

Addendum No.1

Date: November 12, 2021

To: All Proposers

From: Christine Chavez, Transit Manager

Subject: RFP20210910YARTS YARTS Transit Service Operator, Bus Maintenance, and Bus Fuel Provider

This Addendum No.1 issued by YARTS supersedes the language in the RFP. Any part of the RFP not addressed in this Addendum remains unaffected and the original language stands.

The following forms have been revised and are a part of this Addendum. Proposers are to submit these updated forms with their response.

- All Pricing Forms_Addendum No.1
 - The pricing forms are in Excel format. The first worksheet/spreadsheet, titled “Run Detail” is for proposers to use as a reference for the six (6) worksheets that will be submitted in response to cost in your proposal.

Note: For all responses that reference “*Answer to Question ___...*”, proposers will receive a Dropbox link to access and download provided data.

Following are questions submitted by potential proposers with YARTS' responses in red *italicized* text.

1. Page 2; Topic: Disadvantaged Business: Recognizing there is a 2% DBE goal, please provide the names and contact information of any current DBE vendors including the service provided and rates. *The current YARTS contractor has no DBE vendors.*
2. RFP Section 1.2; Page 6; Topic: Hours and Miles: Please provide the revenue 'service hour' definition for billable hours. Do contractors bill for the hours buses are required to layover in Yosemite recognizing they cannot deadhead back to the facility midday. *Billing will be based on a minimum of five (5) service hours per driver per day. Revenue service hours are hours that are paid from the first stop in revenue service on the route, to the last stop in Yosemite and vice versa. Layover time is not paid as revenue service.*
3. RFP Section 1.2; Page 6; Topic: Hours and Miles: Please clarify if billable time continues past scheduled hours on the last trip due to exterior factors (traffic, weather, incidents, etc.). *Yes, YARTS will pay all revenue service hours, excluding maintenance delays.*
4. Page 11; Topic: Electronic Submission Request: Printed proposals are often hundreds of bound pages that must be transported, physically shared, manually reviewed, and then stored. Electronic documents result in cleaner workspaces, easier collaboration, faster review, more flexible schedules via mobile working and provide a more environmentally sustainable practice. In order for YARTS to realize these benefits, we respectfully ask that you consider allowing proposals to be submitted via fully electronic means only (email, dropbox, etc.). *YARTS is changing the submittal requirement via this Addendum No.1. Proposers shall submit their proposals via electronic mail (email) in PDF format to alicia.ochoa-jones@mcagov.org. The email subject line shall read as follows: RFP20210910YARTS YARTS Transit Service Operator, Bus Maintenance, and Bus Fuel Provider – Submission Deadline 12:00 p.m., December 10, 2021.*
5. RFP Section 3.5; Page 12; Topic: References: Please clarify if Contractors should list 3 to 5 clients where the Contractor operates similar service over the previous five (5) years? The section is not specific, and many companies operate many contracts across the US for various service types. *The language in Section 3.5 of the RFP stands. Additionally, references for which similar types of public transit services have been provided, as requested in the subject RFP, shall be included in Proposers response, so long as the contract is/was within the previous five (5) years.*
6. Page 32; Topic: Labor Relations: Are the current transit employees covered by 49 USC 5333(b) (also known as Section 13c of the Urban Mass Transportation Act of 1964)? Are there any unfunded liabilities Contractors will be responsible like a pension plan? *Yes, as a condition of financial assistance under sections 5307-5312, the interests of employees affected by the assistance shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. YARTS is uncertain whether any unfunded liabilities exist.*
7. RFP Section Three; Page 38; Topic: Extension: Request that option years be extended by mutual agreement recognizing that changes occur in economics. *As per FTA Circular 4220.1F, YARTS alone has a unilateral right to exercise options, including option years (as long as costs have negotiated and agreed upon before the parties sign the resulting contract).*

8. RFP Section Five; Page 39; Topic: Insurance: Request added language -- "Additional Insured" should be limited to "claims specifically arising under this Agreement." AND A waiver of subrogation should be limited as follows: "The Contractor waives the subrogation clauses in its insurance coverage only to the extent that covered claims or damages are caused by Contractor's own negligence or willful conduct." *YARTS can discuss with selected proposer during contract negotiations.*
9. RFP Section Seven; Page 40; Topic: Penalties and Incentives: Please provide a listing of any penalties charged or incentives earned, for each category, by month for the past 24 months to include pre-Covid time period. Please clarify if the liquidated damages listed in the RFP differ from the current contract. *Refer to "Answer to Question_9_39" for a spreadsheet that includes liquidated damages assessed from September 2019 - September 2021, the liquidated damages table from the current contract, and the liquidated damages table from the RFP.*
10. RFP Section Seven; Page 40; Topic: Penalties and Incentives: Would the agency consider postponing performance penalties during the first 90 days of the new contract period for a new contractor? *Yes, YARTS will consider a postponement of 90 days in winter plus 30 total consecutive days for summer services.*
11. RFP Section Nine; Page 41; Topic: Legal: At various times, state, federal, and local governments change laws, rules and regulations which require a company to increase the wages or benefits for the employees that will be employed under this contract. If such an event occurs during the term of the agreement, how will the agency respond for a request for increased compensation. For example, the recent Affordable Care Act legislation significantly affected the level and cost of medical coverage for employees. Since these events cannot be anticipated and the costs are so significant, we need to understand the risk associated with such laws, rules, or regulations. *YARTS will not impose minimum wages for operators at any point. The contractor will be required to comply with state and federal laws that dictate such. Proposers are to anticipate the costs/wages that will affect the employee and employer over the life of the resulting contract.*
12. RFP Section 13; Page 42; Topic: Force Majeure: Request language be added to provide payment to Contractor for fixed costs should service be stopped or terminated for a period of time to compensate for associated costs of fleet, facilities, management, etc. that must be paid whether service operates or not. Suggest language - 'If said force majeure act causes YARTS to reduce service by 5% or partially or fully suspend service for longer than fourteen (14) days, YARTS shall pay Contractor for all fixed costs associated with the contract and parties will negotiate in good faith equitable adjustments to the rate to properly account for remaining cost structure. Absent an agreement of a proper equitable adjustment and/or if YARTS does not pay Contractor its fixed costs, Contractor may terminate the contract on fifteen (15) days advance notice to YARTS. *'No, this language will not be considered by YARTS.*
13. RFP Section 14.A.2; Page 42; Topic: Termination: Request the language be modified to include a minimum 30 day cure period to resolve issues noting that most service standards are evaluated on a thirty day period. *YARTS can discuss with selected proposer during contract negotiations.*

14. RFP Section 15; Page 43; Topic: Termination or Convenience: Request the language be modified to include a minimum 60 day termination notice for convenience. As an employer we need to provide sufficient WARN Act notices to our employees *YARTS can discuss with selected proposer during contract negotiations.*
15. RFP Section 23; Page 45; Topic: Indemnification: Request the following language or similar be added to the contract - 'YARTS agrees to indemnify, hold harmless and defend Contractor, its governing board, officers, employees and agents from and against every claim or demand which may be made by any person, firm, or corporation, or any other entity arising from or caused by YARTS's gross negligence in the performance of this Agreement, except to the extent that such claim or demand arises from or is caused by the negligence or willful misconduct of Contractor, its agents or employees.' *YARTS can discuss with selected proposer during contract negotiations.*
16. Page 75; Topic: Hours and Miles: Please provide the revenue miles and hours; deadhead miles and hours; and total miles and hours for these services for the past 12 months. Provide by route if available *Refer to "Answer to Question_16" for revenue miles and hours by route for October 2020 - September 2021. Information for deadhead miles and hours is unavailable.*
17. Page 97; Topic: Fleet: Please provide information on the Agency provided fleet to include engine type, current odometer readings, average miles operated per year. Please advise if the contractor is required to provide any items on the bus [fareboxes, radios, MDT, etc.]. *Refer to "Answer to Question_17_56". Average miles operated per year is unavailable.*
18. Page 98; Topic: Schedules: Please provide the route timetables and detailed information for each Fixed Route in Excel format to help with blocking and scheduling. Please include deadhead hours and miles, pull-out and return-to-yard times, etc. *Refer to "Answer to Question_18".*
19. Page 112; Topic: Certifications: Please confirm that the provided list of Certifications confirms that YARTS is meeting these noting that most do not apply to the Contractor of services. Please clarify any of these that the Contractor must confirm compliance for. *YARTS confirms that the provided list of Certifications confirms that YARTS is meeting these, except Category 02 – Public Transportation Agency Safety Plans as it's not applicable to YARTS, noting that most do not apply to the Contractor of services. Further, FTA requires YARTS, as a recipient of federal funds, to take measures to obtain the compliance of project participants, such as third party contractors, with the fundamental requirements of the Certifications and Assurances.*
20. Page; Pricing Tab: Pricing Cost Form: Please clarify where the cost for Contractor provide fleet maintenance should be listed? There is a specific line split out for "Maintenance Cost Per Hour (YARTS Fleet only)" *Fleet maintenance for leased vehicles will not be paid directly by YARTS. Costs for operations and maintenance of leased vehicles is to be included in the operational costs. See revised pricing forms included in this Addendum.*

21. Page; Pricing Tab: Pricing Cost Form: Please clarify the numbers in cells of Column D which range from 6 to 17, however, it appears on the tab 'Run Detail' there are 21 buses in service peak summer months. Are these numbers used for any calculations? *YARTS owns 16 vehicles available for peak pull out of 15 vehicles. YARTS is requesting contractor supply spare vehicles in the case of vehicle failure or unavailability. Eventually YARTS intends to own enough vehicles to have the contractor operate YARTS services without leased vehicles. See revised pricing forms included in this Addendum.*
22. Page; Pricing Tab: Pricing Cost Form: Please clarify what hours contractors should use for each line to calculate the "Annual FY Total of Service Contracts" columns. While there are a total of 14,903 hours, should contractors plan to bill that many hours for both the agency provided and contracted provided fleets regardless of vehicles used? i.e., we would bill each line item charge for every hour operated? *See revised pricing forms included in this Addendum.*
23. Page; Pricing Tab: Topic: Pricing Cost Form: Please clarify whether the 'Fixed Cost Add-On' amounts should be included in contractors fixed rate or whether these are billed separately and in addition to the costs provided in the sections above 'Add-on' *Fixed Cost Add-On amounts are to be included in fixed rate; the breakdown is to help YARTS understand what those costs are comprised of. See revised pricing forms included in this Addendum.*
24. RFP Section 1.1.4; Page SOW P1; Topic: Revenue Vehicles: Please provide more details regarding Contractors requirement to provide revenue buses. The SOW indicates the Contractor 'may be asked' to provide. Is the Agency able to provide a defined chart for when vehicles would be needed by months and for each year of the contract? Most companies do not have vehicles sitting idle in a parking lot to place into service on short notice. And when leasing vehicles, the price is significantly different from brokers for a couple months vs. a year vs. multiple years *YARTS is currently in the process of seeking and securing grant funds to purchase vehicles for expansion. It is unknown at the time of the publishing of this addendum how many vehicles will be owned by YARTS at the start of this contract. YARTS Staff has estimated the maximum number of vehicles needed from the contractor and charted in the attachment. See "Answer to Question_24_26".*
25. RFP Section 1.1.4; Page SOW P1; Topic: Fleet: Does the Agency have a vehicle replacement schedule that can be shared? Are the six (6) vehicles arriving in 2022 replacement for any of the current ten (10) Agency buses or expansion? *Currently, YARTS does not have a replacement schedule to share. YARTS is purchasing buses to add to the existing fleet. The six (6) vehicles arriving in 2022 will be for expansion of the YARTS owned fleet. YARTS anticipates securing additional grant funds to purchase additional buses over the next two years, to move away from contractor leased vehicles later in this contract or the subsequent contract for services and maintenance.*
26. RFP Section 1.1.4; Page SOW P1; Topic: Fleet: Please confirm that in 2022 the Agency will provide 16 of the goal of nineteen (19) buses. Please confirm that peak service requires a minimum fleet of twenty-one (21) buses which would require Contractor to provide a minimum of two (2) buses throughout the contract term. Does this total include spare vehicles needed? *Yes, YARTS will provide 16 vehicles starting in 2022. Peak service in the summer requires a minimum of 19 buses, including spares. Please see "Answer to Question_24_26" for service requirements. In the months of June through September, the contractor will need to supply up to three (3) vehicles which will be used as spares.*

27. RFP Section 1.4; Page SOW P5; Topic: Subcontractors: Please provide details regarding any subcontractors being used in this service currently, and which services they are providing. *The current contractor has no subcontractors. Fuel is provided via a third-party vendor, Chevron Pazin-Meyers in Merced, and diesel exhaust fluid by SS Blue Diesel Exhaust Fluid in Merced, both as a pass-through cost which is the same request made in this RFP. Additionally, the contractor uses a card lock system (CFN) for fueling when operating in Tuolumne (Bear Creek Station) and Mammoth.*
28. RFP Section 3.2; Page SOW P6; Topic: Labor Relations: Is there currently a Collective Bargaining Agreement in place? If so, please provide a copy of the current CBA or a contact at the local union. *YARTS understands there is no collective bargaining agreement in place at the moment.*
29. RFP Section 3.2; Page SOW P6; Topic: Labor Relations: In line with the Protection of Current Employees section, we intend to hire as many of the existing employees as possible. In order for us to ensure that they make at least as much, or more than they do now, please provide a seniority list for the current employees for this contract, and indicate position, full time or part time, length of service, and current rate of pay. *A seniority list of current contractor employees is unavailable. Refer to "Answer to Question_29_33" for MCAG's YARTS organizational chart*
30. RFP Section 3.2; Page SOW P6; Topic: Labor Relations: What is the current starting wage for drivers and hourly staff positions? *For fiscal year 2021-2022, drivers are estimated to be paid \$16.38 per hour. Hourly staff positions average pay rate are estimated at the following per hour for the 2021-2022 fiscal year.*
- | | <i>2021-2022</i> |
|--------------------------------------|------------------|
| <i>Accounting Mangers</i> | <i>\$46.16</i> |
| <i>Training & Safety Manager</i> | <i>\$50.94</i> |
| <i>Vehicle Maintenance Manager</i> | <i>\$80.90</i> |
| <i>Dispatch/Scheduler</i> | <i>\$27.79</i> |
| <i>YARTS Clerk</i> | <i>\$18.17</i> |
| <i>Maintenance Support</i> | <i>\$21.79</i> |
31. RFP Section 3.2; Page SOW P6; Topic: Labor Relations: Due to the industry wide labor shortages, would the agency include a minimum wage requirement for this procurement? *YARTS will not impose minimum wages for operators at any point. The contractor will be required to comply with state and federal laws that dictate such. Proposers are to anticipate the costs/wages that will affect the employee and employer over the life of the resulting contract.*
32. RFP Section 3.2; Page SOW P6; Topic: Management and Support Staff: Please provide a list of the positions currently provided by the contractor for this operation. Please indicate whether these positions are 100% dedicated to this contract. *Per current contract, "CONTRACTOR's personnel shall include, at a minimum, the following functions: operations manager, schedulers/dispatchers, maintenance manager, accounting staff, safety and training manager, mechanics, clerical staff (assigned to YARTS), and vehicle operators." YARTS is uncertain how many of those positions are solely dedicated to YARTS.*
33. RFP Section 3.2; Page SOW P6; Topic: Management and Support Staff: Please provide a current organization chart to include management, staff, and drivers. *Refer to "Answer to Question_29_33" for MCAG's organizational work chart. The current contractor's organizational chart is unavailable.*

34. RFP Section 3.2; Page SOW P6; Topic: Labor Relations: Please provide information regarding the current benefits and co-pays for the current employees to include drivers and hourly staff. Please include participation, contribution and as many specifics as possible. *Information is not available to YARTS staff.*
35. RFP Section 3.6.1; Page SOW P7; Topic: Dispatch/Reservations: Please provide the number of calls by hour and by type (reservations, schedules, etc.) for each day of the week. *Refer to "Answer to Question_35".*
36. RFP Section 3.6.1; Page SOW P7; Topic: Dispatch/Reservations: Call Center - calls anticipated (quantity and peak) *This information is unavailable as phone lines are provided by current contractor.*
37. RFP Section 3.6.1; Page SOW P7; Topic: Dispatch/Reservations: Call Center - please provide average hold time, talk time, and handle time. *This information is unavailable as phone lines are provided by current contractor.*
38. RFP Section 3.6.1; Page SOW P7; Topic: Dispatch/Reservations: Call Center - please provide call abandon rate. *This information is unavailable as phone lines are provided by current contractor.*
39. RFP Section 4; Page SOW P8; Topic: Current KPI's: Please provide the current providers performance as they relate to the Performance Standards for the services as listed in the RFP for the past 12 months. *Refer to "Answer to Question_9_39".*
40. RFP Section 8.8; Page SOW 14; Topic: Damage to Vehicles: Request the language be modified given that should YARTS damage the vehicles, YARTS should be responsible for the costs. Consider adding - "except for any damage caused by YARTS. All costs associated with damage caused by YARTS are the sole responsibility of YARTS." *YARTS does not work on vehicles nor have access to operate the vehicles. YARTS can discuss with selected proposer during contract negotiations.*
41. Page SOW P15; Topic: Operations: What is the current pre-trip and post-trip time per driver? *This information is unavailable.*
42. RFP Section 9.10; Page SOW P16; Topic: Operations: How many extra board hours is the current operator incurring? *This information is unavailable.*
43. RFP Section 9.8; Page SOW P16; Topic: Technology: IT: Are there any non-standard system applications that need to be installed on Contractor's workstations? Will we need to host or support any application, web, or database servers? *Services system functions are currently web based. Microsoft office suite and an updated web browser is currently sufficient for service operations.*
44. RFP Section 9.8; Page SOW P16; Topic: Technology: IT: What systems, applications or on-bus technology does the Contractor need to provide computers or servers for? *REI Camera downloads are currently not provided by the contractor; but rather YARTS admin staff. The incoming contractor may be asked to utilize video software and downloads on their system. Engine and Transmission Diagnostics and PM maintenance software will be provided by the contractor.*

45. RFP Section 9.8; Page SOW P16; Topic: Technology: Please provide detailed information (make, model, function) on any on-board applications provided by YARTS. Please clarify which of these the contractor is responsible to provide support (hardware or software) for passenger WIFI, AVL, passenger counting, farebox, etc.

YARTS owned fleet is equipped at a minimum with the following:

REI Cameras: Each bus is equipped with 6-12 cameras, and 1-2TB Hard Drives;

Farebox – Pacemaker: mounted on stanchion;

Samsung Cell Phone with Square reader: YARTS provided;

Amtrak Ticket Scanner: Provided by Amtrak.

The contractor will be required to notify YARTS staff if equipment is not properly functioning, and YARTS is responsible for the replacement costs of equipment.

46. RFP Section 9.8; Page SOW P16; Topic: Technology: Application Support: Are there any applications or systems that need to be transitioned from the current contractor's system to the new contractor's system? *No, YARTS does not own any systems solely used by the contractor. Vehicle Maintenance details and information will be provided for incoming contractor.*

47. RFP Section 9.8; Page SOW P16; Topic: Technology: Hardware: Please describe the manufacturer, make and model of any equipment currently in use or planned for use on the vehicles including cameras, safety/security systems, routers, signs, passenger counters, tablets, and fare boxes. *Refer to response to question 45. This is all the information currently available.*

48. RFP Section 9.9; Page SOW P16; Topic: Fare Collection: What is the process for fare collection?

For reservations: Passengers receive a PDF ticket via email that includes a QR code. Drivers scan the QR code with a YARTS-issued cell phone to validate the ticket.

For walk-ons on YARTS-owned bus: Drivers inform passengers of fare amount. If the passenger is paying with cash, passenger will insert the cash into the farebox. Fareboxes are emptied by YARTS staff weekly. If passenger is paying by credit card, driver will use YARTS-issued cell phone to collect payment via Square.

For walk-ons on YARTS-leased bus: Driver informs passengers of fare amount. If the passenger is paying with cash, driver will collect and store the cash in an envelope that is turned into and counted by the contractor's accounting department at the end of the shift. If the passenger is paying by credit card, driver will use YARTS-issued cell phone to collect payment via Square.

All drivers track fare types (i.e., adult, child, reduced), walk-on ridership and reservations.

49. RFP Section 9.9; Page SOW P16; Topic: Fare Collection: What type of fareboxes are currently utilized within the revenue vehicles? If none, please provide fare collection process. *Genfare Pacemaker is currently equipped only on YARTS owned vehicles. Contractor provided vehicles are not equipped with fareboxes, and follow the process spelled out in Scope of Work page 16 of the RFP. Refer to answer to question 48 of this Addendum.*

50. RFP Section 9.9; Page SOW P16; Topic: Fare Collection: Please provide the total dollar amount of cash fares collected by month for the past 24 months. *Refer to "Answer to Question_50" for a breakdown of cash fares collected by month. The total amount collected for the past 24 months is \$130,557.50.*

51. RFP Section 9.12.17; Page SOW P17; Topic: Bus and Shelters: Please confirm the contractor is not required to maintain the bus stops or shelters. If contractor is responsible, please provide specific requirements and the amount spent on cleaning/maintenance for the past year. *YARTS staff currently maintains and will continue to provide maintenance of all bus stops and shelters.*
52. RFP Section 11; Page SOW P18; Topic: Operations: Please provide copies of the last 12 months of management reports from the Contractor. *Refer to "Answer to Question_52" for copies of the last 12 months of management reports from current contractor.*
53. RFP Section 12; Page SOW P19; Topic: Operations: Please provide copies of the last twenty-four (24) months of invoices from the Contractor. *Refer to "Answer to Question_53" for copies of the last 24 months of invoices from current contractor.*
54. RFP Section 16; Page SOW P22; Topic: Transition: When does the agency expect to award this contract? What date should transition plans start? *As per RFP Section 1.4, YARTS anticipate contract Notice of Award in June of 2022 and the estimated transition date in August of 2022. Please refer to all scheduled activities listed in RFP Section 1.4.*
55. RFP Section 16.8; Page SOW P23; Topic: Operations: Please provide current 'paddles' and run cut for this service. *Paddles are not currently available to YARTS staff. Refer to "Answer to Question_55" for run cuts for services in Summer of 2021 and Winter of 2020.*
56. RFP Section 17; Page SOW P24; Topic: Maintenance: Are there any remaining warranties for the fleet or provided equipment? If so, please provide warranty information. *Yes, as of November 1, 2021, one (1) vehicle, #507 will have a warranty for an engine and #508 for a transmission. Refer to "Answer to Question_17_56".*
57. RFP Section 19.7.4; Page SOW P27; Topic: Radios: Please clarify whether YARTS is providing radios, cell phones or other on-board communication equipment for the complete fleet to include contractor buses. If so, please provide detailed information. *YARTS buses are not equipped with traditional digital or analog radios. Operators are currently and will continue to be supplied with YARTS cell phones to use for contacting the office and on-board payment/ticket validation.*
58. Topic: Operations: Who is the current contract provider and how many years have they held this contract including extensions? *VIA Adventures, Inc. for 21 years.*
59. Topic: Operations: Is the current contractor staging vehicles on any of the routes, and if so, please provide details on the routes that require the staged vehicles to maintain OTP? *It is YARTS staff understanding that buses are not staged on routes. Remote park out locations in the summer peak service are the closest there is to vehicle staging.*
60. Topic: Pricing: Please provide the current rates paid to the existing contractor for variable and fixed costs. Also, please indicate the total amount paid to the contractor for the last fiscal year. *Refer to "Answer to Question_60".*
61. Topic: Pricing: What is the current turnover rate for drivers? *This information is unavailable.*
62. Topic: Support Vehicles: Does YARTS have any non-revenue support vehicle requirements? How many supervisor vehicles are currently used to support the service? *YARTS does not own any support vehicles. The current contractor uses one (1) shop service truck and one (1) support vehicle.*

63. Topic: Driver Layover: Please confirm there is a bus layover parking area in Yosemite for buses to park throughout the day between their arrival to the park and their departure. Are there any contractor costs associated with this? Are there any amenities provided/available to bus operators in Yosemite during their layover? *YARTS staff works with Yosemite National Park staff (NPS) to identify a designated layover parking area in Yosemite. Dependent upon the season/NPS activity, it may rotate between a few different locations (Curry Village, Yosemite Valley Lodge/Laurel Cottage). There is no parking cost for layover activity. Amenities, like a break room, are not available for operators at this time.*