

**Birmingham Regional Paratransit Consortium DBA ClasTran
P.O. Box 10386
Birmingham, AL 35202**

REQUEST FOR BIDS FOR FLEET INSURANCE

**Date of Issuance: March 15, 2023
Due Date for Consideration: 2:00 P.M., May 10, 2023
Award Date: May 17, 2023**

I. INTRODUCTION

The Birmingham Regional Paratransit Consortium dba ClasTran, administers two Section 5310 and 5311 grants a public transportation system which is operated, through a contractual agreement. The system operates these routes Monday through Friday, 6:00 a.m. until 5:00 p.m. There are 25 buses used in the demand response system, 6 being spares. Approximately 67,000 passenger trips are carried, and approximately 821,000 miles are driven annually.

During the duration of the contract it can be expected that at least 6 vehicles will be purchased and added to the fleet. Accordingly, there will be at least (6) vehicles disposed of in accordance with federal and state regulations.

II. PURPOSE

The intent of this Request for Bid (RFB) is to select a qualified entity, herein referred to as A Bidder, to provide fleet insurance coverage on the vehicles used in the Demand Response, ADA Paratransit, Section 5310 and 5311 Rural Transportation systems. Upon conclusion of the RFB process, ClasTran shall select a Bidder and enter into an Agreement to perform all or part of this bid. All agreements will require the Bidder to adhere to the terms of their bid and to act in accordance with all applicable laws and regulations. The term of the Agreement will be for one (1) year with 2 one (1) year extensions possible upon annual approval of the ClasTran's Board of Directors.

III. MINIMUM REQUIREMENTS

Bids which do not meet the following requirements shall be deemed non-responsive and will not be considered.

3. Five (5) years demonstrated experience in providing fleet insurance for transit type buses.
4. Any part of the bid that is left blank or altered from the RFB may disqualify the submission;
5. Any document or documentation required of the Bid is incomplete, improperly executed, indefinite, ambiguous, or missing may disqualify the submission;
6. A Bidders default under any type of Agreement which resulted in the termination of that Agreement may disqualify the submission.

IV. COMPETITION INTENDED

This RFB is intended to permit competition. It shall be the bidder's responsibility to advise the Executive Director of ClasTran in writing of any language, requirement, specification, etc., which limits or restricts the requirements to a single source. Such

notification must be received by the Executive Director of ClasTran no less than ten (10) days prior to the acceptance date of bids.

V. INVITATION TO SUBMIT A BID

Date bid issued:.....March 15, 2023
Bids must be received before:2:00 pm, May 10, 2023
Bids will be publicly opened:2:00 pm, May 11, 2023
Bids expected to be awarded no later than:.....May 17, 2023
Contract start date:.....May 25, 2023

Bids may be mailed to:

ClasTran
P. O. Box 10386
Birmingham, AL 35202
Attention: “Sealed Bid for Fleet Insurance”

or personally turned in to:

ClasTran
2100 16th Avenue South, Suite 55
Birmingham, AL 35205

One original and one (1) copy of the bid shall be submitted. The bid should be firmly and securely sealed; it should be clearly labeled:

“Sealed Bid for Fleet Insurance”

Any bid received after the due date and time cannot be accepted and will be rejected and returned to the Bidder unopened. Therefore, the accompanying envelope must have a return address on the outside.

In addition, any addenda which may come as a result of negotiation, site visits, or directed questions from Bidders shall be mailed to all accepted Bidders prior to any final decision. Failure to receive such material does not relieve any Bidder from his obligation under the bid as submitted. It is the responsibility of the Bidder, by careful, personal examination of the fleet, site, and ClasTran staff, to satisfy himself as to the nature and location of the work and the character, quality, and quantity of materials which will be required. Failure to comply with the preceding will not relieve the successful Bidder of his obligation to carry out the scope of the resulting contract.

VI. CONSEQUENCE OF SUBMISSION OF BID

The RFB does not commit ClasTran to pay any costs incurred in the submission of a bid or in making any necessary studies or designs for the preparation thereof; after the acceptance of the successful bid by ClasTran, the bid and ClasTran shall be obligated to

enter into an Agreement consistent with the bid submitted with any additional addendums agreed upon before the RFB is awarded; failure to execute the Agreement shall result in ClasTran having the right to seek legal remedies against the Bidder, including damages, and awarding the next responsive Bidder.

VII. INQUIRIES

Any request for clarification of any part or all the RFB must be made in writing and delivered to ClasTran, P. O. Box 10386 Birmingham, AL 35202, no later than five (5) business days before date RFB is to be received.

VIII. BID PROTEST

ClasTran acknowledges that it is required to have written protest procedures to handle and resolve disputes relating to ClasTran's procurements and shall in all instances disclose protests to ALDOT and keep ALDOT informed about the status of the protest. All protest decisions must be in writing. A protester must exhaust all administrative remedies with the ClasTran before pursuing a protest with ALDOT.

There are three basic types of protests, based on the time in the procurement cycle when they occur.

- * **Pre-bid or solicitation protest** is received prior to the bid opening or proposal due date.
- * **Pre-award protest** is a protest making an award and is received after receipt of proposals or bids, but before award of a contract.
- * **Post-award protest** is a protest received after award of a contract.

ClasTran acknowledges that it is responsible for settling disputes resulting from any procurement action. Under limited circumstances, a bidder may protest to the ALDOT Transportation Planning and Modal Programs Bureau pursuant to a vendor's award of a contract. ALDOT shall in all instances disclose information regarding protests to FTA and keep FTA informed about the status of each protest.

ALDOT's Transportation Planning and Modal Programs Bureau's role in a bid protest shall be limited to the conditions set forth in **FTA Circular 4220.1 (series)**.

Bid Protest Procedures for Areawide Community Transportation System

The following bid protest procedures have been written in compliance with the Federal Transit Administration (FTA) Third Party Contracting Guidelines (Circular 4220.1E). Parties that wish to file a bid protest should review these procedures in conjunction with FTA's Circular 4220.1E. These procedures also address complaints or appeals regarding the funding of unsolicited proposals and other protests unrelated to the solicitation process and contract award decisions. ClasTran's transit system, protest procedures will be referenced in the bid documents in order that interested parties will know their rights under these protest procedures. Protests Pertaining to the Contract Solicitation Process or

Contract Award Decision The following procedures and time requirements shall be applied uniformly in processing all protests. Protests may be made by active or prospective bidders whose direct economic interest would be affected by a solicitation, proposed award, or award of a contract. Protests must be submitted in writing to Richard Abel Project Administrator P. O. Box 10386 Birmingham, AL 35202 will consider all written protests made within the timelines stated in this document. Protest submissions should be concise, logically arranged, clearly state the grounds for the protest, and must include at least the following information:

1. Name, address, and telephone number of protestors.
2. Solicitation or contract name and/or number.
3. A detailed statement of the legal and factual grounds for the protest, including copies of all relevant documents or information.
4. A statement of relief requested.

Only written protests received within the timelines stated in these procedures will be considered. Upon receipt of a protest, ClasTran will notify the protestor that the protest has been received by mail within five (5) working days. ClasTran may request additional information from the protesting party, which must be submitted in writing within five (5) working days from the date of ClasTran's request.

Within twenty (20) working days of receipt of a written protest, ClasTran shall either:

1. Issue a final written decision which responds in detail to each issue raised in the protest and includes a rationale for the decision rendered, or
2. Conduct, at ClasTran's discretion, an informal hearing to allow the interested participating parties an opportunity to present their positions and supporting facts, documents, justification, and technical information. ClasTran will advise all interested parties of the final decision in writing no later than five (5) working days from the date of the informal hearing.

Protests before Proposal Solicitation

Bid protests alleging restrictive specifications or improprieties, which are apparent prior to bid or proposal opening, must be submitted in writing to ClasTran and must be received at least five (5) working days prior to bid/proposal opening. Bids will not be opened until five (5) working days after resolution of the protest unless ClasTran determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to ClasTran.

If the written protest is not received by the time specified, bids or proposals may be received, opened and awarded in the normal manner unless ClasTran determines that it is

in the best interest of all concerned to delay any step.

Protests after Opening of Proposal Solicitation and Prior to Award

Protests the making of an award may be made after bid opening and prior to award. Such protests must be submitted in writing to ClasTran and must be received by ClasTran within five (5) working days of the bid opening. If ClasTran decides to withhold the award pending resolution of the protest, ClasTran will notify all bidders whose bids or proposals might become eligible for award and offer them the option to extend or withdraw the bid or proposal beyond the 120-day validity period. Awards will not be made until at least five (5) working days after resolution of the protest unless ClasTran determine that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to ClasTran or the federal government.

Protests after Award

Protests received after announcement of an award or after a contract has been executed will only be considered if ClasTran determines that the matter is in the public interest or the protest presents clear and convincing evidence of fraud, misrepresentation, other illegality, or gross impropriety in the selection of a bid/proposal. If a protest is under consideration, ClasTran shall evaluate the bid/proposal at issue a second time in its entirety and use the same evaluation criteria and rating factors applied in the initial review of the bid/proposal. The bid/proposal will be evaluated by a panel designated by the ClasTran. If a protest involving an executed contract is under consideration, ClasTran will notify the selected contractor of the protest and its basis and may, at its discretion, order the contractor to suspend all ClasTran work activities. If the awarded contractor has not executed the contract as of the date the protest is received by ClasTran, the contract will not be executed until five (5) working days after resolution of the protest unless ClasTran determines that:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make award will otherwise cause undue harm to ClasTran.

Protests Pertaining to the Funding of Unsolicited Proposals

The submission of unsolicited proposals is inconsistent with ClasTran's policy to promote a full and open competition among interested parties for FTA contract funds. The filing of unsolicited proposals, therefore, will be deemed inappropriate by Clastran and returned to the sender; complaints or appeals calling for reconsideration of such proposals will not be accepted.

ALL complaints unresolved at the local level will be submitted to the Alabama Department of Transportation for final resolution to the Alabama Department of Transportation, Multimodal Engineer, Bureau of Transportation Planning and Modal Programs, 1100 John Overton Drive, Montgomery, Alabama 36130, telephone number (334) 242-6773.

A protest with respect to a ClasTran Request for Proposals or Requests for Bids should be submitted in writing to ClasTran's Executive Director no less than five (5) days prior to the closing date of said Request for Proposals/Requests for Bids. If the matter is not resolved within thirty (30) days, an appeal may be filed by the vendor with the Executive Director of ClasTran has the discretion, if the Executive Director deems it appropriate, to convene a committee of ClasTran's Board of Directors, consisting of the Board Chairman and officers. Said committee may resolve the issue as it considers appropriate, may decline to act, or may refer the matter to the consideration of the full Board of Directors. From the perspective of ClasTran, the actions of the committee, or the Board of Directors if the matter is referred by the committee to the full Board, is final.

If federal funding is involved in the specific procurement, the funding source, whether it is a state or federal agency, may have additional appeal procedures to which the vendor may refer a protest. If such appeal procedures are a requirement of a specific funding source, those procedures will be delineated specifically for the pertinent Request for Proposal/Request for Bids.

IX. SCOPE OF SERVICES

The Bidder shall perform the following services to ensure the continuity of effective and economical operation and management of the Clastran's transit vehicles fleet.

Fleet Insurance – Appropriate insurance coverage shall be provided by the Bidder within the agreed upon cost to ClasTran. The Bidder shall provide insurance coverage amounts of up to:

- \$1,000,000 collision, and
- \$1,000,000 liability

Coverage should include:

- 1) Collision coverage
- 2) Vandalism, theft, and acts of God
- 3) Medical coverage for ClasTran's employees and passengers
- 4) Liability coverage
- 5) Uninsured Motorist (UM) coverage

Written documentation must be provided by the Bidder in all efforts to resolve insurance claims. The Bidder shall keep claim records that can be reviewed by ClasTran, the Alabama Department of Transportation, Federal Transit Administration, or National Transit Safety Board at any time.

- A. Collision
- B. Vandalism, Theft, and Acts of God
- C. Medical
- D. Liability
- E. Uninsured Motorist (UM) coverage

X. ADDITIONAL BIDDER PREPARATION

- A. Bidders shall submit written bids which are prepared economically providing all the information considered pertinent to the project; all elements in the Scope of Services should be addressed. Bidders need to be clear in content and completeness.
- B. Bidders shall be submitted with firm pricing. All bids shall be signed in ink by an authorized agent of the Bidder. If there is a home address to a larger firm, that address, phone number and point of contract must be listed.
- C. The contents of the bid submitted shall become part of any contract awarded as a result of this RFB.
- D. References: At least three current references including company name, address, phone number, and point-of-contact must be included. (See 2.4 in the Qualification and Certifications section at the end of this document)
- E. Subcontractors: List all current subcontractors and a statement of the subcontractor's qualifications. Any subcontractors that are acquired after the granting of the contract shall be added to the permanent list of subcontractors.
- F. Bidders may be asked to give an oral presentation of their bid.
- G. See Section III for additional requirements.

XI. EVALUATION PROCESS

Selection of successful Bidder will be based on the following criteria:

- \$ Quality of proposed coverage
- \$ Cost to ClasTran
- \$ Capabilities and expertise of the Bidder
- \$ Capacity of the Bidder to provide coverage
- \$ Past service record of the Bidder
- \$ References from companies served by Bidders

XII. WITHDRAWALS OF BIDS

No bid shall be withdrawn for a period of 90 days after acceptance of bid.

XIII. FEDERAL CLAUSES

This procurement by ClasTran uses grant funds from the Federal Transit Administration, an agency of the United States Department of Transportation. All contractual provisions required by the United States Department of Transportation, **as set forth in FTA Circular 4220.1F**, are hereby incorporated by reference into this RFB and shall be a part of any resulting Contract. ALL applicable FTA Required Clauses shall be a part of any Contract for work on this project, whether by the submitting firm, any subcontractor, or awarded bidder of any proposed work in the effort to complete the parking lot project. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this RFB or any Contract resulting from this RFB. The Respondent shall not perform any act, fail to perform any act, or refuse to comply with any ClasTran requests which would cause ClasTran to be in violation of the FTA terms and conditions.

The FTA Required Clauses can be viewed at:

<https://goo.gl/MMVJGU>

XIV. DISADVANTAGED BUSINESS ENTERPRISES (DBE)

Participation by Disadvantaged Business Enterprises in Federal-Aid Programs Policy.

It is the policy of the U.S. Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds

under this agreement. Consequently, the DBE requirements of 49 CFR 26 apply to this agreement.

DBE Obligation. The recipient of funds under the terms of this agreement agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this agreement. In this regard, such recipient shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts and shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of U.S. Department of Transportation assisted contracts.

Failure of the recipient of funds under the terms of this agreement, or failure of its sub-bidder (if a sub-bidder is authorized) to carry out the DBE requirements of this agreement shall constitute a breach of contract, and may result in termination of the contract by the state, or such other remedy may be undertaken by the state as it deems appropriate.

XV. SUBMITTED COST PER YEAR PER VEHICLE

All submitted costs shall be a fixed amount. ClasTran, Bidder, and the Alabama Department of Transportation Bureau of Transportation Planning and Modal Programs must approve any changes, in accordance with law.

Costs shall be divided by vehicle, identified either by Inventory Number or VIN, to ensure proper reimbursement under the proper attributable program.

Complete the Following and Submit with Bid:

Price Sheet

	Premium Per Year Per Vehicle	Coverage Amounts Per Vehicle/Person	Deductible Amounts
Fiscal Year 2023			
Fiscal Year 2024			
Fiscal Year 2025			

Cover Sheet

Name of Organization:

Address:

Telephone: _____

Fax Number: _____

Contact Person, Title:

Agreement of Understanding

The Bidder understands, agrees, and warrants:

1. That Bidder has carefully read and fully understands the information that was provided by ClasTran to serve as the basis for submission of this bid to provide fleet insurance for ClasTran's transit vehicles.
2. That Bidder has the capability to successfully undertake and complete the responsibilities and obligation of the bid being submitted.
3. That this Bid may be withdrawn by requesting such withdrawal in writing ten (10) calendar days prior to the date that the bid is due but may not be withdrawn after that due date for a period of ninety (90) calendar days without forfeiture of the bid bond.
4. That all information contained in the bid is true and correct to the best of the Bidders knowledge.
5. That the Bidder did not, in any way, collude, conspire or agree, directly or indirectly, with any person, firm, corporation, or other Bidder regarding the amount, terms, or conditions of this bid.
6. That Bidder did not receive unauthorized information from: Any ClasTran staff member during the Bid period except as provide for in the RFB, addenda thereto, or any requested conference with ClasTran and all other Bidders.
7. That by submission of this bid, the Bidder acknowledges that ClasTran has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by Bidder, and Bidder hereby grants ClasTran permission to make said inquiry, and to provide any and all requested documentation in a timely manner.

By signing below, the submission of a bid shall be deemed a representation and certification by the Bidder that they have investigated all aspects of the RFB, that they are aware of the applicable facts pertaining to the RFB process, its procedures and requirements, and that they have read and understand the RFB. No request for modification of the bid shall be considered after its submission on the grounds that the Bidder was not fully informed as to any fact or condition.

If the Bidder is a Corporation:

1. The Duly authorized officer(s) shall sign as follows:

The undersigned certify that they are respectively:

_____ and _____
Title Title

of the corporation named below; that they are designated to sign this Bid Cost Form for and on behalf of the below named Corporation, and that they are authorized to execute same for and on behalf of said Corporation.

Corporation Name (Type or Print)

By: _____ Date:

Title: _____

By: _____ Date:

Title:

I _____ attest to the authenticity of the above signatures.

Sworn and subscribed before me this _____ day of _____, _____.

Notary Public

My commission expires on _____, _____.

2. If the Bidder is an Individual, sign below (include a notarized affidavit attesting to the authenticity of said signature):

Printed Name/Title

Date

Signature

I _____ attest to the authenticity of the above signatures.

Sworn and subscribed before me this _____ day of _____, _____.

Notary Public

My commission expires on _____, _____.

Checklist

Did you submit:

- 1 original and 1 copy Of the Submitted Bid
- 3 Service References
- Submitted Cost Sheet (page 11)
- Cover Sheet Completed and Signed (page 12)
- Agreement of Understanding Signed (pages 13-15)
- Statement of Non-Collusion (Attachment A)
- E-Verify (Attachment B)
- Affidavit for Business Entities Signed (Attachment C)

Attachment A

Acknowledgement of Bid Requirements and of Non-Collusion

All bids must be delivered in a sealed envelope and clearly marked on the outside: “Sealed Bid for Fleet Insurance”. Along with this heading, the date of submission and the bidder’s name must be clearly marked.

I/We agree to furnish at the price submitted and guarantee that each offered will meet or exceed all specifications, terms and conditions, and requirements. I herein affirm I have not been in any agreement or collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or refrain from bidding otherwise. I have read and understand all terms and conditions of this bid and any addenda/amendments issues

Name

Signature

Telephone Number

Title

Address

Attachment B

E-Verify

Does the Bidder employ 1 or more individuals in the State of Alabama? _____yes _____no

If so, the Bidder must include the standard Affidavit copies of information showing enrollment in E-Verify.

The Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Contractor during the term of the Agreement to perform employment duties within Alabama and all persons, including subcontractors, assigned by the Contractor to perform work pursuant to the Agreement with ClasTran and/or State.

By signing any resulting Contract, the Contracting parties affirm, for the duration of the Agreement, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

Attachment C

AFFIDAVIT FOR BUSINESS ENTITY/EMPLOYER /CONTRACTOR

(To be completed as a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees)

State of _____

County of _____

Before me, a notary public, personally appeared

(print name) who, being duly sworn, says as follows:

As a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, I hereby attest that in my capacity as

(state position) for

_____ (state business entity/employer/contractor name) that said business entity/employer/contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien.

I further attest that said business entity/employer/contractor is enrolled in the E-Verify program. (ATTACH DOCUMENTATION ESTABLISHING THAT BUSINESS ENTITY/EMPLOYER/CONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM)

_____ Signature of Affiant

Sworn to and subscribed before me this _____ day of _____, 2_____.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be. _____ Signature and Seal of Notary Public

Author:

Statutory Authority: Code of Alabama, sections 31-13-9 (a) and (b); Section 31-13-9 (h). History: New Rule: Filed December 12, 2011; effective December 12, 2011