

**Bay Area Regional Bicycle Share Pilot Project
Questions and Responses
Revised March 8, 2012**

This document contains responses to all questions raised at the pre-bidders and all subsequent questions received by February 23, 2012. An earlier version of this document, posted on February 28, 2012, contained responses to questions from the pre-bidders conference and some of the subsequent questions. This document makes minor corrections and revisions to the earlier version and contains the final responses to all questions received, including clarifications related to the extension of the proposal submittal due date and an increase in the allowable page limit.

Responses to Questions from the RFP Pre-Bidders Conference held Tuesday, February 21, 2012

1. **Q: Can non-profits bid on this RFP either as a primary or a subcontractor to the prime?** A: Yes.
2. **Q: Who is the end-user contracting with: the contractor or the Air District?** A: The end-user will “contract” directly with the contractor and the contractor will be the primary legal entity responsible for resolving users’ issues.
3. **Q: What is meant by “track [bicycle] reservations”?** A: This feature would allow a user to see whether bikes are available at any given station in real-time either on-line or via a smart phone app. We are currently updating the text in the RFP (Appendix A Section 9.17) to reflect this understanding.
4. **Q: The RFP states that the contractor must comply with “Buy America” provisions. Please clarify these requirements as they relate to the different ownership options. Specifically, do these requirements apply to both the lease and service options? Please also clarify how Final Rule 1983 is to be interpreted with respect to this project.** A: Since the pilot will be co-funded by CMAQ funds, **any component that contains either steel or iron must be manufactured and coated in the United States**. *This provision does not apply to the source of the raw materials, but rather requires that components that include these materials be manufactured domestically.* Please note that the option to apply for a waiver to this requirement is not available and will not be pursued for this project.
5. **Q: Do you suggest that we propose two alternate scenarios; one with domestically-produced steel and one that does not?** A: All scenarios must meet the “Buy America” provisions; bidders may choose to submit alternate scenarios and each scenario will be evaluated independently. See the response above for further clarification.
6. **Q: Is there adequate funding for 12 months of service?** A: The Pilot will be applying CMAQ, local and other revenue (i.e., user fees and sponsorships) to ensure that adequate funds are available to pay for at least 12 months of service.
7. **Q: Who will set the user fees?** A: Bidders are required to submit proposed fee structures and the Program Administrator will have final approval of the fee structure. The fee schedule will also be reviewed as part of the Pre-Award Audit process.

8. **Q: Are the Appendixes included in the 50 page limit? A: Please note the page limit for the RFP has been increased by 20 pages.** The main proposal is still limited to 50 single-sided pages (double-sided submissions are encouraged but must still maintain the 50 side limit); however, proposers may use up to 20 pages (or 10 double-sided pages) to provide additional information related to 1) alternative business plans described in Service Component (Section VI), 2) Exceptions (Section XIII), and required forms contained in Appendixes C and D. Additionally, bidders are not required to submit responses for Appendixes A and B using those forms but rather should submit responses that reference each element number in the same order that is contained in those appendixes.
9. **Q: In the RFP, there is a reference to electronic submission. Please clarify.** A: The electronic copy of the entire submission can either be emailed to Tom Flannigan at tflannigan@BAAQMD.gov or included in the submittal package along with the six (6) hardcopies (e.g., on a CD or thumb-drive).
10. **Q: Will the sign-in sheet from the pre-bidders conference be made available? A:** The sign-in sheet along with the PowerPoint presentation have been posted to the District's RFP website.
11. **Q: Are the questions [from this meeting] going to be posted? A:** All of the questions received at the pre-bidders conference and any responses to those questions will be posted by March 7, 2012, on the Air District's RFP website. The Air District will also post on this site all of the questions received by e-mail along with responses to those questions.
12. **Q: Slide 8 states that Local Implementing Agencies have already "identified potential station locations in each of the Pilot areas," and that those Agencies are also available to assist the contractor with the permitting and approval process. Please clarify the status of the permitting/approval process, the level/type of assistance that will be provided to the contractor in each of the Pilot areas, and provide the listing of the potential sites.** A: Comprehensive information regarding the status of permitting and approval processes for each pilot service area has been posted to the RFP website. The following files contain related information: [RFP 2012-005 List of Potential Station Locations](#), [RFP 2012-005 Description of Siting Work](#), [San Francisco proposed station map](#), [SPUR Presentation: SFMTA](#), and [SPUR Presentation: VTA](#). Please check the RFP website for updates to this information. Please note that the final locations that are selected will be determined by the local planning and/or permitting agencies in partnership with the selected vendor.
13. **Q: What types of approvals are required for each area? What permits will be needed? A:** See the response to the previous question.
14. **Q: Are systems required to be compatible with Clipper and how will the integration with Clipper be supported/ facilitated by MTC? And, will the contractor be held responsible if MTC is unable to allow a contractor to integrate with Clipper (e.g., in the event that the system is proprietary and the contractor is denied access)? A:** It is desired that proposed systems be compatible with Clipper®. MTC would support use of the Clipper® card serial number as a token to access a patron account within the bike share supplier's system. To read the serial number the equipment will require a smartcard reader that is compliant with ISO-14443 Type A & B standards. This solution will not use the Clipper® card for payment or require any integration with the Clipper® backend. Additionally, contractor would not be held responsible in the event that the contractor is denied access.

15. **Q: What is the exact date for the contractor award?** A: The award of this contract is contingent on the results of the pre-award audit and approval by the Air District's Board of Directors. It is anticipated that if negotiations and the pre-award audit are completed in a timely fashion, that awards will be made in early May. The Air District will notify all Pre-bidders conference attendees and proposers when the award is made.
16. **Q: What is the Pilot? Will the system expand during the Pilot?** A: The pilot is the project for which proposals are sought under this RFP. The pilot is co-funded by a CMAQ (federal) grant and local government to test bikesharing in the Bay Area through the deployment of 1000 shared bicycles in the five locations as identified in the RFP. Although the primary purpose of this solicitation is to demonstrate the feasibility of the bikesharing concept through a pilot program, the purpose of the pilot is to provide a foundation for an enduring and expanding program. As a result, the Air District is seeking proposals that also include options for: 1) the future expansion of the system (i.e. increasing the number of bicycles and kiosks within the initial pilot service areas); and 2) increasing the number of participating areas to expand the system to provide bikesharing in additional Bay Area communities. Depending on the results of the pilot, the post-pilot system would either be maintained as is, modified in scope, or be discontinued.
17. **Q: I am concerned about being able to meet the July 1st launch date. Will the Air District consider a rolling launch?** A: **Please note that the schedule for the RFP has been extended. The revised desired start date is now August 1, 2012.** The selection committee will accept bids that propose a rolling launch. Additionally, the entire system must be in service and operating by October 1, 2012.
18. **Q: How will the Air District respond to issues such as stolen credit cards? How will the District deal with day-to-day issues having to do with wrong charges or charges that need to be cancelled?** A: The contractor will be responsible for handling the day-to-day operational issues and managing all credit card related issues. In the event that a user complains directly to the Air District, the Air District will forward the complaint for resolution to the contractor.
19. **Q: What about users that don't have a credit card. Will the program allow the participation of users who do not have access to electronic credit (cash only?)** A: Bidders are encouraged to include proposed options and strategies for payment from users that do not have access to electronic credit.
20. **Q: Slide 6 of the presentation states that the contractor is required to "publicize" the program. Please clarify what "publicize" means?** A: Bidders are encouraged to include proposed options and marketing strategies that are designed to increase membership, participation, and safety in the program in their proposals. At a minimum, proposals must include a description of the bidder's proposed program website that will promote the program. Please reference requirements in Section IV.K Marketing and Outreach in the RFP.
21. **Q: Will proposals that do not contain exceptions score better than the ones that include exceptions?** A: It depends on the nature of the exception, which may be either positive or negative. The proposals will be reviewed as a whole using the scoring criteria listed on the last page of the RFP.
22. **Q: How will program revenues be handled? Will the revenue be forwarded to the Air District and then a portion returned to the contractor?** A: The contractor will be responsible for collecting revenue from memberships and user fees (and potentially sponsorships). The revenue will be forwarded to

the program Administrator on a monthly basis minus fees along with an accounting statement. Bidders should submit proposals that include options for fees and revenue sharing. Please reference Section IV.I Revenue in the RFP.

23. **Q: Is the preference for a fee structure that is self-sustaining?** A: Yes. It is expected that as grant funds diminish over time, funds to support the program will be derived from a combination of user fees and sponsorships. Keeping this in mind, bidders are expected to propose a fee structure that will allow for the program to be maintained and or expanded into new service areas. Additionally, preference will be given to fee structures that encourage bicycle use for short trips rather than rates that enable longer-term, rental-like, use.
24. **Q: Please clarify whose responsibility it is to obtain sponsorships: the contractor's, the District's or joint/shared responsibility between the contractor and the District?** A: The Air District and its partners will coordinate obtaining sponsorships with the contractor.
25. **Q: Many (or most) public transportation systems are subsidized [by the government], why is this project different?** A: This project was funded to demonstrate how bikesharing may be replicated throughout the greater Bay Area without additional grant funding or other subsidies. The project is designed to demonstrate the potential for bikesharing to be self-funded (e.g., through user fees and sponsorships) in order to be successful.
26. **Q: Is a performance bond or bidder's bond required?** A: In the event that the agreement is for leased equipment and service, there would not be requirement for a performance bond. In the event that the Air District purchases the equipment, there would be a requirement (i.e., a performance bond or other mechanisms) to provide reimbursement for non-cancelable expenses (such as the cost of the bicycles) in the event that the contractor is unable to perform.
27. **Q: What is anticipated to happen after five years of implementation? How will the contract be extended after 5 years?** A: Any extension to a contract would require an amendment to the agreement. This may also require the contract to be re-bid.

Responses to Questions Received by Thursday, February 23, 2012, 4:00PM

Questions from Bill Wright Burton, Library Bikes

1. **Q: Proposals from "companies" can include proposals from non-profit organizations, yes?** A: Yes, so long as that entity is able to comply with all of the contractor requirements.
2. **Q: The "Buy American" requirement applies to what percentage of purchases?** A: The "Buy America" requirement applies to all components that contain any amount of either steel or iron. Thus, for example, each steel bicycle rack, and not just a percentage of steel bicycle racks, would have to meet the requirements.
3. **Q: Can labor or services be substituted as meeting the "Buy American" requirements?** A: No, the "Buy America" requirement applies to all components that contain either steel or iron. Under this

requirement, manufacturing and assembly of products that contain iron or steel must take place in the United States, but raw materials may be sourced elsewhere.

4. **Q: Can we propose electronically without paper copies? Note: "Electronic submissions will be acknowledged with a return email" is wording in the submittal section.** A: No. To respond to this Request for Proposals (RFP), bidders must submit six (6) hard copies and an electronic copy (in Microsoft Office or Adobe format on a disc or thumb drive) of its proposal.
5. **Q: Can a proposer submit proposals as lead proposer while they are only a material supplier with operator as subcontractor?** A: Yes, so long as the proposal that is submitted is comprehensive and complete meaning that it should contain all of the required elements identified in the RFP.
6. **Q: Can a lead proposer have a non-profit service provider?** A: Yes, so long as that entity is able to comply with all of the contractor requirements
7. **Q: "bidders may submit multiple proposals with differing components." Does this mean a material supplier may propose separately with many different service supplier options?** A: Yes, so long as each proposal that is submitted is comprehensive and complete, meaning that it should contain all of the required elements identified in the RFP. Another option is to submit one comprehensive proposal and include additional options in the exceptions section. Please also see the updated response to pre-bidder's question #8.
8. **Q: Is California Sales Tax to be collected on each rental?** A: The bikesharing project does not involve bike rental; rather bikes are to be used by members (including day-use members) for short-term use. The contractor is responsible for understanding and complying with applicable local, State, and federal requirements including sales tax requirements. To the extent that bikesharing requires collection of sales tax, contractor would be responsible for doing so.
9. **Q: Is California Sales Tax to be collected on each membership?** A: The contractor is responsible for understanding and complying with applicable local, State, and federal requirements including sales tax requirements. To the extent that the sale of Bikesharing membership requires collection of sales tax, contractor would be responsible for doing so.
10. **Q: The proposal wording states: "iii) Business automobile liability insurance or equivalent with a limit of not less than one million dollars (\$1,000,000) each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles." Will automotive insurance be required of subcontractors who don't use automobiles? (such as bike shops that may do repairs, computer or accounting subcontractors, ...)** A: The contractor is required to obtain and maintain at least the minimum insurance coverage set in the RFP. Additionally, the contractor is required to use subcontractors that also obtain and maintain the applicable insurance requirements. To the extent that a subcontractor does not use automobiles during the course of its work for this project, it would not be required to obtain or maintain business automobile liability insurance. Also see the response to question #36 below; to the extent that changes in the insurance requirements are necessary and appropriate, they can be negotiated prior to contract execution.

11. **Q: Sample Contract; if your agency changes it, will cost adjustment be allowed?** A: Any changes to the sample contract that may affect cost would be negotiated prior to the agreement being executed.
12. **Q: What is the San Francisco operations labor percentage requirement/ goal?** A: The contract under this RFP will be with the Air District. The Air District does not impose a labor percentage requirement / goal.
13. **Q: "Subscription options will include annual, monthly, weekly, single and multi-day options." Does this requirement preclude a more user friendly system with less confusing choice selections?** A: Bidders may propose alternative membership options in the exceptions section.
14. **Q: How much time will be given before removal of a kiosk and station is expected? Will a cost be allowed for this work?** A: Unless there is a safety concern, generally the contractor would be provided adequate notice for removal of equipment. Bidders may include in their proposals a statement clarifying their understanding of "adequate notice". Once station locations are finalized, any decision to change kiosk and station locations would be made jointly between the contractor and the Air District except where safety concerns require quick action. Bidders should also include in their proposals information about the cost to move or remove kiosks and stations.

Questions from Ezzat Michel Zaki, Serco

15. **Q: Reference Section II.B, Additional Pilot System Requirements, Paragraph 3, Page 4: Does the last sentence on the page begin with "The data will also be evaluated by the Program Administrator and Partners for other impacts and benefits such as any changes in vehicle-miles traveled, ..."?** A: Yes.
16. **Q: Reference Exhibit I: How will bidders be scored for use (or lack of use) of Disadvantaged Business Enterprises (DBEs)?** A: There are no additional points for the use of DBEs. However, it is a federal requirement that proposals include a completed form.
17. **Q: Reference Section III, Instructions to Bidders: What is the scope of the pre-award audit or can you elaborate on what sort of documentation will be reviewed?** A: The pre-award audit is a federal requirement. For more information about the pre-award audit process, please consult the [Caltrans Local Assistance Procedures Manual, Chapter 10, Contractor Selection](#).
18. **UPDATED Q: "General: The due date is very ambitious for the scope to be included, particularly since answers to bidders' questions won't be received until March 2. In order to craft a fully responsive proposal that covers all five jurisdictions, multiple pricing models and the revenue projections requested by BAAQM, a significant extension for proposal submission is necessary. Request that the proposal due date be extended to March 22nd, and the response on this issue be sent to bidders immediately."** A: **Please note that the schedule for the RFP has been extended. The revised due date is 12:30 p.m. on March 21, 2012.**
19. **Q: Please confirm that all time zone references made in the RFP relate to Pacific Standard Time (PST).** A: Yes, time zone references are in Pacific Standard Time (PST).

Questions from Richard Layman, BicyclePASS, LLC

20. **Q: On page 7, the document states: 3. Proposal should adhere to the following guidelines: a) Limit the proposal including all attachments to a maximum of 50 pages. Any sample contract submitted with the proposal will not be included in the page count. Response: A: Please see the answer to pre-bidder's question #8.**
21. **Given the multiple scenarios requested and multiple financial scenarios, the required DBE and other attachments (approximately 5 pages), would the BAAQMD consider expanding the maximum acceptable page count to approximately 75-80 pages? Please respond. A: Please see the answer to pre-bidder's question #8.**
22. **Q: On page 9, paragraph C. System Pilot Launch Date, the document states: Contractor shall begin service on or before July 1, 2012 The Contractor shall perform a test of all system elements including bicycle, equipment, power sources, and related support systems to identify and resolve any operational and/or equipment issues prior to the public launch of the program. Any issues identified by the test must be resolved prior to the launch date. Response: Unless a preferred vendor has already been chosen and has begun manufacturing, it is not possible for any vendor to manufacture, deliver, test, and deploy the equipment required to support 100 stations, 1000 bikes, and 1500 to 2000 locking docks over 5 cities, spread out over the 50 miles between San Francisco and San Jose, in the 10 weeks from contract award to launch. Given the large geographical and economic area of the proposed pilot program, will the BAAQMD consider extending the RFP response period? Please respond. Given the large geographical and economic area of the proposed pilot program, will the BAAQMD consider changing the proposed launch date to the fall? Please respond. A: Please note that the schedule for the RFP has been extended. The revised desired start date is now August 1, 2012. The selection committee will accept bids that propose a rolling launch. Additionally, the entire system must be in service and operating by October 1, 2012.**
23. **Q: If the contract is awarded with a timeline and launch date significantly different from that listed in the original RFP, this sets the stage, justifiably, for a challenge to the contract award. Please respond. A: As we have noted above in our response to the previous question, additional time for the RFP response is being allowed, and a rolling launch is acceptable. The Air District will accept proposals that include delayed schedules that differ from that set forth in the RFP but offer lower costs, presumably through avoiding premiums to subcontractors for expedited performance, and potentially better performance. These alternatives should be included in Exceptions. Cost and performance are among a number of factors to be evaluated under the RFP. The Air District will select the best proposal, weighing all evaluation criteria.**
24. **Q: Appendix B, Question 1.04 states: The Program Administrator will require a signed agreement of every property that agrees to allow Bike Share Equipment to be located on their site. And B. Station Siting, Permitting and Right of Way (ROW) provision, on page 9 of the proposal states that ?the Contractor will ultimately execute the permits or agreements in advance of the System launch. Before any equipment can be deployed to a location, the Air District must have in hand any necessary permits, license, or siting agreements for that site? The likelihood of obtaining use and installation permits and approvals for 100 sites in five different cities in the 10 week period between contract award and launch is remote. What assistance with the BAAQMD and the participating cities provide to expedite this process? Is this timeframe realistic based on your experience with similar projects? Should the launch timeframe change as a result? Please respond. A: Comprehensive information regarding the status of permitting and approval processes**

for each pilot service area has been posted to the RFP website. The following files contain related information: [RFP 2012-005 List of Potential Station Locations](#), [RFP 2012-005 Description of Siting Work](#), [San Francisco proposed station map](#), [SPUR Presentation: SFMTA](#), and [SPUR Presentation: VTA](#). Please check the RFP website for updates to this information.

25. **Q: Generally, should the system budget for 2x to 3x the normal number of personnel and expense required to launch the system to accommodate the 10 week period from contract award to proposed launch date of July 1st, 2012? Please respond.** **A: Please note that the schedule for the RFP has been extended. The revised desired start date is now August 1, 2012.** The Air District will accept bids that propose a rolling launch. As also noted above, the Air District will accept proposals that include delayed schedules that differ from that set forth in the RFP but offer lower costs, presumably through avoiding premiums to subcontractors for expedited performance, and potentially better performance
26. **Q: Because of the complexity and scale of a 5 city pilot program, which is something that has not yet been attempted in any other metropolitan area in the United States, with the exception of DC-Arlington County, but Arlington County is less than 2 miles from DC, whereas San Jose is 48 miles from San Francisco, we suggest that it may be worthwhile to consider modifying the timeline of the pilot program, with regard to launch in all five cities. For example, the Hubway system launched in Boston in July 2011 (the RFP was due on Nov. 5, 2010 and the system launched July 28, 2011, an almost 9 month period between RFP submission, contract award, and launch, although the contract was awarded to the firm that had won the contract previously, which had to be re-bid). Expansion to Cambridge, Somerville and Brookline is scheduled for Summer 2012, one full year after the initial launch. (Brookline is less than 5 miles from Boston; Somerville and Cambridge are about 3 miles from Boston.) While a full year is not required, a three-phase launch for San Francisco, San Jose, and the cities of Mountain View, Redwood City, and Palo Alto is recommended. Please respond.** **A: Please note that the schedule for the RFP has been extended. The revised desired start date is now August 1, 2012. The Air District will accept bids that propose a rolling launch. See response to questions 23 and 25.**
27. **Q: On page 9, paragraph C. System Pilot Launch Date, the document states: Additionally, the Contractor shall begin promotion of the program prior to delivery of the service. Proposals should address outreach and promotion of the program that may be conducted prior to launch for events such as Bike to Work Day (Thursday, May 17, 2012). Developing and implementing a marketing program in approximately 10 weeks between the proposed contract award and the July 1st launch could be considered unrealistic in terms of generating significant impact in advance of launch. It makes more sense to extend the timeframe to maximize the value of marketing and promotion. Please respond.** **A:** Bidders are encouraged to include proposed options and marketing strategies that are designed to increase membership, participation, and safety in the program in their proposals. At a minimum, proposals must include a description of the bidder's proposed Program website that will promote the program. Please reference requirements in Section IV.K Marketing and Outreach in the RFP.
28. **Q: Question 4.17 in Appendix A implies that sponsors are desired. Does the BAAQMD, Program Partners, and the Metropolitan Transportation Commission intend for the bicycle sharing system to have title and station sponsors?** **A: Yes.**

29. **Q: If so, then the 4-5 month period between RFP submission and system launch is insufficient to obtain commitments. If commitments aren't obtained before launch, the value of such sponsorship is significantly reduced (note that the Capital Bikeshare system, which was launched in advance of obtaining sponsors still has not obtained sponsors, and the system is more than 2 years old, from the original date of the contract award and the September 2010 launch), making it much more difficult to obtain sponsorships and the funds that they can provide, which can be used to expand and market the system. Please respond.** A: The Air District and its partners will coordinate obtaining sponsorships with the Contractor. Bidders should include in their proposed fee structure an estimate of the amount of sponsorship revenue that would be generated during the pilot and over the next five years using their previous experience obtaining sponsorships.
30. **Q: Would a lease for equipment not made in America, where the title remains with the contractor, not the BAAQMD, Program Partners, and the Metropolitan Transportation Commission, still be subject to Buy America provisions? Please respond.** A: Both ownership and lease arrangements are subject to the Buy America requirement.
31. **Q: Is the sale of advertising on the ad-map kiosks for the stations prohibited in all cities in the pilot phase, in some cities? Do the BAAQMD, Program Partners, and the Metropolitan Transportation Commission consider advertising revenue as an important revenue stream for the program? Please respond.** A: Outdoor advertising is not part of this program. This program will mainly rely on user fees and sponsorships and in the short term, these revenues will also be augmented with federal and local grant funding.
32. **Q: I. Revenue This section seems to state that the contractor will be able to keep some/all of the system operating revenue (subscriptions & user fees), but only use sponsorship revenue for system operations. Please confirm how revenue from the system will be allocated/dedicated.** A: The contractor will be responsible for collecting revenue from memberships and user fees (and potentially sponsorships). The revenue will be forwarded to the Program Administrator on a monthly basis minus approved vendor fees along with an accounting statement. Bidders should submit proposals that include options for fees and revenue sharing. Please reference Section IV.I Revenue in the RFP.
33. **Q: L. Other Requirements 3. Post-Pilot This section requires several extra proposals, including, "a proposal that includes options for the future expansion of the System that would increase the number of bicycles and kiosks within the initial deployment areas, expand the program to include new service areas, and provide service to workplace campus centers," as well as a plan to remove the system at the end of the pilot. Should these requirements be included in the 50 page proposal limit, or submitted as supplements? A: Please see the answer to pre-bidder's question #8.**
34. **Q: The section also states that, "Removal of the Bike Share System Equipment, site restoration and any other required actions to close out the System shall be at the Contractor's sole expense exceptions can only be made at the request of the Program Administrator." Can a decommission price be included as part of the financial/budget/contracting prices quoted in the responses to the RFP? A: Yes.**
35. **Q: Exceptions (Section XIII) - This section only permits proposals for alternative approaches or specifications to be laid out as part of a 50 page response. Space limitations seriously limit the ability to explicate alternative scenarios. If substantially different alternatives will be considered, why isn't this process being done in advance of soliciting proposals to determine the ideal**

approach for the region? A: Alternative options are allowed and should be submitted in the exceptions section unless otherwise noted. Proposals will be reviewed as a whole using the scoring criteria listed on the last page of the RFP. **Please see the answer to pre-bidder's question #8.**

- 36. Q: EXHIBIT II- APPLICABLE PROVISIONS: 14. INTELLECTUAL PROPERTY RIGHTS - Please define "intellectual property" in the context of this contract. Will operational methodologies developed during the RPP/contract term qualify as intellectual property?** A: The sample Air District contract included as Exhibit II to the RFP is the Air District's standard template for professional services contracts. It is frequently modified to address the needs of a particular contract. There is no standard District contract for bikeshare programs, and the Air District's template would require extensive modification for it to serve as the contract between the Air District and the selected bikeshare contractor. The RFP therefore asks bidders to submit a sample contract on the assumption that bidders may have developed or have experience with a contract specifically designed for a bikeshare program. The final contract between the Air District and the selected contractor will be a product of discussions between the Air District and the contractor. The bikeshare contract must include the "federally-required provisions" listed in Exhibit II, but the Air District contract provisions are intended only as the basis for discussion. For example, the Air District standard provision regarding intellectual property noted in this question is often modified in particular contracts. A common modification is to define as the contractor's intellectual property certain technology and know-how that a contractor brings to the project. Whether operational methodologies can qualify as intellectual property is a complex legal question that cannot be answered here. However, the Air District will negotiate with the selected contractor to develop mutually agreeable intellectual property provisions.
- 37. Q: 15. PUBLICATION Section C. states, "Information, data, documents, or reports developed by CONTRACTOR for DISTRICT, pursuant to this Contract, shall be part of DISTRICT's public record, unless otherwise indicated." What is the provision for declaring any of the above as confidential information?** A: As explained above in the response to question 36, this provision can be modified to better suit the bikeshare program. For example, it is possible that reports to the Air District might include some personally identifiable user data. Under the California Public Records act, this personally-identifiable information would be exempt from disclosure and would have to be treated as confidential. As with the intellectual property provisions discussed above, the Air District will negotiate mutually agreeable data, reporting, and publication provisions.

Questions from Jeanne Orellana at ParkWide Bike Rentals and Tours

- 38. Q: Appendix B, 5.06 asks for narrative on steering applicable customers away from bike share and towards bike rentals, yet Appendix B., 7.02 suggests user fees for bike share should be comparable to current bike sharing systems operating around the world. Below market hourly pricing after the first hour creates direct competition for the local rental industry. Is there a way to address the issue of 2nd hour pricing and beyond, so that sections 5.06 and 7.02 are compatible and address the issue of competition due to below market pricing?** A: Proposed fee structures should be designed to encourage only short-term use trips. This program is not intended to compete with traditional bicycle rental markets.
- 39. Q: In 5.06 the issue of competition with the established local San Francisco bicycle rental industry is addressed relative to the bike share system. Is it possible to add a similar request for narrative to the RFP that is relative to the concept of bike share and special events and how bike share operators would address this without having a negative impact on local rental industry?** A: This

program is not intended to compete with traditional bicycle rental markets. To that end, rates will be designed to encourage only short-term trips (i.e. 30 minutes or less per trip). Additionally, promotional materials developed for this program would include information to help potential users understand the difference between short-term use (bikesharing) and longer-term use (appropriate for rentals). Specifically, promotional materials would direct users to consider rentals if the user intends to either use a bike for longer periods than 30 min. and/or ride the bike a significant distance from a Pilot or program service areas (e.g., crossing the Golden Gate Bridge or ride bike along the Crystal Springs multiuse path, etc.)

- 40. Q: What are the current proposed kiosk station sites in San Francisco?** A: Comprehensive information regarding the status of permitting and approval processes for each pilot service area has been posted to the RFP website. Please check the RFP website for updates to this information. The following files contain related information: [RFP 2012-005 List of Potential Station Locations](#), [RFP 2012-005 Description of Siting Work](#), [San Francisco proposed station map](#), [SPUR Presentation: SFMTA](#), and [SPUR Presentation: VTA](#)
- 41. Q: Appendix B, 5.06 asks for respondents to “describe your ideas for and/or experience with marketing techniques and strategies to steer tourists seeking long-term rentals away from the bike sharing system to a local bicycle rental company: For this RFP, what defines a “long term rental”- specifically, is it one over 30 minutes; one over 1 hour; one over 1.5 hours; one over 2 hours, etc?** A: For this RFP, "short-term use" means a trip that is approximately 30 minutes. However, this does not preclude bidders from proposing a system that is more restrictive. Additionally, both the bicycle design (i.e., “commuter-style”) and fee structure will discourage longer periods of use on any given trip.
- 42. Q: Is there any CMAQ funding for post-pilot expansion?** A: No, at this time there is no additional CMAQ funding for post-pilot.
- 43. Q: At what point does BAQMD see the vendor moving from billing for services (subsidized model) to a self- sufficient model? During the pilot or immediately afterwards?** A: We do not have a response to this question at this time. The answer will be determined based on the results of the program.
- 44. Q: If future government funding is available, is it contingent on ridership results (therefore creating an incentive for vendor to produce higher ridership results)?** A: Future government funding is not available at this time.
- 45. Q: Studies show that bike share is only profitable when used by and thus marketed to tourism. One of the program’s goals is for the post pilot expansion to become “self-sufficient”. Therefore does the BAQMD foresee expansion to touristic areas such as San Francisco’s Fisherman’s Wharf, to be critical to the long-term success?** A: The only areas that are being considered at this time are those that will be part of the pilot. The Air District’s RFP website contains several files that list potential locations that may be considered for the pilot: [RFP 2012-005 List of Potential Station Locations](#), [RFP 2012-005 Description of Siting Work](#), [San Francisco proposed station map](#), [SPUR Presentation: SFMTA](#), and [SPUR Presentation: VTA](#). Please note that the final locations that are selected will be determined by the local planning and/or permitting agencies in partnership with the selected vendor.

46. **Q: The touristic areas such as Marina and Fisherman's Wharf are already saturated with rental bicycles. Does the BAQMD see imminent expansion to the touristic neighborhoods for bike share to duly serve tourists?** A: No specific limits have been set regarding expansion outside the parameters of the federally-funded pilot project; however our vision of bicycle sharing for the pilot and beyond is not intended to compete with traditional bicycle rental markets. Design of the pricing structure and bicycles themselves will discourage longer recreational trips like those currently made by typical tourists on rental bicycles. See answer to question #45.
47. **Q: What is the BAQMD's view of expansion into underserved areas such as Mission District or Bayview?** A: See answer to question #45.
48. **Q: Appendix B, 5.05 states addressing barriers to membership faced by low income populations who lack access to credit. Does the BAQMD foresee** A: No response (incomplete question).
49. **Q: How will ridership be measured?** A: The results of the pilot will be measured using a combination of survey and usage data. This data will be assessed using local and regional commuter and ridership profile information.
50. **Q: When will map be done?** A: See answer to question #45.
51. **Q: When will winner be chosen?** A: The award of this contract is contingent on the results of the pre-award audit and approval by the Air District's Board of Directors. It is anticipated that if negotiations and the pre-award audit are completed in a timely fashion, that awards will be made in May. The Air District will notify all bidders when the recommendation for an award is made.
52. **Q: If winner does not perform as expected/ does not deliver as promised- will there be a runner up?** A: The Air District expects the selected contractor to perform as obligated under its contract with the Air District and will not speculate about remedies were there to be a breach by the contractor.
53. **Q: If winner does not perform as expected/ does not deliver as promised- will there be a new RFP?** A: See answer to question #52.
54. **Q: If winner does not perform as expected/ does not deliver as promised- what type of liability would not performing operator have for not having delivered as promised?** A: See answer to question #52.
55. **Q: Is there a Performance bond on the winner? If not, who is responsible to oversee the operator's performance?** A: In the event that the agreement is for leased equipment and service, there would not be requirement for a performance bond. In the event that the Air District purchases the equipment, there would be a requirement (i.e., a performance bond or other mechanisms) to provide reimbursement for non-cancelable expenses (such as the cost of the bicycles) in the event that the contractor is unable to perform. In general, the Air District will be responsible to ensure that the selected contractor complies with its contractual obligations.
56. **Q: If the chosen operator does not provide the standard of service proposed, what are the repercussions? Who sets the standard? Who enforces the standard?** The contract between the Air District and the selected contractor will establish the contractor's obligations.

57. **Q: If the chosen operator does not provide the standard of service proposed does “runner up” proposal kick in?** A: See answer to question #52.

58. **Q: RFP requests at least 1000 bikes- do you get extra points if you offer more?** A: We are looking for the best value of service and quality and quantity of equipment in combination with the longest operational period. Also, generally, a bid that proposes 1000 bikes for a longer than 12 month term would be considered more favorably than a bid that proposes more than 1000 bikes, but is limited to a 12 month period.

59. **Q: Is this enough time to vet all proposals to get best value for city?** A: Yes.

60. **Q: If respondents partner with pre-existing SF based companies, does it give them an advantage to the scoring of their proposal?** A: There are no additional points for the use of pre-existing SF-based companies. The evaluation criteria listed in the RFP will be used to select the best overall proposal.

Questions from Gene Oh, Alameda Bicycle

61. **Q: What is the total budget of the Pilot?** A: The Air District and its partners were awarded \$4.29 million in CMAQ funding to purchase and operate a 1000 shared-bike system for a minimum of 12 months. In addition, the District and its partners have committed additional funding to direct project expenses. In total, there is approximately \$5.9 million (in combined funds) for direct project expenses. It is expected that if the bikes are not purchased, but rather leased, that the funds from purchase will be applied towards a longer operating period. Staff time (i.e. administration and management, planning, and design) costs for the District and its partners are not included in these amounts and are covered using other sources of funding.

62. **Q: What is the goals of the project becoming self-sufficient – are you talking about reimbursing operations expenses, operations + administrative, or operations + administrative + capital costs?** A: One of the goals of the project is to explore the feasibility of self-sufficiency, meaning that all costs associated with the system (including administrative, capital and operations) can be covered through revenue (including membership dues, user fees and sponsorships). Ideally, program revenue will be able to cover the full cost and provide "seed money" for future program expansion.

63. **Q: What sort of emissions and sustainability figures / data is desired?** A: We are interested in obtaining information that allows us to calculate emissions reduced, and assess market penetration, sustainability, potential for the System to be expanded within the original pilot cities, and potential for expanding service into other Bay Area communities. The data will also be evaluated by the Program Administrator and Partners for other impacts and benefits such as any changes in vehicle-miles traveled, peak-hour vehicle trips and air pollution; transit facilitation; and, to the extent feasible, changes in the physical activity of bike share users and users' transportation costs. The Air District and its Partners will also research, test, and evaluate sustainable program financing models. Additionally, the Air District and its Partners are interested in a system that would allow users to track their greenhouse gases reductions and other environmental factors.

64. **Q: What particular emissions are you looking to reduce?** A: Criteria pollutants and greenhouse gases generated from single occupancy vehicles.

65. **Q: Does each city have heat maps to show residential density, employment, average household income, and commute habits?** A: Much of this information is available either by city or by county. Good sources are the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Government (ABAG). For San Francisco, please reference [SPUR Presentation: SFMTA](#).
66. **Q: Will Golden Gate Park and other park-owned properties be considered for Phase 2?** A: See answer to question # 45.
67. **Q: Should tear down expenses be included in our estimate?** A: Yes. All costs (including anticipated and potential expenses) should be included and listed in the proposals.
68. **Q: How do we demonstrate familiarity with state & federal procedures?** A: Please note that this section of the RFP was revised on February 28, 2012 and now includes the following requirement: "iii) Statement demonstrating previous experience with and/or knowledge, and/or understanding of Federal and State requirements including CMAQ funding, "Buy America" requirements, and the Caltrans funding process." This information should be included in proposals under Additional Data (Section XII).
69. **Q: Please define "Buy American" and whether the kiosks are exempt from "Buy American?"** A: See answer to question # 2.
70. **Q: All steel parts on bikes are generally produced overseas. Will there be a blanket exception to "Buy American" provision if alternative parts cannot be sourced domestically?** A: Since the pilot will be co-funded by CMAQ funds, any component that contains either steel or iron must be manufactured and coated in the United States. This provision does not apply to the source of the raw materials, but rather requires that components that include these materials be manufactured domestically. Please note that the option to apply for a waiver to this requirement is not available and will not be pursued for this project.
71. **Q: Will lease options be exempt from "Buy American"?** A: Both ownership and lease arrangements are subject to the Buy America requirement.

Questions from Jeff Sears, Blazing Saddles Bike Rentals and Tours

72. **Q: Is there any CMAQ funding for after the pilot available to extend the program?** A: At this time, no CMAQ funding has been identified for the post-pilot expansion.
73. **Q: At what point does BAQMD see the vendor moving from a where they bill for services (subsidized model) to a self-sufficient model? During the pilot or immediately afterwards?** A: We do not have a response to this question at this time. The answer will be determined based on the results of the program.
74. **Q: Is future government funding contingent on ridership results, therefore there is an incentive for vendor to produce higher ridership results?** A: See answer to question #44.
75. **Q: How will ridership be measured?** A: Ridership will be measured using a combination of surveys and user data.

76. **Q: Will the vendor make more during the pilot if the model makes more money?** A: See answer to question #32.
77. **Q: The touristic area such as Marina and Fisherman's Wharf are already saturated with rental bicycles. What is the BAQMD's view of (beyond pilot) expansion in these touristic neighborhoods for bike share to duly serve tourists?** A: See answer to question #46.
78. **Q: What is the BAQMD's view of expansion into underserved areas such as Mission District or Bayview?** A: See answer to question # 45.
79. **Q: When will Pilot Service Area Map be done?** A: See answer to question # 45.
80. **Q: When will winner pick?** A: See answer to question # 51.
81. **Q: If winner does not perform as expected/ does not deliver as promised- will there be a runner up?** A: See answer to question # 52.
82. **Q: If winner does not perform as expected/ does not deliver as promised- will there be a new RFP?** A: See answer to question # 52.
83. **Q: If winner does not perform as expected/ does not deliver as promised- what type of liability would not performing operator have for not having delivered as promised?** A: A: See answer to question # 52.
84. **Q: Studies done by individuals and companies involved in the bike share industry show that bike share is only profitable when used by and thus marketed to tourism. One of the program's goal is that the post pilot expansion becomes "self sufficient". Does the BAAQMD foresee expansion to touristic areas such as San Francisco's Fisherman's Wharf or Golden Gate Park to be critical to the long-term success?** A: See answer to question # 45.
85. **Q: Is there a Performance bond required for the winner to purchase that would be used in case the operator did not perform as was proposed in their RFP response?** A: See answer to question # 55.
86. **Q: Does runner up kick in?** A: See answer to question # 52.
87. **Q: At least 1000 bikes- do you get extra points if you offer more?** A: See answer to question # 58.
88. **Q: Is this enough time to vet all proposals to get best value for city?** A: See answer to question # 59.
89. **Q: Our understanding the BAAQMD main role is the funding for implementing the program. Does the BAAQMD look more favorably on the operator that proposes more equipment and resources for the initial 12-24 month Pilot period or operator proposing using the resources to establish a system that will be better prepared to continue on post pilot?** A: Please see the response to question #58.
90. **Q: What are the requirements on purchasing the equipment after the Pilot Program?** A: For equipment that was purchased or leased by the District, at a minimum, federal requirements apply.

91. **Q: Will the BAAQMD look more favorably on the operator that proposes a lease vs. purchase plan versus or a buy versus lease proposal?** A: We are looking for the best value of service and quality and quantity of equipment in combination with the longest operational period.
92. **Q: Will the BAAQMD buy the equipment off vendor at the end of pilot period?** A: Maybe, but not necessarily. Bidders should include all costs and considerations into their proposals
93. **Q: What form of calculating the depreciating will be used when making the determination of depreciation?** A: The District does not have an established form of calculating the depreciation. Bidders should include a proposed formula for depreciation in their proposals, and this issue will be negotiated between the District and the highest ranked bidder.
94. **Q: How much will the buyback price be affected by depreciation?** A: Please see the response to question #93.
95. **Q: If respondents partner with pre-existing SF based companies, does it give them an advantage to the scoring of their proposal?** A: See answer to question # 60.
96. **Q: How is the ratio of fees received divided by the operator and the BAAQMD?** A: This will be negotiated.
97. **Q: Who decides the ratio of fees divided by the operator and the BAAQMD?** A: See answer to question #32.
98. **Q: Should the RFP proposals include the Loss of equipment projections?** A: Prices in proposals should be inclusive of all costs related to the Bike Share System as defined by the RFP.
99. **Q: Will lost, damaged, stolen, defective or broken equipment be replaced monetarily by the BAAQMD when a claim is made by the operator?** A: No. Prices in proposals should be inclusive of all costs related to the Bike Share System as defined by the RFP.
100. **Q: Who or what governmental body will negotiate the post Pilot Program with the operator?** A: The Air District is serving as the initial Program Administrator. However, The Air District may transfer its administration of the program to a third-party. This entity would be responsible for negotiating future agreements and or extensions.