the meaning or interpretation of any RFP provision or questions must be submitted in writing via email and sent to Tayler Clark at tclark@ozark.org.

Questions are due no later than August 9 2023 by 3:00:00 PM central time and should be plainly labeled "Questions for PTT Communication System" the response to questions or other clarifications will be provided solely through addendum posted on the Ozark Regional Transit Authority website, www.ozark.org by the close of business on August 16, 2023.

SCHEDULE OF EVENTS

RFP Proposal Title:	PTT Communications System 23-08
RFP Issuing Office:	Ozark Regional Transit Authority
RFP Issue Date:	July 24, 2023
Deadline for Receipt of Questions:	August 9, 2023, 3:00:00 pm
RFP Question Response Deadline:	August 16, 2023, 5:00:00 pm
Proposals Due to ORT	August 23, 2023, 4:00:00 pm
Target for Vendor Selection:	September 2023
Service Starting Date (est.)	September 2023
RFP Submission Location:	Ozark Regional Transit Authority 2423 E. Robinson Avenue Springdale, Arkansas 72764
RFP Administrator:	Tayler Clark, tclark@ozark.org

Contractors should submit one (1) original, two (2) paper copies and one (1) electronic copy of their entire proposal on CD or Flash Drive. Proposals, including electronic submissions, must be received in the ORT office by the proposal deadline date and time. All attachments must be completed and returned with the proposal.

PROPOSALS MUST MEET THE FOLOWING REQUIREMENTS TO BE CONSIDERED VALID

- I. Proposals must be received by the deadline date and time.
- II. Proposals must be delivered to the submission location by the deadline date and time.
- III. Proposals must meet all specifications, terms, and conditions of the RFP.
- IV. The original proposal must be manually signed in ink.
- V. Proposals must be in a sealed envelope and marked with the proposal title including the words "ORIGINAL DOCUMENTS".
- VI. The proposer's name and mailing address must be clearly marked on the outside of the envelope.
- VII. Any proposals received that do not meet these basic requirements will be discarded and the proposer will be considered non-compliant.

II. STANDARD CONDITIONS AND TERMS

1) SCOPE

These standard conditions and terms of the RFP and acceptance apply in like force to this inquiry and to any subsequent contract resulting there from.

2) SPECIFICATIONS

Contractors must submit a proposal in accordance with the terms and conditions in this RFP.

3) ALTERNATE TERMS AND CONDITIONS

Ozark Regional Transit Authority, at its sole discretion, may entertain alternative terms and conditions which deviate from the RFP. Alternative terms and conditions may be considered if overall contract performance would be improved by not compromised, and if they are in the best interest of ORT. Alternative terms and conditions must be submitted with the proposal and must be clearly identified and detailed in such a way that allows such deviations to be fully evaluated.

4) INSURANCE

- I. Unless otherwise specified, for ORT projects where the scope of work will be less than \$200,000, the following levels of insurance will be required:
- II. The successful contractor shall provide a COI indicating statutory workers' compensation.
- III. Commercial liability insurance in the amount not less than \$250,000 for injuries including accidental death to any person and subject to the same limit to each person in an amount not less than \$1,000,000 where more than one person is involved in any one accident, and
- IV. Property damage insurance in an amount not less than \$500,000: and
- V. Naming Ozark Regional Transit Authority as an additional insured for the term of the installation period.

5) AWARD

All purchases, leases, or contracts which are based on competitive proposals will be awarded according to the provisions in the RFP. ORT reserves the right to reject all proposals, wholly or in part, or to award multiple contractors in whole or in part. ORT reserves the right to

waive any deviations or errors that are not material, do not invalidate the legitimacy of the proposal, and do not improve the proposer's competitive position. All awards will be made in a manner deemed in the best interest of ORT.

6) PRICING

Proposals shall be firm unless otherwise specified. In the event of a discrepancy between unit prices and extended price, the lowest of the price quotations shall govern.

7) INDEMNITY

The contractor agrees to hold harmless, defend and indemnify ORT from all claims for damages alleged to arise from contractor's acts and/or omissions.

8) PERFORMANCE BOND

- I. The successful contractor will be required to supply a performance bond in the amount of one hundred percent (100%) of the contract price, executed by a corporation authorized to contract as surety in Arkansas payable to Ozark Regional Transit Authority.
- II. The bond will guarantee that the selected contractor will enter into a contract with ORT and will insure the faithful performance of the contract. The contractor will be required to submit the performance bond within twenty (20) calendar days after written notification of award. The bond should be provided to ORT prior to the initiation or commencement of any work or service.
- III. Failure to comply shall be grounds for forfeiture of the check or bond. The amount of forfeiture will be determined by ORT based on loss to ORT. The bond or certified check will be returned when the installation has been completed and the system is fully operational.

9) PRIME CONTRACTOR RESPONSIBILITIES

The contractor will be required to assume responsibility for all contractual services offered in this proposal whether the contractor performs them. Further, ORT will consider the contractor to be the sole point of contact regarding contractual matters including payment of all charges resulting from the anticipated contract.

10) TERMINATION

- I. ORT may terminate the contract at any time if the contractor fails to carry out the terms or fails to make substantial progress toward the fulfillment of the contract obligations.
- II. In such an event, ORT shall provide the contractor with thirty (30) days' written notice of conditions which endanger contract performance. If after such notice the contractor fails to remedy these conditions, ORT may send a certified letter to the contractor for immediate cancellation of the contract. In such an event, ORT would receive a pro-rated portion of the value of the performance bond depending on the value of the remaining portion of the contract.
- III. The contract may be terminated prior to the end of the contract period by mutual agreement of both parties by at least ninety (90) days written notice.

11) NON-DISCRIMINATION

The contractor shall not, in the performance of this agreement discriminate or permit discrimination in violation of federal, state, or local laws or ordinances because of race, color, sex, age, or disability.

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title II of the Americans with Disability Act (ADA) provides that, "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."
Title 42 U.S.C. Sections 2000d & 12131

12) DRUG POLICY

The contractor certifies that the contractor maintains a drug free workplace environment to ensure worker safety and workplace integrity. The contractor agrees to provide a copy of its drug-free workplace policy at any time upon request by ORT.

III. SCOPE OF THIS REQUEST FOR PROPOSAL

A. PURPOSE AND OBJECTIVE

Ozark Regional Transit Authority, hereinafter referred to as ORT, is interested in receiving proposals from qualified vendors for a cellular compatible, or approved alternative, push-to-talk communications system. The contractor will be responsible for all requirements and the successful performance of this contract.

The portable radio is often considered one of the most important tools that a transit operator has at their disposal. The most significant goal of the portable radio is to provide the operator with a reliable two-way communication system for both routing and mission-critical relaying of information to the dispatchers, safety personnel and operations department. Reliable, mission critical communications also provide dispatchers with the ability to quickly relay information to 911 emergency responders when necessary.

ORT provides transit services in the cities of Bentonville, Fayetteville, Rogers, and Springdale. The reach of communications can extend throughout Benton County, Carroll County, and Washington County. The vehicle mounted radios, hand-held radios, base station and software driving the system must be able to have a variety of features including but not limited to; one-button emergency activation with GPS location, the ability to create work groups, one-button talk-around for all work groups, and hand-held accessories.

B. TERM

The agreement resulting from this RFP and negotiations as approved by ORT will be for the purchase of radios, hardware, software, and accessories necessary for continuous operations. After the initial three (3) year agreement, ORT will have the option of extending the agreement up to two (2) times for (1) years for each extension.

C. DELIVERY AND ON-BOARDING SPECIFICATIONS

All original equipment must be delivered at one time. This is approximately 40 vehicle mounted systems, 12 hand-held systems with accessories, and dispatching software.

All vehicle mounted systems are to be installed by proposer's licensed, bonded, and insured staff or subcontractors. ORT has seven (7) different vehicle types that these units will be installed in. Installations in like vehicles will be consistent from one vehicle to the next. Installation teams will first consult with ORT maintenance prior to beginning installation.

Installation of computer-based software must first be discussed with ORT IT staff and the ORT computer and software contractor. If there are specifications for computer capacity, this information must be included in the proposer's documentation.

D. UPGRADES AND SUBSTITUTIONS

During the contract period, if any of the operational equipment or software named in the contract is replaced in the proposer's product line by products performing the same functions, but using improved technology, and price the same, lower, or within seven percent (7%) of the item originally specified, then the newer product may be substituted with approval of ORT. Said substitutions may also be noted in any subsequent contract renewal documents without necessitating a re-bid process, provided, however, that this clause shall not be construed to allow inclusion of any equipment model, product, or service that changes the scope of the intent, technical specifications, or applications described in the RFP.

IV. PROPOSER QUALIFICATIONS

ORT will only consider an "off-the shelf" system from proposers that have specific experience in providing portable radio communication systems in the arena of fleet communications. Proposals for the project must contain evidence of the proposer's experience and abilities in the specified area and other disciplines directly related to the proposed services.

The successful proposer must demonstrate successful performance of the recommended portable radios. ORT requests the proposer provide agency information for at least five (5) agencies or companies working in similar conditions as ORT. This would be multiple vehicles working and communicating with one dispatch center over multiple communities in multiple counties. Proposer's radio systems must have a long-life cycle, because of this the proposer must also provide a ten (10) year history of their portable radios being used in US applications of fleet communications.

V. PROPOSAL EVALUATION

ORT will evaluate the proposal with the objective of selecting the proposer deemed to provide the best product, communication network, and service at a competitive price. If more than five (5) proposals are received, the evaluation team will select the top three (3) proposers using the below criteria. Additional technical questions and answer sessions, and site visits may be used in the final selection process.

In submitting proposals, the proposer must note exceptions in cases where, in the proposer's opinion, the requirements are based on methods and features of a particular name brand or proposer's product. In evaluating the exceptions, the evaluation team will consider whether in its judgement the proposed system offers a degree of functionality and cost effectiveness, which nullifies the standard on which the specifications are based. The RFP and the proposer's documents will be incorporated into the contract by reference; therefore, all requirements not specifically addressed in an exception statement in the proposal and contract proposal document will stand as contractual responsibilities for the proposer.

The prices submitted in the original proposal, subject to any modification in the negotiated contract shall apply for the life of the contract, however, during the contract period should the proposer offer the same service, optional equipment, or upgrades to other agencies or the public at a lower cost due to a price reduction or promotions, the proposer shall also charge ORT the lower price.

Evaluation criteria may include:

A. Radio Design and Technical Performance – 35 points

- I. Features and functions provided (battery functionality, knob/button design, ease of operation)
- II. Meets equipment specifications (ergonomic design, weight, ruggedness, speaker quality, accessory compatibility)
- III. Ease of programming for ORT unique identifier
- IV. Reliability of equipment/system (standard warranty)
- V. Interface capabilities with downstream products
- VI. GPS functionality
- VII. Future ready operation
- VIII. Security features
- IX. Expected product life cycle

B. Radio Pricing for all equipment and services – 25 points

- I. Portable radio pricing
- II. Hand-held radio pricing
- III. Dispatching software pricing
- IV. Individual feature pricing
- V. Accessory pricing
- VI. Maintenance pricing for the first three (3) years and subsequent years
- VII. Extended or optional warranty pricing
- VIII. Trade-in allowance and/or other discounts
- IX. Service/repair location and any associated shipping costs
- X. Guaranteed turn-around time for repairs or replacement units

C. Proposer experience and ability to provide portable radios to equivalent fleet sizes – 15 points

D. Portable radio system programming and maintenance training – 15 points

- I. Local point of contact
- II. Manuals or web support
- III. Ongoing training (webinars, self-directed study, conferences)

E. Portable Radio Delivery/Installation and Implementation Schedule – 5 points

- I. Project manager experience
- II. Proposed schedule

F. Proposal Quality – 5 points

- I. Completeness and thoroughness of the written response
- II. Proposer's adherence to the RFP guidelines and instructions

VI. PRODUCT AND DELIVERY

A. REQUIRED SPECIFICATIONS

The use of any brand name or trade name in the RFP is meant solely as a reference as to the design, features and quality of the item mentioned. It should not be construed to imply that any brand name would be given preference in the evaluation of this request for proposal. It is important to note that the following specifications are minimum requirements. If the proposer believes ORT would benefit from products that exceed these specifications, they may include supporting documentation and pricing in their proposal.

- I. The proposed radio and communication network must provide a wide coverage in an urban and rural environment. It must work seamlessly with other systems or products that may be available “downstream”.
- II. For hand-held units, the unit shall fit comfortably in one hand and provide both gloved and ungloved one-hand operation. The unit must be small, lightweight, and rugged. The housing of the unit must be constructed of high impact resistant material. The proposer will provide statements of durability in factory-controlled testing.
- III. Both mobile and hand-held units must be capable of withstanding severe operating conditions to include extreme cold, heat, rain, snow, wind, and dust. All units shall be sealed to protect internally mounted circuitry against dust, foreign particles, moisture, splashing water and immersion. Removing the battery on hand-held units shall not break the seal to the radio circuitry.
- IV. The handheld radio must operate on a single rechargeable battery. The battery must be quickly and easily removed and replaced with a fresh battery to ensure 24 hour a day operation. Lithium-ion or lithium polymer batteries are preferred. The proposer must have evidence that the battery is safe and there is no risk of heat or fire injury to the employee. The battery must be able to be left in the battery charger for an extended period of time, without risk of fire or damage to the battery or radio.
- V. The vehicle mounted radio must operate on a 12-volt system. The radio must have a mountable, tethered microphone. The radio must have the ability to transmit using a single push button on the microphone. The speaker of the radio may be integrated into the radio itself, and/or have the option for a remote speaker.
- VI. All radios must be able to be assigned a unique identifier as directed by ORT.
- VII. The proposer must include a detailed description of their security methods for all programming of their radio system. The proposal must identify all required software, hardware or hardware keys related to programming. Any maintenance costs associated with software, firmware, hardware or upgrades, patches, or other changes to the

system necessary to operate at an optimal level must be specifically identified.

- VIII. The hand-held radio must accept commonly used after-market accessories such as earpieces and headsets.
- IX. All vehicle mounted radios must have integrated GPS (no third-party applications) for radio tracking and rapid response in the case of an emergency where the employee cannot communicate their location. If possible, all hand-held devices will have the same GPS capability. The proposer will specify whether the hand-held device does or does not have this capability in the proposal.
- X. Both hand-held and vehicle mounted radios will have a single, highly visible, push button emergency call. The function of this button will be to notify the dispatcher console of an emergency need without verbal communication and identify the GPS location of where the radio is currently at. This button will override or supersede all other radio traffic.
- XI. All service agreements, maintenance agreements and monthly charges required for the uninterrupted operation, including software, firmware or hardware upgrades will be clearly defined in the RFP.
- XII. The dispatching software must have the capability of creating working groups or chat groups. These groups must be able to be managed, changed, or otherwise adjusted daily regardless of the vehicle assignment. The changes to the chat groups or working groups must be instantaneous and not require a predetermined period to be in effect.
- XIII. The dispatching software must operate on a desktop computer. The proposer must specify the requirements of the desktop computer to include RAM needs, processor speeds, and video and monitor needs. The computer will be a multi-use computer that cannot be a dedicated system for the radio communication program.
- XIV. Proposals should describe additional types of relevant services available that the proposer believes may provide a benefit to ORT.

VII. COMMUNICATION WITH ORT STAFF

- I. From the date the RFP is issued until a determination is announced regarding the selection of the proposal, contact regarding this project between potential contractors and individuals employed by ORT is restricted to only written/email communication with the person designated as the point of contact for this RFP.
- II. Once a proposal is preliminarily selected, the selected proposer will be notified and communication between ORT staff and the proposer will be initiated by ORT.
- III. Once a proposal is preliminarily selected, the proposers not selected will be notified. ORT will not entertain any further communication with the proposers not selected until after a contract is signed.

VIII. PROPRIETARY INFORMATION

- I. All information and data contained in the proposals becomes the property of ORT and is public information upon opening of the proposals.
- II. If the proposer wishes to have any information withheld from the public, such information must fall within the definition of proprietary information within Arkansas' Public Records statutes. Proprietary information is to be submitted in a separate package from the proposal and must be clearly marked as PROPRIETARY. Any proposer that identifies the entirety of their proposal as "proprietary" will be considered non-responsive and their proposal will be rejected.
- III. Proposers cost proposals may not be marked as proprietary information. Failure of the proposer to follow the instructions for submitting proprietary and copyrighted information may result in the information being viewed by other proposers and the public.

IX. REFERENCE CHECKS

ORT reserves the right to check any references submitted regardless of the source of the reference information. Including by not limited to, those that are identified by the proposer, those indicated through the explicitly specified contacts, those that are identified during the review of the proposal, or those that result from communication with other entities involved with similar projects.

X. APPEALS PROCESS

If a proposer disagrees with the decision of ORT to reject a proposal, the proposer may seek a review of the decision by the Chairperson of the Board of Ozark Regional Transit. A demand for review must be made in writing to the Executive Director by the close of business of the fifth working day following receipt of written notice from the Executive Director or his designee of the rejection of the proposal. The proposer's demand for review must state with particularity the reasons why the proposal should be allowed.

Upon receipt of a demand for review from the proposer, the Executive Director shall prepare within five (5) working days a report to the reflecting with particularity the reasons why the proposal was not selected.

The Chairman of the Board of the Ozark Regional Transit shall conduct a prompt review and shall respectfully consider the respective positions of the proposer and the Executive Director or his designee. A written decision of the Chairman of the Board shall be issued and mailed to both the proposer and Executive Director or his designee within ten (10) working days of receipt of the documents. The determination of the Chairman of the Board of ORT shall be final.

Any proposer who is not satisfied with the decision of the Chairman of the Board of ORT Director may, within thirty (30) days of the receipt of the written decision, appeal that decision to a court of competent jurisdiction in Washington County, Arkansas, for *de novo* review.

XI. FEDERAL CLAUSES

The following Federal Clauses are located on the Ozark Regional Transit Authority website at www.ozark.org/legal-policies. It is the responsibility of the proposer to ensure that all clauses applicable to the work of the agreement resulting from this RFP are adhered to by the proposer, their contractors and their subcontractors when applicable.

CONTRACT CLAUSE	APPLICABILITY TO TYPE OF CONTRACT
Fly America Requirements	When transportation is paid for using FTA funding.
Buy America Requirements	Value > 100K for Construction, Goods, Rolling Stock
Charter Bus Requirements	Operational Service
School Bus Requirements	Operational Service
Cargo Preference Requirements	Equipment/Materials Transported by Ocean
Seismic Safety Requirements	New Construction/Additions
DOL EEO	Value > 10K for Construction
Energy Conservation Requirement	All
Clean Water Requirement	Value > 100K
Bus Testing	Rolling Stock Acquisition
Pre-Award/Post Delivery Audit	Rolling Stock Acquisition
Lobbying	All
Access to records and Reports	All
Federal Changes	All
Bonding Requirements	Constructions > 100K
Clean Air	Value > 100K
Recycled Products	Value > 10K in Fiscal Year
Davis-Bacon and Copeland Acts	Construction > \$2,000
Contract Work Hours and Safety	Construction >\$2,000/Rolling Stock
No Government Obligations	All
Program Fraud and False Statement	All
Termination	Value > 10K
Debarment and Suspension	Value > 25K
Privacy Act	All
Civil Rights Requirements	All
ADA Access Requirements	All
Breaches and Dispute Resolution	Value > 100K
Patent and Rights in Data	Research Projects Only
Transit Employee Protective	Transit Operations
Disadvantaged Business Enterprise	All
Incorporation of FTA Terms	All
Drug and Alcohol Testing	Operational Services/Safety Sensitive
TVM Certifications	Rolling Stock/All Vehicle Procurement
Metric Requirements	Sealed Bid/Rolling Stock/Construction
Conformance with National ITS	Contracts for ITS projects only
Corridor Preservation	Right of Way Development
Veterans Employment	Capital Projects