



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

July 27, 2022

Request for Proposals 2022-010

Language Access Plan

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SECTION I – SUMMARY

The Bay Area Air Quality Management District (Air District) seeks proposals from qualified consultants that would, under contract, conduct an analysis in accordance with the Environmental Protection Agency (EPA) issued Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance). Familiarity with government regulations and policies and prior experience working with government agencies to complete analyses in accordance with federal guidance is desired.

To respond to this Request for Proposals (RFP), an interested company should submit one (1) electronic copy (in Adobe Acrobat PDF file format) of its proposal to the Air District’s Procurement Portal (Portal):

Michael Chao, Staff Specialist
Bay Area Air Quality Management District
375 Beale Street, Suite 600; San Francisco, CA 94105
Portal link: <https://baaqmd.bonfirehub.com>

Proposals must be submitted and received by 4:00 p.m. on Wednesday, August 24, 2022 (deadline).

Late proposals will not be considered.

Proposals must address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not instead of, the requested information and format. Minority business enterprises, women's business enterprises, veteran's business enterprises, and Certified Green Businesses are encouraged to submit proposals. **Any questions regarding this RFP should be submitted through the Portal.**

SECTION II – BACKGROUND

A. Air District Overview

The Air District was created by the California Legislature in 1955 as the first regional agency to deal with air pollution in California. The Air District jurisdiction includes Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, southwestern Solano, and southern Sonoma counties.

The State Legislature originally gave the Air District the authority to regulate stationary sources of air pollution, such as factories, oil refineries, chemical plants, gasoline stations, and agricultural burning. With more recent legislation, the Air District was granted authority to enact certain transportation and mobile source measures.

The Air District is governed by a twenty-four (24) member Board of Directors, consisting of elected officials, including county supervisors, mayors, and city council members.

B. Plan for Language Services to Limited English Proficient (LEP) Populations

The Air District requires a consultant to review and update the Air District's *Assessment of Limited English Proficient Populations and Current Services* in accordance with the Environmental Protection Agency (EPA) issued Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance). This updated report would inform Air District efforts to improve access to Air District services and programs for LEP residents in the Bay Area. The report will provide information critical to allowing the Air District to proactively prepare materials in several languages for public input and feedback.

For more information, please visit: <https://www.govinfo.gov/content/pkg/FR-2004-06-25/pdf/04-14464.pdf>.

SECTION III – SCOPE OF WORK

Task 1 - Develop a Plan for Conducting Analysis

The selected consultant will review the analyses performed by the Air District in its *Assessment of Limited English Proficient Populations and Current Services (Report)* and any relevant historical and/or current data related to LEPs provided by the Air District, including the Environmental Protection Agency (EPA) issued Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance) .

The selected consultant shall meet with the Air District Project Manager and other relevant Air District staff to discuss and agree upon a strategic approach to update the Report. Air District staff envisions 2-3 one-hour meetings with Air District staff to finalize the strategic approach and plan. In these meetings, the Consultant and the Air District will agree upon the approach and process for conducting Tasks 2, 3, 4, 5 and 6 as outlined below, including the expected timeline.

Deliverables for Task 1:

- Draft Plan for Conducting LEP Analysis for Four-Factor Analysis
- Final Plan for Conducting LEP Analysis for Four-Factor Analysis

Task 2 – Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee (Air District)

The selected consultant will review the Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance) as it relates to the first factor in the guidance.

The selected consultant shall coordinate with Air District staff to determine the number or proportion of LEP persons eligible to be served or likely to be encountered within the Air District's jurisdiction. To complete this analysis, the Air District anticipates the selected consultant will conduct an analysis of the Bay Area utilizing 2020 Census Data and any other relevant and available data, including language line data, website data and requests for both interpretation and translation, to determine and map where LEP populations reside and what languages are most frequently spoken other than English within the Air District's jurisdiction.

Deliverables for Task 2:

- Draft Analysis of Factor 1 – Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee
- Final Analysis of Factor 1 – Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee

Task 3 – Frequency with which LEP individuals come in contact with the program

The selected consultant will review the Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance) as it relates to the second factor in the guidance.

The selected consultant will coordinate with Air District staff to determine the frequency of contact LEP individuals have with Air District programs, activities and services. To complete this task, the selected consultant may need to coordinate with leadership of the Air District through surveys, one-on-one conversations or focus groups or other applicable means to understand the breadth and scope of programs and activities and frequency of contact with LEP individuals.

Deliverables for Task 3:

- Draft Analysis of Factor 2 – Frequency with which LEP individuals come in contact with the program

- Final Analysis of Factor 2 – Frequency with which LEP individuals come in contact with the program

Task 4 – Nature and Importance of the Program, Activity or Service Provided by the Program

The selected consultant will review the Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance) as it relates to the third factor in the guidance.

The selected consultant will identify Air District applicable programs or activities that would have consequences to individuals if language barriers prevented a person from benefiting from the service or program. The selected consultant will also determine the impact on LEP populations of delays in providing LEP services. To complete this task, the selected consultant will coordinate with and potentially interview Air District staff to determine the level of importance and types of services the Air District provides to LEP populations.

Deliverables for Task 4:

- Draft Analysis of Factor 3 – Nature and Importance of the Program, Activity or Service Provided by the Program
- Final Analysis of Factor 3 – Nature and Importance of the Program, Activity or Service Provided by the Program

Task 5 – Resources Available to the Air District and Costs

The selected consultant will review the Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance) as it relates to the fourth factor in the guidance.

The selected consultant will estimate the financial cost to the Air District of providing language assistance. The estimate shall include the number of Air District staff and the percentage of Air District staff time that is associated with providing language assistance.

Based on the selected consultant's analysis of demographic data and contact with LEP persons in earlier Tasks, the selected consultant will determine what information, including vital documents, may need to be translated into additional languages, what additional oral or written language services should be provided, or what existing language assistance needs to be made available more widely. The selected consultant will develop a list of specific actions that are needed to provide meaningful access to Air District programs and activities.

To the extent possible, the selected consultant will consider the Air District's operating budget and what should be devoted to additional language assistance expenses, if needed. The selected consultant shall estimate additional costs and budgets by requesting quotes from the Air District's selected translation and interpretation contractor or by reviewing industry/regional standards.

The selected consultant will also identify potential cost saving measures, such as pooling resources with sister agencies, or standardizing documents to reduce translation

needs, and/or increased centralization of interpreter and translator services to achieve economies of scale.

Deliverables for Task 5:

- Draft Analysis of Factor 4 – Resources Available to the Air District and Costs
- Final Analysis of Factor 4 – Resources Available to the Air District and Costs

Task 6 – Update Air District’s Assessment of Limited English Proficient Populations and Current Services

The selected consultant will utilize the analysis and documents completed in Tasks 2.1, 3, 4 and 5 to update the Air District’s *Assessment of Limited English Proficient Populations and Current Services*.

Deliverables for Task 6:

- Draft Revised *Assessment of Limited English Proficient Populations and Current Services*
- Final Updated *Assessment of Limited English Proficient Populations and Current Services*

Task 7 – (Optional Metropolitan Transportation Commission (MTC) Work) Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee (MTC)

The selected consultant will review the Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance) as it relates to the first factor in the guidance.

The selected consultant shall also coordinate with staff from the Metropolitan Transportation Commission (MTC) to determine the number or proportion of LEP persons eligible to be served or likely to be encountered within MTC’s jurisdiction. To complete this analysis, MTC anticipates the selected consultant will conduct an analysis of the Bay Area utilizing 2020 Census Data and any other relevant and available data, including language line data, website data and requests for both interpretation and translation, to determine and map where LEP populations reside and what languages are most frequently spoken other than English within the MTC’s jurisdiction.

Deliverables for Task 7:

- Draft Analysis of Factor 1 – Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee
- Final Analysis of Factor 1 – Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee

***Please note, for deliverables related to Task 7, the selected consultant will contract and coordinate with staff at MTC; and all deliverables related to Task 7 will be owned by the Metropolitan Transportation Commission.*

SECTION IV – INSTRUCTIONS TO BIDDERS

A. General

1. Interested firms must create an account through the Portal described on p. 1 of this RFP to view RFP documents and addenda, and to submit questions and bid documents.
2. All proposals must be made in accordance with the conditions of this RFP. Failure to address any of the requirements is grounds for rejection of this proposal.
3. All information should be complete, specific, and as concise as possible.
4. Proposals should include any additional information that the respondent deems pertinent to the understanding and evaluation of the bid.
5. The Air District may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the deadline. Please check our [Portal](#) for updates prior to the deadline.
6. Proposals shall constitute firm offers. Once submitted, proposals may be withdrawn, modified and resubmitted through the Portal up until the August 24, 2022 deadline.
7. The Air District reserves the right to reject any and all proposals.
8. The total quotation for this project should not exceed Fifty Thousand Dollars (\$50,000).
9. All questions must be in written form and submitted through the Portal no later than **4:00 p.m. on Wednesday, August 10, 2022**. Firms will not be able to submit questions after this time. All questions will be answered in writing and posted on the [Portal](#) by **6:00 p.m. on Wednesday August 17, 2022**.
10. The cost for developing the proposal is the responsibility of the bidder, and shall not be chargeable to the Air District.

B. Submittal of Proposals

All proposals must be submitted according to the specifications set forth in Section V (A) – Contents of Proposal, and this section. Failure to adhere to these specifications may be cause for the rejection of the proposal.

1. **Deadline** – All proposals are due no later than **4:00 p.m. on Wednesday, August 24, 2022**, and should be submitted via the Portal:

Michael Chao, Staff Specialist
Bay Area Air Quality Management District
375 Beale Street, Suite 600; San Francisco, CA 94105

Portal link: <https://baaqmd.bonfirehub.com>

2. Uploading large documents may take significant time, depending on the size of the file(s) and Internet connection speed. Bidders should plan sufficient time before the deadline to begin the uploading process and to finalize their submissions. Bidders will not be able to submit documents after the deadline. Proposals received after the date and time previously specified will not be considered.
3. Signature – All proposals should be signed by an authorized representative of the bidder.
4. Submittal – Submit one (1) electronic copy (in Adobe Acrobat PDF file format). Electronic submissions submitted via the Portal will be acknowledged with a confirmation email receipt. Late proposals will not be accepted. Any correction or re-submission of proposals will not extend the submittal due date.
5. Grounds for Rejection – A proposal may be immediately rejected at any time if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm.
6. Disposition of the Proposals – All responses to this RFP become property of the Air District and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion “confidential.” The District will use reasonable means to ensure that such confidential information is safeguarded, but will not be held liable for inadvertent disclosure of the information. Proposals marked “confidential” in their entirety will not be honored, and the District will not deny public disclosure of any portion of submittals so marked.

By submitting a proposal with portions marked “confidential,” a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the District for, and to indemnify, defend, and hold harmless the District, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys’ fees, expenses, and court costs of any nature whatsoever, arising from or relating to the District’s non-disclosure of any such designated portions of a proposal.
7. Modification – Once submitted, proposals, including the composition of the contracting team, may be altered up until the deadline. Proposals may not be modified after the deadline. All proposals shall constitute firm offers valid for ninety (90) days from the **August 24, 2022**, deadline.

C. Interviews

1. The Air District, at its option, may interview bidders. The interviews will be for the purpose of clarifying the proposals.
2. Submittal of new proposal material at an interview will not be permitted.
3. Interviews may involve a presentation and/or a question-and-answer session.
4. Interview teams should be representative of the project team.

SECTION V – PROPOSAL FORMAT, CONTENT, AND SUBMITTAL

A. Contents of Proposal

Submitted proposals must follow the format outlined below and include all requested information. Failure to submit proposals in the required format can result in the proposal being eliminated from evaluation and consideration. Please number your responses exactly as the items are presented here, and limit to 10 pages, except work samples, which should be included in a separate appendix.

1. Technical Proposal
 - a. Cover Letter (Section I) – Must include the name, address, and telephone number of the company, and must be signed by the person(s) authorized to represent the firm.
 - b. Contact Information – Provide the following information about the organization:
 - Address and telephone number of office nearest to San Francisco, California and the address and phone number of the office that each of the proposed staff members are based out of if different.
 - Name of individual or, if an organization, the organization's representative designated as the contact and email address
 - Name of project manager, if different from the individual designated as the contact
 - c. Table of Contents – Clearly identify material contained in the proposal by section
 - d. Summary (Section II) – State overall approach to Language Access Plan, including the objectives and scope of work.
 - e. Program Schedule (Section III) – Provide projected milestones or benchmarks for completing the project within the total time allowed. Provide a description of how you will manage timelines estimated (including allowing sufficient time for Air District review of draft documents)
 - f. Firm Organization (Section IV) – Provide a statement of your company's

background and related experience in providing similar services to governmental organizations, if any. Describe the technical capabilities of the firm and, in particular, the firm's exposure with working with environmental regulations, if any. Provide references of other, similar projects including contact name, title, and telephone number for all references listed.

- g. Project Organization (Section V) – Describe the proposed management structure, program monitoring procedures, and organization of the engagement team. Provide a statement detailing your approach to the project, specifically addressing the firm's ability and willingness to commit and maintain staffing to successfully conclude the project on the proposed schedule.
- h. Assigned Personnel (Section VI) – Provide the following information about the staff to be assigned to the project:
- List all key personnel assigned to the project by level and name. Provide a description of their background, along with a summary of their experience in providing similar services for governmental agencies, and any specialized expertise they may have. Background descriptions can be a resume, CV, or summary sheet. Substitution of project manager or staff will not be permitted without prior written approval of the Air District's assigned program manager.
 - Provide a statement of the availability of staff in any local office with requisite qualifications and experience to conduct the requested project.
 - Provide a statement of education and training programs provided to, or required of, the staff identified for participation in the project. Make particular mention of with reference to experience dealing with governmental agencies, procedures, and environmental regulations.
- i. Work Samples (Section VII) (Does not count against 10-page limit) – Samples of up to five (5) major projects that the company has completed similar in scope and size to the project outlined in this RFP. Include the client, the name of a contact person who is able to provide a reference, the reference contact person's telephone number and email address, a description of the nature of the work, and the size and complexity of the project.
- j. Retention of Working Papers (Section VIII) – All working papers are the property of the Air District. Include a statement acknowledging that if your firm is awarded the contract, you will retain project related papers and related reports for a minimum of five (5) years.
- k. Subcontractors (Section IX) – List any subcontractors that will be used, the work to be performed by them, and the total number of hours or percentage of time they will spend on the contract.

- I. Conflict of Interest (Section X) – Address possible conflicts of interest with other clients affected by contractors’ actions performed by the firm on behalf of the Air District. The Air District recognizes that prospective bidders may have contracts to perform similar services for other clients. Include a complete list of such clients for the past three (3) years with the type of work performed and the total number of years performing such tasks for each client. The Air District reserves the right to consider the nature and extent of such work in evaluating the proposal.
 - m. Additional Data (Section XI) – Provide other essential data that may assist in the evaluation of the proposal (e.g. green business certification, etc).
2. Cost Proposal (Does not count against 10-page limit)
 - a. Name and Address – The Cost Proposal must have the name and complete address of the bidder in the upper, left hand corner.
 - b. Cost Proposal – The Cost Proposal must list the fully-burdened hourly rates and the total number of hours estimated for each level of professional and administrative staff to be used to perform the tasks required by this RFP. In addition, costs should be estimated for each of the components of the Scope of Work.
 - c. The Cost Proposal does not need to be a separate, sealed document.

B. Cooperative Use

The Metropolitan Transportation Commission (MTC) may utilize this RFP to obtain similar services, at the same terms and conditions included in this RFP and firm’s Proposal during the period of time that the contract resulting from this RFP is in effect.

SECTION VI – PROPOSAL EVALUATION

A panel of Air District staff will evaluate all proposals. The panel will recommend the selection of the contractor to the Air Pollution Control Officer (APCO), who will, in turn, make a recommendation to the Air District Board of Directors. The Air District Board of Directors must approve the contract to carry out the work described in this RFP. A link to a typical contract for professional services used by the Air District is included in Section VII.

Proposals will be evaluated on the following criteria:

Criteria	Description	Weight
Expertise	Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm’s ability to perform and complete the work in a professional and timely manner.*	20%

Skill	Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.	30%
Approach	Responsiveness of the proposal, based upon a clear understanding of the work to be performed.	30%
Cost	Cost or cost effectiveness and resource allocation strategy	10%
References	References of the firm	5%
Firm's Specialty Focus Area	Local business/Green Business**	5%
	Total	100%

- * "Size and structure of firm" refers to the ability of a firm's size to meet the needs of the District. It does not give absolute preference to larger or smaller firms.
- ** The Air District gives preferences to local business and those that are certified as green businesses by a government agency or independent private rating organization. "Local business" means that a firm's headquarters is located within the nine counties of the Air District's jurisdiction.

In the event that two or more proposals receive the same number of points, the more cost-effective proposal shall be given a higher rank.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFP is available on the District's website at <http://www.baaqmd.gov/about-the-air-district/request-for-proposals-rfp-rfq/samples-previous>.