

Unsolicited Proposal Policy FAQs

- **Where do I submit my Unsolicited Proposal?**

Metro prefers to receive unsolicited proposals electronically at:
unsolicitedproposals@metro.net.

Please note that each electronic submission must meet the following requirements:

- Must be in a standard readable and printable PDF format
- Must be contained in a single email not to exceed 150 MB in size, including attachments

Metro will also accept unsolicited proposals in hard copy at:

LACMTA Vendor / Contract Management
Mail Stop 99-9-1
One Gateway Plaza
Los Angeles, CA 90012

Metro will issue a receipt within three business days acknowledging that we have received your unsolicited proposal.

- **Why should I put effort into a proposal when it may result in a competitive bidding process?**

Metro's Unsolicited Proposal Policy expands access to new ideas by giving Metro more exposure to what is available in the market. The Unsolicited Proposal Policy offers a framework that can lead to better partnerships with private sector participants, and it creates more opportunities for private sector companies to do business with Metro.

The Unsolicited Proposal Policy provides a pathway for Metro to implement projects that otherwise might not have happened until well into the future, if at all. By submitting an unsolicited proposal, the proposer is, in effect, creating an opportunity where one did not previously exist.

Metro is committed to serving as an incubator and implementer of innovation to improve mobility, environment, safety, and the customer experience. Our goal is to balance the benefits of true innovation with the need for transparency and open competition, while avoiding conflict of interest.

- **If my proposal results in a competitive bidding process, do I have any advantage in that process?**

Metro is dedicated to fair and open competition in all procurement efforts. A successful proposal is creating an opportunity that did not previously exist. Therefore, as the originator of the proposal, your ideas and approaches would give you a fair competitive advantage.

- **How can I learn about parallel efforts similar to mine going on at Metro?**

With many initiatives underway at Metro, staff welcomes opportunities to discuss our ongoing efforts with the private sector, without disclosing details of other proposals so that

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we can help you understand how your proposal might fit within our plans and if your potential idea has enough merit to meet the threshold criteria laid out in the Policy and warrant consideration. However, staff must be cautious in such discussions so as not to deviate from Policy and the proposal is prepared without Metro's supervisions, endorsement, direction or direct involvement.

- **What are the most common roadblocks when submitting an Unsolicited Proposal to Metro, and how can I work to address them?**

Some common pitfalls in submitting an Unsolicited Proposal are:

- submitting a proposal to the wrong address;
- submitting a proposal that does not meet the criteria established in the Unsolicited Proposal Policy;
- submitting a proposal that duplicates efforts already underway at Metro;
- providing insufficient detail in the project proposal to enable Metro to make a determination;
- failure to demonstrate value added for Metro's users;
- misunderstanding of terms regarding intellectual property or confidentiality of proprietary information; and
- proposing a project or service that is not financially or politically feasible.

Recommendations for addressing these challenges include the following.

- Request a meeting with Metro staff prior to submitting an Unsolicited Proposal to know whether there are current efforts that may conflict with your idea.
- Review publically available Metro documents including transportation plans, expenditure plans, other planning documents, and stated Metro policy.
- Work to understand current agency plans, goals, policies, and objectives, and match your ideas to achievement of those goals.
- Become educated about Metro's financial standing by reviewing current and proposed budgets, and make a clear case for how your product or service will provide added value or save the agency money.
- Clearly articulate the expected service or performance improvements that Metro may gain from your proposal, including any published case studies or information about performance in similar applications.
- Seek to gain a balanced perspective of the risks and rewards for all parties by thinking through how your proposal would move through the entire review process.
- Thoroughly review and clearly mark any documentation or information that includes trademarks, copyrights, trade secrets, and proprietary or confidential information.
- Fill out and submit a Pre-Qualification Application for any proposal that would result in a contract of \$100,000 or greater.

- **It has been more than 60 days since I submitted an Unsolicited Proposal. Who should I contact?**

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Please contact the Colin Peppard in the Office of Extraordinary Innovation at 213-922-5412 to inquire about the status of a submission.

- **Will I be notified if Metro decides not to consider my proposal?**

Yes. Metro will notify the originator of the proposal with a general explanation of the reasons for any decision related to either discontinuing the review process or moving forward with a subsequent phase of the process.

- **If Metro decides not to proceed, but is aware of a follow-up opportunity, how will you communicate or facilitate that opportunity?**

Metro may indicate other contracting opportunities as part of the general explanation for a decision to decline the proposal.

- **Can I appeal the decision not to proceed or resubmit my proposal?**

All decisions regarding whether to proceed with a proposal are at Metro's sole discretion. While you may resubmit a proposal, it must be substantially different from the previous version to warrant reconsideration.

- **What format should I follow to submit an Unsolicited Proposal?**

A Phase One Conceptual Proposal requires a range of information, which must be submitted via the Conceptual Proposal Form that can be found in Exhibit C of Metro's Unsolicited Proposal Policy.

If a Conceptual Proposal advances to a Phase Two Detailed Review, Metro will request additional information by issuing a Request for Detailed Proposal that formally tells the proposer to proceed to Phase Two. Depending on the nature of the proposal, the Request may require submission of various types of information. Pages 5-6 of the Unsolicited Proposal Policy list the types of standard information desired in a Detailed Proposal.

- **May I submit multiple project alternatives and/or price options with a Detailed Proposal?**

Yes. Metro encourages proposers to lay out various options or alternatives for project or service delivery. If the options are significantly different, the originator should consider submitting multiple proposals. Metro may also request specific modifications or clarifications to the scope of the original proposal.

- **My proposal is proprietary and confidential. How can I ensure that it will be treated as such?**

Unsolicited Proposals are subject to the provisions of the California Public Records Act (CPRA). Under the CPRA, Metro is required to make its public records available for public disclosure, unless there is a specific reason not to do so. Metro has identified several Special Record Categories for specific types of records, including those that include trade secrets or confidential or proprietary information. Such Special Record Category information is subject to special care and handling and will only be released when authorized by the CEO or designee, following review by County Counsel.

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Proposers should mark documents of concern as “Trade Secret,” “Confidential” or “Proprietary.” Metro will use its best efforts to inform the proposers of any request for any confidential documents pertaining to their proposals.

Additionally, Metro personnel are prohibited from using any data, or any confidential patented, trademarked, or copyrighted part of an Unsolicited Proposal or confidential technical or financial proprietary information as the basis, or part of the basis, for a solicitation or in negotiations with any other proposer, unless the original proposer is notified and agrees to the intended use of the proprietary information.

- **My proposal has been reviewed by Metro staff and may now be discussed by the Metro Board of Directors. Where can I learn more about them, and how can I prepare for that discussion?**

Information regarding Metro’s Board of Directors can be found at:
<https://www.metro.net/about/board/executives/>.

Metro Board meetings are matters of public record, and proposers are encouraged to review previous Board discussions and decisions to get a sense of the information that is typically reviewed and considered. Proposers may choose to seek any outside advice or counsel they deem necessary to prepare for such Board discussions.

- **I disagree with the determination that my proposal should be solicited competitively. May I make a case for its proprietary nature?**

Metro may only use data or information from an Unsolicited Proposal marked as confidential, patented, trademarked, or copyrighted if the original proposer is notified of and agrees to the intended use. This is the appropriate time to make your case for the propriety nature of a proposal. Additionally, the originator of a proposal may request that Metro discontinue review at any time during the evaluation process.

- **I disagree with the determination that my proposal should be solicited competitively. May I withdraw my proposal? How can I ensure that Metro does not issue this bid using my proposal?**

Yes. The originator of a proposal may request that Metro discontinue review at any time during the evaluation process.

- **May I vet Metro’s description to ensure that proprietary information is not improperly disclosed?**

Metro is prohibited from using any data or confidential, patented, trademarked, or copyrighted information, wholly or in part, from an Unsolicited Proposal as the basis, or part of the basis, for a solicitation or in negotiations with any other firm, unless the original proposer is notified of and agrees to the intended use.

- **Will Metro require SBE/DBE goals for Unsolicited Proposals? If I did not propose SBE/DBE participation with my Unsolicited Proposal, will I be disqualified from the process?**

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Metro has overall goals for utilization of both SBEs and DBEs, which may be one of factors that are considered. A goal for participation of disadvantaged/small business enterprises (DBE/SBE) participation may be included in the request for a Detailed Proposal. If there is a competitive solicitation, as long as your proposal meets or exceeds the SBE/DBE participation requirements when responding to the solicitation you will not be disqualified on the basis of the SBE/DBE requirement.

- **Is there a limit to the number or nature of meetings I can have with Metro staff during either phase of the Unsolicited Proposal review process?**

Metro staff may request meetings with the proposer so as to more fully understand the proposal. While there is no specified limit to the number of meetings that can be held, Metro staff is required to abide by all ethics and conflict of interest policies regarding the nature of such discussions. Requests for information needed to fully understand the merits of the proposal or clarify key points and capabilities are appropriate content for these conversations. Metro staff will advise proposers if there are topics that cannot be discussed during the review process.

Once a Request for Proposals is issued, however, standard procurement rules of engagement between proposers and Metro apply.

- **What role does Records Management play in this process, and how can I get in touch with Records Management?**

The Records Management Center (RMC) coordinates responses to public records requests in a manner that is efficient, consistent with the California Public Records Act and protective of legitimately privileged or confidential information. The RMC can be reached at RMC@metro.net or 213.922.2333.