



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

REQUEST FOR QUALIFICATIONS

[Note to Drafter: Insert Project Name]

CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES

FOR DESIGN AND CONSTRUCTION ON STATE HIGHWAY IN

[Note to Drafter: Insert Project Description/Limits]

CONTRACT NO. [Note to Drafter: Insert District and EA]

PROJECT NO. [Note to Drafter: Insert District and EA]

[Note to Drafter: Insert Dist-Co-Rte-PM]

[Note to Drafter: Insert RFQ Advertisement Date]

TABLE OF CONTENTS

1 INTRODUCTION AND GENERAL INSTRUCTIONS 5

1.1 Acronyms 5

1.2 Definitions 5

1.3 Data Room: RFQ and Addenda 8

1.4 Project Opportunity..... 8

 1.4.1 Project Description..... 8

 1.4.2 Project Goals 8

 1.4.3 Project Authorization 8

1.5 Construction Manager Responsibilities and Project Status..... 8

1.6 Federal Requirements [Note to Drafter: Include if Federal funds are on Project] 9

1.7 Procurement Process 9

 1.7.1 Two-Phase Procurement 9

 1.7.2 Contract Type..... 9

 1.7.3 Clarification Questions 9

 1.7.4 Communications Between Department and Proposers 10

 1.7.5 Rules of Contact..... 10

1.8 Pre-Contractual Expenses 11

1.9 Conflict of Interest 11

1.10 Department Advisors/Consultant Support..... 12

1.11 Proposer Requirements 12

1.12 Equal Employment Opportunity and Nondiscrimination..... 13

1.13 DBE Goal [Note to Drafter: Use on Federal Aid Projects, if State Only funds are used EDIT as needed]..... 13

1.14 Labor Policies 13

1.15 Insurance, Bonds, and Guarantees..... 13

 1.15.1 Bond Requirements..... 13

 1.15.2 Insurance Requirements 13

2 BACKGROUND INFORMATION 14

2.1 Procurement Schedule..... 14

3 CONTENT OF STATEMENT OF QUALIFICATIONS 14

3.1 Proposer’s Transmittal Letter 14

3.2 Legal Structure..... 14

 3.2.1 Minimum Requirement for Legal Structure..... 15

3.3 Financial Capacity 15

3.3.1 Minimum Requirement for Financial Capacity 16

3.4 Safety Program..... 16

3.4.1 Minimum Requirement for Safety Program 16

3.5 Firm Experience and Past Performance 16

3.5.1 Firm Experience and Past Performance Evaluation Criteria..... 17

3.6 Proposer Key Personnel 18

3.6.1 Preferred Key Personnel 19

3.7 Project Understanding and Approach 20

4 SOQ SUBMITTAL REQUIREMENTS 20

4.1 General Requirements..... 20

4.2 Quantities, Due Date, Time, and Location..... 21

4.3 Format Requirements..... 22

4.4 Preconstruction Services Cost Proposal..... 22

4.5 Challenges..... 22

5 EVALUATION PROCESS 22

5.1 SOQ Evaluation 22

5.2 Evaluation Objective 22

5.3 SOQ Evaluation Factors..... 22

5.3.1 Initial Responsiveness Review..... 22

5.3.2 Non-Scored SOQ Categories 22

5.3.3 Scored SOQ Categories 23

5.4 Evaluation and Scoring Process..... 23

5.5 Notification of Rankings..... 23

6 PROTEST PROCEDURES AND PUBLIC RECORDS ACT 23

6.1 Protest Procedures..... 23

6.1.1 Protests Regarding RFQ Documents 24

6.1.2 Protests Regarding Final Rankings Decision..... 24

6.2 Public Records Act..... 25

7 DEBRIEFING MEETINGS..... 25

8 DEPARTMENT RESERVED RIGHTS..... 26

8.1 Department Disclaimers..... 26

APPENDIX A: PROJECT DESCRIPTION, PROJECT STATUS, AND CONSTRUCTION MANAGER RESPONSIBILITIES

APPENDIX B: FORMAT AND ORGANIZATION OF STATEMENT OF QUALIFICATIONS

APPENDIX C: FORMS

APPENDIX D: DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION

APPENDIX E: PRE-QUALIFICATION QUESTIONNAIRE

APPENDIX F: SCORING FORM

Draft

1 INTRODUCTION AND GENERAL INSTRUCTIONS

Pursuant to Public Contract Code §6700 et seq., the California Legislature has authorized the Department of Transportation (Department) to engage in a construction manager/general contractor (CMGC) project delivery method as specified for projects for the construction of a highways, bridges, or tunnels.

Proposers interested in providing CMGC services, herein referred to as Contractor, will partner with the Department’s design team on this Project. As part of the project team, the selected Contractor will provide input on schedule, phasing, constructability, cost and estimates, value engineering, and plan review throughout the design process. In addition to aiding the design process, the selected Contractor will be asked to prepare and submit a Guaranteed Maximum Price (GMP) for the labor, equipment, and materials that will be required to construct the project based on the design process, plans, specifications, and estimate packages after the FOR (Final Office Review) of the Project. If the GMP is accepted by the Department, a Construction Contract will be issued to the Contractor after the completion of the Pre-Construction Phase so that construction of the project can begin. If the GMP is not accepted by the Department, the Department, in its sole discretion, reserves the right to end the Contractor’s participation in the project development process at the completion of the design phase and advertise the Project. Although the selected Contractor will be contracted for both the design and construction services of this project through this selection process, the selected Contractor is not guaranteed to receive a Construction Contract to perform the construction if services are terminated at the completion of the design phase.

The CMGC process for the Project will consist of the following: Request for Qualifications (RFQ) for preconstruction services, submittal of a Statement of Qualifications (SOQ), evaluation of submittals and selection of the Contractor, award and execution of contract for the performance of preconstruction services. Upon the completion of the design phase of the Project or any portion thereof, the Department will begin negotiation of the costs of the construction phase of the Project with the Contractor.

The California Department of Transportation (“Department”) hereby requests Statements of Qualifications (“SOQs”) from qualified Proposers interested in entering a contract for preconstruction services, with the potential for continuing to a second contract for construction of all or part of the Work, for the [Note to Drafter: Insert Project Name] (“Project”) through a CMGC Contract. The Project, further defined in Appendix A, is intended to [Note to Drafter: Insert Project main purpose].

1.1 Acronyms

The following acronyms are used in this document and are defined as shown below:

CMGC	Construction Manager/General Contractor
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
FHWA	Federal Highway Administration
RFQ	Request for Qualifications
SOQ	Statement of Qualifications

1.2 Definitions

The following terms are used in this document and are defined as shown below:

Term	Definition
Addenda/Addendum	Supplemental additions, deletions, and modifications to the provisions of the RFQ issued after the advertisement date of the RFQ.

Term	Definition
Affiliate	Includes parent companies, subsidiary companies and partners (in the reporting entity), and other financially liable parties for that entity. Affiliate is further defined as any one of the following: <ol style="list-style-type: none"> a. any Firm other than Applicant Firm which owns 25% or more of Applicant Firm, such as parent companies or holding companies b. a subsidiary or a Firm in which Applicant Firm owns 25% or more c. a Firm in which a major stockholder or owner of Applicant Firm owns controlling interest d. a Firm with which Applicant Firm has or has had an unseverable business or professional identity e. any permanent or temporary common business enterprise relationship in which the parties share operating responsibility and profits such as joint ventures
Construction Manager/General Contractor	A project delivery method in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. The contract for construction services may be entered into at the same time as the contract for preconstruction services, or at a later time. The execution of the design and the construction of the project may be in sequential phases or concurrent phases.
CMGC Pilot Program	The State’s construction manager/general contractor program created under Assembly Bill 2498 signed by Governor Brown on September 29, 2012, and codified in California Public Contract Code section 6700 et seq.
Construction Manager	A partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting and engineering services as needed pursuant to a Construction Manager/General Contractor method contract.
Construction Contract	The written agreement between the Department and the Construction Manager setting forth the obligations of the parties with respect to the construction of the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment.
Data Room	The meaning set forth in <u>Section 1.3</u> .
Department	California Department of Transportation
Designated Contact	Shall have the meaning set forth in RFQ <u>Section 1.7.4</u>
Disadvantaged Business Enterprise	A for-profit small business concern as defined in 49 CFR Part 26.
Evaluation Committee	A committee that reviews and assesses individual SOQs using the criteria set forth in this RFQ.
Guaranteed Maximum Price or GMP	The maximum compensation payable to the Contractor in performance of the construction of the Project, or portions of the Project, as specified in the Contract Documents.

Term	Definition
Key Person	A Key Person is: <ol style="list-style-type: none"> a. any person in Applicant Firm who owns 10% or more of the Firm or those who make decisions with respect to its operations, finances, or policies, such as the President, CEO, CFO, COO, Corporate Secretaries, Treasurers, Directors and, in the case of partnerships, the General Partners b. Division or Regional Business Managers who operate away and independently from the Applicant Firm, but only if the division or regional office is the Proposer
Key Personnel	Proposer identified qualified personnel for key positions with demonstrated experience and expertise and a record of producing quality work on projects of a similar nature to the Project. The key positions as determined by the Department are identified in <u>Section 3.6.1</u> .
Major Participant	Each of the following entities on the Proposer’s team: <ol style="list-style-type: none"> a. All partners or joint venture members; and/or b. All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 15% or greater equity interest in the Proposer.
Preconstruction Services Contract	The written agreement between the Department and the Construction Manager setting forth the obligations of the parties with respect to the performance of certain services during the design phase including, but not limited to, scheduling, pricing, and phasing to assist the department to design a more constructible Project.
Project	[Note to Drafter: Insert Project Name] as described in <u>Appendix A</u> .
Proposer	The entity, comprised of an individual, person, proprietorship, firm, partnership, professional corporation, business association, corporation, joint venture, combination thereof, or other legal entity however organized, participating in the procurement process for the Project and that, if successful, will enter into the Contract with Department to provide CMGC services for the Project.
Proposer’s Representative	The contact person identified in the Statement of Qualifications submitted in response to the RFQ.
Request for Qualifications	The written solicitation issued by Department to solicit Statements of Qualifications to provide CMGC services to the Department for the Project.
State	The State of California acting through its elected officials and their authorized representative, or the State of California in the geographic sense, depending on the context.
Statement of Qualifications	The information prepared and submitted by a Proposer in response to this RFQ.
Subconsultants, Subcontractors	Any person with whom Construction Manager has entered into any subcontract and any other person with whom any Subcontractor or Subconsultant has further subcontracted any part of the Work, at any tier.

Term	Definition
Work	The furnishing of labor, materials, equipment, and other incidentals necessary to, or convenient for the successful completion of, the CMGC services for the Project and the carrying out of the duties and obligations imposed by the Preconstruction Services Contract.

1.3 Data Room: RFQ and Addenda

The Department has established an electronic data room (“Data Room”) for the distribution of RFQ Documents and Addenda and the posting of other documents in the Department’s discretion at the following website address: <http://www.BidSync.com>. Access to the Data Room will be permitted on approximately the date set out in Section 2.1. The Department may add, delete or amend documents in the Data Room at any time. Each Proposer is solely responsible to ensure that it has the appropriate software which allows the Proposer to access and download the materials from the Data Room. Registration to the website will enable Proposer to receive notifications of any updates or new documents uploaded to the Data Room; however, each Proposer is solely responsible for checking the Data Room frequently for the addition, deletion or amendment of the materials in the Data Room. Proposers are responsible for monitoring the website identified above for information concerning this procurement as Proposers responding to this RFQ will be required to acknowledge in the transmittal letter (Appendix C, Form 1) that they have reviewed all materials posted thereon.

1.4 Project Opportunity

1.4.1 Project Description

Project is located [Note to Drafter: Insert the Project general location]. Project consists of [Note to Drafter: Insert the Project general description]. A more detailed description of the Project is contained in Appendix A.

Permitting: [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]: The Project will require several environmental, utility, and agency permits/approvals. All permits will be secured by the Department.

The estimated cost of this CMGC project (in 20[Note to Drafter: Insert Year]## U.S. dollars) is \$ [Note to Drafter: Insert Dollar Amount].

1.4.2 Project Goals

Department’s goals for the Project are [Note to Drafter: Provide a summary of the Project criteria to be accomplished through the CMGC process. EDIT example below]:

- A) Safety: (e.g. Maintain safety of the traveling public and employees during construction of Project)
- B) Mobility: (e.g. Minimize impact to traffic during construction of the Project)
- C) Quality: (e.g. Construct a high quality, fully functional interchange that meets all current design standards)
- D) Environmental Compliance: (e.g. Comply with all environmental commitments and permits)
- E) Budget: (e.g. Stay within the programmed construction cost of \$##,###,###.00)
- F) Schedule: (e.g. Obtain substantial completion of Project by October 2014)

1.4.3 Project Authorization

The Department is using the CMGC project delivery method contemplated under the CMGC Pilot Program as established in Public Contract Code 6700 et seq.

1.5 Construction Manager Responsibilities and Project Status

See Appendix A for general descriptions of the Project, the Construction Manager responsibilities, and

current project status. These general descriptions are currently under further development by Department and could be changed, modified, reduced, or expanded with the release of subsequent addenda.

1.6 Federal Requirements [Note to Drafter: Include if Federal funds are on Project]

Proposers are advised that the RFQ is being released based on the assumption that the Project and Department's plan of finance for the Project will remain eligible for Federal-aid funds. Therefore, the procurement documents and any agreements there under must conform to requirements of applicable Federal law, regulations, and policies. These include Equal Employment Opportunity (Title VI of the Civil Rights Act of 1964, as amended), Disadvantaged Business Enterprises ("DBE")(Title 49 Code of Federal Regulations Part 26, as amended), Small Business requirements (United States Code sections 631 *et seq.*), Buy America requirements (49 Code of Federal Regulations Part 661), and Davis-Bacon wage rates. Details as to the extent and applicability of Federal requirements to the entire Project will be set forth in the RFQ. Department reserves the right to modify the procurement process described in this RFQ to address any concerns, conditions, or requirements of Federal agencies, including FHWA.

1.7 Procurement Process

1.7.1 Two-Phase Procurement

The Department will use a single phase procurement process to select a Contract Manager/General Contractor to deliver the Project. The procurement process will include the following:

- c. Request for Qualifications: This RFQ is issued as part of the first phase to solicit information, in the form of SOQ that the Department will evaluate to determine which Proposers are qualified to successfully deliver the Project in a two-phase contract with a Contractor.
- d. Phase one –A "Preconstruction Services" contract which includes consulting services to assist with the design of the Project.
- e. Phase two –A "Construction" contract to build the Project.

1.7.2 Contract Type

The Preconstruction Services Contract will be a reimbursement contract at fixed rates. The Construction Contract will be a fixed-price Contract.

1.7.3 Clarification Questions

Proposers may submit written clarification questions to the Department at any time prior to 3 p.m. PST on the last day for clarification questions listed in Section 2.1 "Procurement Schedule." Written clarification questions from Proposers may be presented to the Department by accessing BidSync at <http://www.BidSync.com>, and registering for the service. Department will provide responses to Proposer written clarification questions within a reasonable time following receipt, subject to the cut off dates set forth in Section 2.1. Department will post responses to those inquiries that the Department deems to be material and that are not adequately addressed in previously provided documents on BidSync.

1.7.3.1 Responses and Confidential Information

Department may, in its sole discretion, respond to all, some, or none of the questions submitted under this Section 1.7.3. Any responses to questions submitted under this Section 1.7.3 will be in writing and Department will make available these responses electronically to all Proposers, except that Department may in its discretion respond individually to those questions identified by a Proposer or deemed by Department as containing confidential or proprietary information. Department reserves the right to disagree with a Proposer's characterization of the confidentiality of any information it may provide. Department may rephrase or consolidate questions as it deems appropriate.

1.7.4 Communications Between Department and Proposers

1.7.4.1 Designated Contact

Department's Designated Contact will serve as the primary point of contact during the RFQ procurement phase of the Project. As the Department point of contact, the Designated Contact is Department's sole contact person and addressee for receiving all communications about the Project during the RFQ procurement process, and Proposers are prohibited from contacting any Department employee, or any of the groups listed in Section 2.3, regarding the Project or this RFQ. Address any and all inquiries and comments regarding the Project by e-mail or letter. Only written inquiries will be accepted:

State of California
Department of Transportation
Office of Special Projects
Contract Manager-General Contractor (CMGC) Program
1120 N Street, MS-28
Sacramento, CA 95814
Attention: CMGC Program
Telephone: (916) 653-3348
Fax: (916) 654-5881
Email Address: CMGC@dot.ca.gov

1.7.5 Rules of Contact

Proposers are required to conduct the preparation of their SOQs with professional integrity and free of lobbying activities. Proposers and their respective agents and consultants are not permitted to contact, directly or indirectly, any member of the Evaluation Committee, or officers, administrators, staff or consultants of the Department regarding the subject matter of this RFQ after the issuance date of this RFQ, except as specifically permitted hereby or approved in advance by the Department. Any verified allegation that a responding Proposer team or team member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, ranking, and/or selection of prequalified Proposers may be the cause for the Department to disqualify the Proposer team from submitting an SOQ, to disqualify the team member from participating in a Proposer team and/or to discontinue any further consideration of such Proposer team.

Except for communications expressly permitted by this RFQ, the Designated Contact, or a representative hereafter designated in writing by the Department, is Department's single contact and source of information for this procurement. The rules of contact set forth in this Section 1.7.5 shall apply during the Project procurement process. The procurement process begins on the date of issuance of this RFQ, and is anticipated to be completed with the award of the Contract. These rules are designed to promote a fair, unbiased, and legally defensible procurement process. Contact includes face-to-face, telephone, electronic-mail (e-mail) or formal written communication.

The specific rules of contact are as follows:

- A) Unless otherwise specifically noted in this RFQ or authorized by the Designated Contact, all Proposer communication with Department will be between the Proposer Representative and the Designated Contact. All such communication must be in writing (by mail or e-mail).
- B) Under normal circumstances, the Designated Contact will contact a Proposer in writing through the Proposer Representative.
- C) Commencing with Department's release of this RFQ and continuing until the earliest of (1) execution and delivery of the Preconstruction Services Contract, (2) Department's rejection of all SOQs or (3) cancellation of the Project procurement, neither a Proposer nor its agents may have ex parte communications with State officials, Department employees, members of the Statement

of Qualification Evaluation Team or any other person who will evaluate SOQs, California Transportation Commission or its staff, Federal Highway Administration, U.S. Department of Transportation, or any person identified in RFQ Section 2.3, regarding the Project, except for communications expressly permitted in this RFQ or through the process identified above. The foregoing restriction shall not, however, preclude or restrict communications regarding matters unrelated to the Project or from participating in public meetings or any public or Department workshops related to the Project. Department may, in its sole discretion, disqualify any Proposer engaging in such prohibited communications.

- D) Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.
- E) Department will disseminate written communications regarding the Project from Department on Department letterhead. The Designated Contact will sign such communications. Alternatively, the Designated Contact may communicate via e-mail originating from Department's server or post information on BidSync.com.
- F) Department will not be responsible for or bound by (1) any oral communication or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Designated Contact.
- G) If Proposer has meetings or discussions with agencies or entities other than Department during the procurement phase, Proposer shall be responsible for verifying with Department's Designated Contact any Project-related information it so receives.

1.8 Pre-Contractual Expenses

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including attending briefing(s) and providing supplemental information.

1.9 Conflict of Interest

The Department has developed a Conflict of Interest policy for the CMGC Pilot Program. A copy of the current policy is attached as Appendix D to this RFQ. The Proposer, Major Participant, other Subconsultants and Subcontractors, and employees of such entities must conform to Federal and State conflict of interest rules and regulations. The following entities and individuals are precluded from submitting an SOQ or Statement of Qualifications and from participating in the contract for the project:

- A) A Proposer, Major Participant or other Subconsultant or Subcontractor, that has done any of the following:
 - 1.1 Consulted to the Department in the development of the CMGC Pilot Program
 - 1.2 Managed or assisted in the management of this Project
 - 1.3 Conducted preliminary design services for this Project
 - 1.4 Performed design work related to this Project for the Department or other stakeholders
 - 1.5 Performed work on a previous contract that specifically excludes them from participating as a Proposer or joining a CMGC team
 - 1.6 Contracted with any other entity or stakeholder to perform oversight on this project after award
 - 1.7 Obtained any advice from, or discussed any aspect relating to this Project or award of this project with any person or entity with an organizational conflict of interest, including but not limited to a consultant of any entity who has provided technical support to the Department on this project or the CMGC program

- B) Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control or management with any of the foregoing entities
- C) An employee or former employee of any of the foregoing entities who was involved with this Project while serving as an employee of such entity

The California Board for Professional Engineers and Land Surveyors has established conflict of interest rules applicable to those professionals licensed by the Board (Board Rules 475 and 476).

The Proposer must complete the Disclosure of Potential Conflict of Interest Certification included as Appendix D in this RFQ for each Major Participant, or other Subconsultant or Subcontractor, and include it as part of the SOQ submittal. If the Proposer determines a potential conflict of interest exists for itself or a Major Participant, or other Subconsultant or Subcontractor, or an employee, the Proposer must disclose the relevant facts relating to the potential conflict, including the work performed or to be performed by the entity associated with the potential conflict, and propose measures to avoid, neutralize, or mitigate the potential conflict. The Department will review the Disclosure of Potential Conflict of Interest Certification and the proposed mitigation measures to determine if the Proposer may submit a SOQ or Statement of Qualification, or be awarded the Contract. Disclosure of a potential conflict of interest will not necessarily disqualify a Proposer.

If an organizational conflict of interest is identified after award of the Contract, the Proposer will make an immediate and full written disclosure to the Department that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate the potential conflict.

The Proposer, Major Participant, other Subconsultants or Subcontractors, and employees of such entities who provide design services for this project are prohibited from competing or participating in an agreement to provide construction engineering and inspection services for this project. Subconsultants for surveying and materials testing may provide construction services for other Proposers.

Determination of whether a conflict of interest exists, resulting in an unfair competitive advantage and the resolution of a potential or actual conflict of interest are at the sole discretion of the Department. The Department reserves the right to cancel or amend the resulting contract if the successful Proposer failed to disclose a potential conflict which it knew or should have known about, or if the Proposer provided information on the Disclosure of Potential Conflict of Interest Certification that is false or misleading.

1.10 Department Advisors/Consultant Support

The Department has engaged several advisors to assist and participate in the Project development stages, as well as assist the Department during the procurement process for the Project. Any advisory team member is prohibited from participating in any of the Proposer organizations relating to this Project; providing technical, legal, or financial advice to Proposers; or directly discussing any aspect of the RFQ or RFQ with any Proposer. The advisory team consists of the following:

- f. **[Note to Drafter: Insert additional Advisors/Consultants]**

1.11 Proposer Requirements

Only prospective Proposers that have demonstrated the capability to complete this Project in its entirety will be eligible for award of the pre-construction services contract.

Minimum Requirements: The Proposer must submit a completed and verified CMGC Pre-Qualification Questionnaire, Appendix E. Instructions for completing the CMGC Pre-Qualification Questionnaire are included in Appendix E, "CMGC Pre-Qualification Questionnaire." The Proposer must also meet all SOQ responsiveness as set forth in Section 5.3.1, meet the minimum passing criteria for legal, financial, and safety requirements as set forth in Section 5.3.2 for non-scored elements of the SOQ, and obtain a passing score on each of the scored elements of the SOQ as set forth in Section 5.3.3.

Non-Disclosure Requirement: The Proposer may be given access to records, which are confidential California Department of Transportation Request for Qualifications

under State laws, solely for the purpose of performing the required services under the Contract. The Proposer shall be required to sign a non-disclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of the Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents.

1.12 Equal Employment Opportunity and Nondiscrimination

Work on the job site must comply with Labor Code §§ 1727 and 1770-1815 and 8 California Code of Regs § 16000 et seq. Attention is directed to the "Nondiscrimination Clause" that is required by Chapter 5 of Division 4 of Title 2, California Code of Regulations, and to the Standard California Nondiscrimination Construction Contract Specifications under Gov. Code § 12990. For Federal-Aid contracts, FHWA Form 1273 will apply.

1.13 DBE Goal [Note to Drafter: Use on Federal Aid Projects, if State Only funds are used EDIT as needed]

This solicitation is subject to 49 CFR 26. Proposers shall be fully informed of the requirements of the regulations and the Department's Disadvantaged Business Enterprise (DBE) program developed under the regulations. Construction Managers involved in the performance of work resulting from this RFQ shall take all necessary and reasonable steps to ensure that DBEs have the maximum opportunity to compete for and perform on any Construction Contract resulting from this contract.

As a part of the SOQ submission, Proposers responding to this RFQ must include with their submission a signed affidavit acknowledging the Firm's commitment to comply fully with U.S. DOT DBE provisions as set forth under Title 49 CFR Part 26 and subsequent publication of the Federal Register dated June 16, 2003 (Volume 68, Number 115) and the Overall Project DBE Goal requirements as further defined in the Construction Contract, when issued. Proposers shall complete and return Appendix C, Form F as part of the SOQ.

1.14 Labor Policies

State prevailing wages will apply to this contract. For Federal-aid contracts, Federal prevailing wages will also apply. The applicable prevailing wages will be specified in the Preconstruction Services and Construction Contracts.

1.15 Insurance, Bonds, and Guarantees

1.15.1 Bond Requirements

It is currently anticipated that the selected Proposer will be required to submit payment and performance bonds upon execution of the Contract, each in the amount of 100 percent of the contract price. Proposers will be required to demonstrate their capacity to obtain the required bonds.

Proposers shall attach a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California that states:

- Proposer's current bonding capacity is sufficient for the Project and referenced payment and performance bonds; and
- Proposer's current available bonding capacity.

1.15.2 Insurance Requirements

Proposers shall provide evidence of capability to provide insurance as provided in Section 3.3 (B). In addition, the selected Construction Manager will be required to indemnify Department, Department's Consultants and others with respect to claims arising out of the Contract or Work.

2 BACKGROUND INFORMATION

2.1 Procurement Schedule

Department anticipates the following dates as Project milestones leading to Preconstruction Services Contract award. This schedule is subject to revision by the future Addenda.

Issue RFQ	[Note to Drafter: Insert Date]
Data Room, Access Permitted	[Note to Drafter: Insert Date]
Final Date for Receipt of Proposers’ Questions	[Note to Drafter: Insert Date]
SOQ Due Date	[Note to Drafter: Insert Date]
Anticipated Ranking Determination	[Note to Drafter: Insert Date]
Anticipated Award of Preconstruction Services Contract	[Note to Drafter: Insert Date]
Anticipated Notice to Proceed	[Note to Drafter: Insert Date]
Anticipated Award of Construction Contract	[Note to Drafter: Insert Date]
Completion of Project	[Note to Drafter: Insert Date]

3 CONTENT OF STATEMENT OF QUALIFICATIONS

This section describes specific information that must be included in the SOQ. SOQs must follow the outline of Section 5. Proposers shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ. Failure of a Proposer to submit a complete SOQ may result in the SOQ submittal being determined nonresponsive. Details pertaining to the organization and format of the SOQ are outlined in Appendix B.

3.1 Proposer’s Transmittal Letter

The Proposer shall complete Appendix C, Form A. A duly authorized representative of the Proposer’s organization shall sign the letter. For Proposers that are joint ventures, partnerships, or other associations, authorized representatives of all equity members of the Proposer shall sign the letter.

The Proposer shall complete Appendix C, Form G (Proposer SOQ Certification), verifying the accuracy of the information submitted as part of the SOQ. For Proposers that are joint ventures, partnerships, or other associations, authorized representatives of all equity members of the Proposer shall sign the Proposer SOQ Certification.

3.2 Legal Structure

In order to demonstrate that Proposer’s organization, legal structure, team members, and history demonstrate an ability to remain stable and viable for the duration of the Project, and be contractually bound to Department, Proposers shall address the following and submit it under Section 1 of the SOQ:

- A) Legal structure of the Proposer and its organization. If the Proposer organization has already been formed, provide complete copies of the organizational documents that allow, or would allow by the time of Contract award, the Major Participants to conduct business in the State of California. If the Proposer organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements. In the event that final agreements between Major Participants have not been finalized at the time of the SOQ submittal, Major Participants shall submit letters of agreement signed by an authorized officer of each Major Participant noting the type of relationship to be entered into prior to Preconstruction Services Contract (i.e., joint venture, subcontract), and the commitment of the parties to finalize the

- organizational documents prior to execution of the Preconstruction Services Contract. If Proposer is a partnership, joint venture, or other association, the SOQ must identify the percentage equity interest of each member;
- B) If the Proposer is a partnership, limited partnership, joint venture, or other association, all members of the Proposer must agree to be fully liable for the performance under the Preconstruction Services Contract by executing the transmittal letter appearing in Appendix C, Form A;
 - C) Name and describe all Major Participants as defined in this RFQ;
 - D) In cases where Major Participants on different Proposer organizations belong to the same parent company, each Proposer must describe how conflicts of interest would be avoided by the participants through the qualification and proposal phases of the Project. Department may disqualify a Proposer if any of its Major Participants belong to more than one Proposer organization;
 - E) Major Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer and the Designer shall complete Form E found in Appendix C; and
 - F) Major Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall complete Form F found in Appendix C.

3.2.1 Minimum Requirement for Legal Structure

A Proposer must demonstrate the following:

- A) The Proposer has the legal capability to carry out the Project responsibilities potentially allocated to it, as demonstrated by the materials provided in Section 1 of the SOQ;
- B) Each of the equity members of the Proposer have agreed to be fully and jointly and severally liable for performance under the Contract, as reflected in the executed Transmittal Letter, Appendix C, Form A;
- C) The Proposer has agreed to adhere to the Project's DBE requirements as provided in Appendix C, Form E; and
- D) The information disclosed in the SOQ (including Forms D and E in Appendix C) does not materially adversely affect the Proposer's ability to carry out the Project responsibilities potentially allocated to it.

3.3 Financial Capacity

To demonstrate Proposer's team members possess the financial capacity to enter into a contract with Department and the resources to successfully complete the Project, Proposer shall address the following and submit it under Section 2 of the SOQ:

- A) Provide a letter or other written documentation from a surety or insurance company stating that the Proposer is capable of obtaining a Performance Bond and Payment Bond (refer to Section 1.15 for bond amounts) covering the Project. Letters indicating "unlimited" bonding capability are not acceptable;
- B) Proposers shall provide insurance certifications, either a certificate of insurance evidencing current policies of, or written evidence from an insurance company or broker indicating that the Proposer is capable of obtaining the following types of insurance: Commercial General Liability, Auto Liability, Workers' Compensation/ Employers Liability, and Pollution Liability. Policy limit requirements will be specified in the RFQ.

3.3.1 Minimum Requirement for Financial Capacity

A Proposer must demonstrate its financial capability to carry out the Project responsibilities potentially allocated to it, as demonstrated by the materials provided in Section 2 of the SOQ, including but not limited to the following:

- A) The surety or insurance company shall be admitted to do business in the State of California;
- B) The surety or insurance company must be rated in the top two categories by two nationally recognized rating agencies, or have a “Best’s Credit Rating” of at least “A minus” and “Class VIII” or better by A.M. Best Company;
- C) Proposer shall demonstrate its ability to comply with the Project’s bonding requirements, as provided in Section 1.15;
- D) Proposer’s Major Participants shall provide evidence of capability to provide insurance as provided in Section 3.3 (B); and

3.4 Safety Program

Proposer shall provide the Proposer’s safety record for the most recent three (3)-year period, providing experience modification rates, an average total recordable injury/illness rate, and average lost work rate. The safety record shall also indicate whether Proposer is a party to an alternative dispute resolution system as provided for in Labor Code §3201.5. The Proposer shall also include information on any California Occupational Safety and Health Administration (Cal-OSHA) or Federal Occupational Safety and Health Administration (FOSHA) citations and assessed penalties against the respondent for any serious, willful or repeat violations of its safety or health regulations in the past five (5) years.

Proposer shall also provide information on Proposer’s workers’ compensation experience history for the last three (3) years and submit a summary of the Proposer’s worker safety program which shall include a description of how the Proposer will provide protection to prevent damage, injury, or loss to employees of the Proposer and its Subconsultants and Subcontractors and other persons who are on the project site and will minimize lost or restricted workdays due to injuries.

3.4.1 Minimum Requirement for Safety Program

- A) The Proposer’s safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury/illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or if the Proposer is a party to an alternative dispute resolution system as provided for in Labor Code §3201.5.
- B) Proposer demonstrates an understanding of an effective safety program.

3.5 Firm Experience and Past Performance

To demonstrate experience, expertise, competence, capability, and capacity in, and a record of producing quality work on projects similar to the [Note to Drafter: Insert Project Name], the following shall be submitted under Section 4 of the SOQ:

- A) Provide a brief narrative summary of the capability and capacity of each Major Participant. Summaries shall be a maximum of two pages for each firm; the format is at the discretion of the Proposer.
- B) Firm Experience: Using Appendix C, Form B (Project Description), show the firm’s experience by providing at least three but no more than five project descriptions for each Major Participant. If Construction Manager is a joint venture or partnership, each member or partner shall submit independent Form Bs. For the projects in which several of the proposed Major Participants were involved, Proposers may provide a single project description. If Proposer is a not-yet-existing

entity or is a newly formed joint venture provide a total of three to five projects that the Major Participants have managed, designed, or constructed. Highlight experience in the past 15 years on completed projects having a scope comparable to that anticipated for the Project. Describe the experiences that Major Participants could apply to this Project. In particular, demonstrate experiences in each of the following areas **[Note to Drafter: Edit specific to Project, EDIT or REPLACE examples below]**:

1. Construction of projects of similar size, scope, and complexity;
2. Experience of team members working together as an integrated team;
3. Construction/reconstruction using innovative designs, methods, and materials;
4. Quality Control and Quality Assurance plans and programs;
5. Environmental Compliance;
6. Construction in environmentally sensitive areas;
7. Public Information.

Each project description must include the following information as appropriate;

1. Name of the project, contract number, the owner's contact information (Construction Manager or Engineer name, phone number, e-mail address), and project number. If the owner's contact is no longer with the owner, provide an alternative contact at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project;
2. Dates of construction, and/or warranty periods;
3. A narrative describing the project;
4. Description of the work or services provided and percentage of the overall project actually performed by (each of) the Major Participant(s);
5. Description of scheduled completion deadlines and actual completion dates;
6. Description of how, if any, the Major Participants have worked together in the past and the experience such Major Participants have in conventional design-bid-build and innovative delivery projects of comparable size;
7. Initial construction bid price and final construction contract price for the project, including the quantity and dollar value of contract modifications and claims, and an explanation of the causes for construction contract change(s), whether upward or downward; and
8. Record of cost and schedule growth or reduction, including experience with techniques to achieve goals of avoiding delays and minimizing claims;
9. Claims history, numbers, and dollars submitted and final results;
10. Dispute Review Board (DRB) history including subjects and outcomes.

3.5.1 Firm Experience and Past Performance Evaluation Criteria

Successful Proposers will have demonstrated experience in the following **[Note to Drafter: Edit specific to Project, EDIT or REPLACE examples below]**:

- A) Experience in successfully managing and constructing projects of the size and complexity of this Project;
- B) A record of completing contracts on time and within the fixed price;

- C) Experience in successfully constructing major highways in sensitive environmental areas and community areas, managing the maintenance of traffic, and implementing community relations and outreach programs of projects of the size and complexity of this Project;
- D) A record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;
- E) The technical and management experience and expertise to plan, organize, and execute the construction of, and assure the quality and safety of the Project; and
- F) The ability to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with Department in a cohesive and seamless manner.

3.6 Proposer Key Personnel

Proposer shall identify the qualified personnel for key positions with demonstrated experience and expertise and a record of producing quality work on projects of a similar nature to this Project. The key positions for the purposes of this RFQ are identified in Section 3.6.1.

The following information shall be submitted under Section 5 of the SOQ:

- A) Key Personnel: Using Appendix C, Form D (Proposed Key Personnel Information), list appropriate information on each Key Personnel position described in Section 3.6.1;
- B) Required Resumes: Resumes of Key Personnel, limited to four pages for the Project Manager and three pages for all other Key Personnel. Resumes will not be counted towards the overall SOQ page limit. If an individual fills more than one position, only one resume is required. Resumes for Key Personnel shall include the following items on each resume:
 - 1. Relevant licensing and registration
 - 2. Years of experience performing similar work
 - 3. Actual work examples (include the capacity on the project in which the person worked (e.g. lead design engineer, utility coordinator). Including duties performed and percent of time on the job. For each project listed provide:
 - a) Name of the project, the owner's contract information (project manager name, phone number, e-mail address), and project number. If the owner project manager is no longer with the owner, provide an alternative contact at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project;
 - b) Dates of work performed on the project;
 - c) Detailed description of the work or services provided and role on the project. If more than one role was played, identify the dates and duration of each role; and
 - d) Relevant licensing and registration.

The listing below describes the minimum Key Personnel for the Project.

- C) Required Licenses: Evidence that the Proposer and all Major Participants have, or at the time of Preconstruction Services Contract award will have, all licenses, registrations, and credentials required to construct the Project, including date(s) obtained or anticipated to be obtained, type, number, classification, issuing agency, and expiration date. Such information shall include any information on the revocation or suspension of any license, credential, or registration, and to provide specific details including date(s), reason(s), for revocation or suspension, whether same

was reinstated, and any conditions thereto. At the time the Preconstruction Services Contract is awarded, the Construction Manager shall be properly licensed in accordance with the laws of this State. The first payment for work or material under any contract shall not be made unless and until the Registrar of Contractors verifies to the agency that the records of the Contractors' State License Board indicate that the Construction Manager was properly licensed at the time the contract was awarded. Any contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractors' State License Board. Failure of the Proposer to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the Contract and shall result in the forfeiture of the security of the Proposer; and

3.6.1 Preferred Key Personnel

The following provides a brief job description and duties of the Key Personnel functions assigned to the Project. The job descriptions and reporting structure below are suggested only, however all functions identified must be met by the Proposer in the titles and reporting structure provided. An individual may fill more than one functional position. The number of years of experience listed for each Key Personnel represents a target goal for evaluation purpose for that position. [Note to Drafter: Edit specific to Project, EDIT or REPLACE examples below]

The proposer should provide job descriptions, responsibilities, and authority for each working title. Identify and discuss the qualifications of the following Key Members of the team, describe how they will meet the stated Project goals including building a professional and collaborative Project Team:

- A) **Project Principal.** (1) Responsible for ensuring that adequate personnel and other resources are made available for this project; (2) will handle contractual matters, and; (3) will be ultimately responsible for the quality and timeliness of the Consultant's performance. State that person's position and authority within the firm. Discuss previous similar projects for which this person has performed a similar function.
- B) **Project Manager.** Overall Project Manager for the CMGC services and construction services. This project manager is expected to be involved in the CMGC Services and help with continuity in the construction phases. This person will be the main point of communication to the Project Team. Identify any projects that person will be involved with concurrently and time committed to each project. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional registrations, education and other components of qualifications applicable to this project.
- C) **Construction Manager.** Responsible for ensuring that the project is constructed in accordance with the design and project requirements. Must be present at the site of work at all times construction is in progress Has authority to stop work. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional registrations, education and other components of qualifications applicable to this project.
- D) **Lead Estimator.** Responsible for the estimating for each milestone Opinion of Probable Construction Cost (OPCC), the open cost model, and any reports required by the Department regarding estimation. Should be an experienced construction cost estimator including experience assessing price and risk as well as discussion of assumptions. Specify who will be responsible for construction cost estimating and that person's relative experience on projects similar to the one being submitted on.
- E) **Scheduler.** Responsible for creating and updating Project pre-construction and construction schedules including each Project phase and key milestones, deliverables, and dependencies, along with durations for design, pre-construction, procurement, construction management, and

construction work. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional registrations, education and other components of qualifications applicable to this project.

- F) **Up to two other persons** that the Proposer considers as key to the success of the Project including all Subcontractors who will provide special expertise or will perform key tasks. Describe their anticipated roles. Discuss their relevant experience, registration, education and other elements of qualification applicable to this project.

In addition to resumes, provide the following information for each Key Personnel:

1. Percent time committed to the Project, including percent of time during design, post design and construction activities.
2. Percent time committed to other projects (including a description of these other projects).

3.7 Project Understanding and Approach

Proposers shall demonstrate the following: (i) an understanding of and approach to the management, technical aspects, and maintenance of traffic issues and risks associated with the Project; (ii) an understanding of and approach to how the CMGC process and the Proposer's organization will contribute to the success of the Project and meet Department's Project goals; and (iii) an understanding of the risk sharing and the teaming relationship between the Construction Manager and Department.

Requirements and information to be submitted under Section 6 of the SOQ include:

- A) Provide a narrative describing the Proposer's understanding of the Project scope;
- B) Narrative description of the Construction Manager's approach to CMGC Project contracting. The narrative should describe the methodology for integrating the CMGC entity and the different areas of expertise within the team into an efficient and effective organization. The management approach must reflect an understanding of the use of the CMGC project delivery methodology for transportation projects;
- C) Brief description of how the Proposer will use its organization and the CMGC process to ensure a successful Project, considering Department's Project goals listed in Section 1.4;
- D) Identify the top construction risks of the project, the Proposer's understanding of the risks, and potential solutions to address the risk;
- E) Identify the top design risks of the project, the Proposer's understanding of the risks, and potential solutions to address the risk; and
- F) Identify the top environmental risks associated with the project, the Proposer's understanding of the risks, and potential solutions to address the risk.

4 SOQ SUBMITTAL REQUIREMENTS

The following sections describe requirements that all Proposers must satisfy in submitting SOQs. Failure of any Proposer to submit its SOQ as required in this RFQ may, at Department's sole discretion, result in rejection of its SOQ. All rejected SOQs will be returned to the Proposers Representative identified in the SOQ.

4.1 General Requirements

Required forms for the SOQ are contained in the Appendix of this RFQ. Any material modification to the forms may result in the SOQ being declared non-responsive. Proposers shall provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the

evaluation factors described in Section 5.3. Lengthy narratives containing extraneous information are discouraged. If the Proposer submits information in its SOQ that it believes to be protected records under the Public Records Act and that it wishes to protect from disclosure, the Proposer shall mark such information as provided in Section 6.2.

4.2 Quantities, Due Date, Time, and Location

One original and nine copies of the SOQ must be provided. Each copy must be identified on its front cover, in the upper right hand corner as (Copy __ of 9 Copies).

The outside of the sealed SOQ packages must be clearly identified and labeled as follows:

1. Return address: Proposer’s name, contact person’s name, mailing address
2. Date of submittal
3. Contents labeled as “[Note to Drafter: Insert Dist-EA]” “Statement of Qualifications,” and “DO NOT OPEN.”

All SOQs must be received by 3 p.m. Pacific Time on the day specified in Section 2.1 and delivered to the following:

Original and 4 copies (original and copies 1 through 4 of 9) to: State of California Department of Transportation Administration Division of Procurement and Contracts 1727 30 th Street Sacramento, CA 95816-7006 Attention: [Insert Name], Contract Analyst Telephone: [Insert telephone number]	5 copies (copies 5 through 9 of 9) to: State of California Department of Transportation District [Insert District Number] Office Division of Project/Program Management [Insert street address] [Insert City], CA [Insert Zip Code] Attention: [Insert Name], Project Manager Telephone: [Insert telephone number]
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One copy of each completed Disclosure of Potential Conflict of Interest Certification (Appendix D), one copy of each completed Pre-Qualification Questionnaire (Appendix E), and one copy of Preconstruction Services Cost Proposal are to be provided in separate sealed packages and delivered with the original and four copies of the SOQ to the Sacramento address above.

For hand-delivered SOQ submittals to the Sacramento location, the Proposer must date-stamp and time-stamp it immediately upon arrival. The date-time stamp machine is located in the lobby of the first floor to the right of the security guard station at the office of the Department of Transportation, 1727 30th Street, Sacramento, CA. Date-stamp one label for each SOQ package or box submitted. Ask the security guard to call the Division of Procurement and Contracts’ reception desk at (916) 227-6000 to have your SOQ package picked up by Contracts’ staff.

For hand-delivered SOQ submittals to the [Note to Drafter: Insert District City] location, ask the security guard to call [Note to Drafter: Insert Name] at [Note to Drafter: Insert telephone number] to have your SOQ package picked up.

SOQ submittals will be considered non-responsive if all required copies are not received in the specified locations by the date and time specified in this RFQ. Fax copies of the SOQ will not be accepted. Any SOQ that fails to meet the deadline will be rejected without opening, consideration, or evaluation and will be returned, unopened, to the sender.

4.3 Format Requirements

A Proposer's SOQ format must adhere to the requirements outlined in Appendix B. Additional information beyond those requirements contained in Appendix B may be provided; however, members of the Evaluation Committee are required to review only those materials identified in Appendix B.

The front cover of each SOQ must be labeled with "[Note to Drafter: Insert Project Name]" "Statement of Qualifications," and the date of submittal.

4.4 Preconstruction Services Cost Proposal

Proposer's shall submit a sealed Preconstruction Services Cost Proposal using Form H. Only the cost proposal of the highest ranked Proposer will be opened. All unopened cost proposals will be returned upon award of the Preconstruction Services Contract.

4.5 Challenges

The decision of Department as to Proposer selection and the subsequent award of the Preconstruction Services Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in Section 6. Parties participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

5 EVALUATION PROCESS

Section 5 outlines the evaluation factors for the RFQ phase of the procurement. This information is intended to assist Proposers in organizing their teams and preparing their SOQs.

5.1 SOQ Evaluation

Department will evaluate the SOQs based on the rating and scoring information outlined in this Section 5. As a result, each Proposer submitting a responsive SOQ will be ranked. The top three ranked Proposers will be announced.

5.2 Evaluation Objective

The objective of the RFQ step of the procurement is to identify Proposers with the legal, technical, financial, and management capability, capacity, and experience necessary to successfully undertake and complete the Work. Department has set high responsibility standards for the Construction Manager, which is reflected in the evaluation factors of this RFQ and will be reflected in the Preconstruction Services Contract.

5.3 SOQ Evaluation Factors

The information submitted in accordance with Section 3 will be evaluated by the Evaluation Committee in accordance with the initial responsiveness review as defined in Section 5.3.1, the non-scored categories listed in Section 5.3.2, and the scored categories as set forth in Section 5.3.3.

5.3.1 Initial Responsiveness Review

Each SOQ will initially be reviewed on a pass/fail basis for: (i) minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content of the SOQ; (ii) the Statement of Qualification's conformance to the RFQ instructions regarding organization and format; and (iii) the responsiveness of the Proposer to the requirements set forth in the RFQ. Proposers submitting SOQs not responsive to this RFQ may be excluded from further consideration. Department may also exclude from consideration any SOQ that contains a material misrepresentation

5.3.2 Non-Scored SOQ Categories

Each non-scored category of a responsive SOQ will be evaluated on a non-scored pass/fail basis. For an

SOQ to achieve a passing rating, each of the following categories shall meet the minimum requirements as set forth below:

- A) Legal: The SOQ complies with and meets or exceeds the minimum requirements listed in Section 3.2.1.
- B) Financial: The SOQ complies with and meets or exceeds the minimum requirements listed in Section 3.3.1.
- C) Safety: The SOQ complies with and meets or exceeds the minimum requirements listed in Section 3.4.1.

5.3.3 Scored SOQ Categories

Each scored category of a responsive SOQ will be evaluated and scored by the Evaluation Committee according to the following, using the scoring form provided in Appendix F:

- A) *Proposer Organization and Key Personnel and Firm Experience and Past Performance.* The SOQ will be evaluated and a single score will be established for this category by combining the following elements:
 - 1) *Firm Experience and Past Performance:* The SOQ will be evaluated against the criteria established under Section 3.5.
 - 2) *Proposer Key Personnel:* The SOQ will be evaluated against the criteria established under Section 3.6.
- B) *Quality Management Program and Project Understanding and Approach.* The SOQ will be evaluated and a single score will be established for this category by combining the following elements:
 - 1) *Project Understanding and Approach:* As defined under Section 3.7, the SOQ demonstrates sound understanding and approach.
 - 2) *Quality Management Program:* As defined under Section 3.8, the SOQ demonstrates a sound approach to implementing a Quality Management Program.

5.4 Evaluation and Scoring Process

The Evaluation Committee will evaluate the non-scored SOQ categories as defined under Section 5.3.2. The Evaluation Committee will evaluate the scored categories as defined under Section 5.3.3 based on the scoring outline in Appendix F. The overall score for each scored element will be a consensus score from the entire Evaluation Committee based on individual assessment of the SOQs by the Evaluation Committee members.

5.5 Notification of Rankings

Upon completion of the SOQ evaluation and scoring process, Department will notify each Proposer in writing of the final rankings. Department will also publish the names and rankings of the top three on its CMGC Pilot Program website:

<http://dot.ca.gov/hq/oppd/CMGC/.htm>

Announcement of final rankings may be expected not later than the date specified in Section 2.1.

6 PROTEST PROCEDURES AND PUBLIC RECORDS ACT

6.1 Protest Procedures

This section sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer,

by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, and expressly waives all other rights and remedies. Each Proposer agrees that the decision on any protest, as provided herein, will be final and conclusive. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers.

All protests and related statements described in this section shall be submitted for filing by hand delivery to the following address:

State of California
Department of Transportation, Legal Division
1120 N Street, MS 57
Sacramento, CA 95814
Attention: Kristina Assouri, Deputy Attorney
Telephone: (916) 654-2630
Fax: (916) 654-6128

6.1.1 Protests Regarding RFQ Documents

Proposers may protest the terms of this RFQ on the grounds that (a) a material provision in this RFQ is ambiguous, (b) any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement, or (c) this RFQ in whole or in part exceeds the authority of Department. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with Department in an effort to remove the grounds for protest.

Protests regarding the RFQ documents shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted under penalty of perjury.

Protests shall be filed as soon as the basis for protest is known to the Proposer, but in no event later than seven days before the SOQ Due Date specified in Section 2.1. The protestant shall have the burden of proving its protest by clear and convincing evidence.

No hearing will be held on the protest, but it shall be decided, on the basis of the written submissions, by Department's Director or designee, whose decision shall be final and conclusive and not subject to legal challenge unless wholly arbitrary. Department's Director or designee will issue a written decision regarding any protest to each Proposer. If necessary to address the issues raised in a protest, the Department may make appropriate revisions to the RFQ documents by issuing addenda. Notwithstanding the existence of a protest, the Department may continue the procurement process or any portion thereof.

The failure of a Proposer to file a basis for a protest regarding the RFQ documents within the applicable period shall preclude consideration of that ground in any protest of a selection or qualification unless such ground was not and could not have been known to the Proposer in time to protest prior to the final date for such protests. The Department may extend the SOQ Due Date, if necessary, to address any such protest issues. If the protest is granted, the Department shall not be liable for payment of the protestant's costs or attorneys' fees. The Department shall not be liable for any damages to the Proposer filing the protest or to any participant in the protest, on any basis, express or implied.

6.1.2 Protests Regarding Final Rankings Decision

Any protest regarding the final rankings decision must be filed within five business days after the earlier of (a) the public announcement of the rankings of Proposers; or (b) notification of the rankings of Proposers. The Proposer filing the protest shall concurrently file a copy of the protest with the other Proposers whose addresses may be obtained from the Department. The notice of protest shall specifically state the grounds for the protest.

Within ten days after delivery of the notice of protest to the Department, the protestant shall file a detailed

statement of the grounds, legal authority and facts, including all documents and evidentiary statements in support of the protest. The protestant shall concurrently file a copy of the detailed statement with the other Proposers. Evidentiary statements, if any, shall be submitted under penalty of perjury. The protestant shall have the burden of proving its protest by clear and convincing evidence. Failure to file a protest within the applicable period shall constitute a waiver of the right to protest the pre-qualifying decision other than any protest based on facts not reasonably ascertainable as of such date.

Other Proposers may file statements in support of or in opposition to the protest within seven days of the filing of the detailed statement of protest. The Department will promptly forward copies of any such statements to the protestant. Any evidentiary statements shall be submitted under penalty of perjury. The Department and/or Authority may also, at their option, submit a statement regarding the protest.

The Department's Director or designee will only consider, based on a preponderance of the evidence, whether the Department's determination is arbitrary, capricious or contrary to law, and will either affirm the Department's original determination or recommend remedial steps, if appropriate, to address the issues raised in the protest. The Department's Director or his designee will issue a written decision regarding the protest within 30 days after the filing of the detailed statement of protest. The decision shall be final and conclusive and not subject to legal challenge unless wholly arbitrary. Unless otherwise required by law, no evidentiary hearing or oral argument shall be provided, except, in the sole discretion of the Department's Director or designee, a hearing or argument may be permitted if necessary for the protection of the public interest or an express, legally recognized interest of a Proposer.

The Department shall not be liable for any damages to the entity filing the protest or to any participant in the protest, on any basis, express or implied.

6.2 Public Records Act

Responses to this RFQ are subject to the provisions of the California Public Records Act (Government Code §6250 *et seq.*), PCC §10165 and PCC §6703(a)(2).

Documents provided by the Proposer marked "Trade Secret", "Confidential" or "Proprietary" and any financial records provided by the Proposer shall be submitted in a separate sealed envelope clearly identified, labeled and addressed in the same manner specified for the CMGC Pre-Qualification Questionnaire. Only one copy of each document shall be submitted.

The Department stipulates and expressly acknowledges that the documents marked Trade Secret, Confidential or Proprietary constitutes trade secrets and will not be deemed public records. This acknowledgment is based on the Department's express understanding that the information contained in the documents is not known outside the proposer's business, is known only to a limited extent and only by a limited number of employees of the proposer, is safeguarded while in the proposer's possession, is extremely valuable to the proposer and could be extremely valuable to the proposer's competitors by virtue of it reflecting the proposer's contemplated techniques of construction. The Department acknowledges that the documents include a compilation of information used in the proposer's business, intended to give the proposer an opportunity to obtain an advantage over competitors who do not know of or use the contents of the documents. The Department agrees to safeguard the documents, and all information contained therein, against disclosure, including disclosure of subcontractor documents to the Proposer and other subcontractors to the fullest extent permitted by law. However, in the event of arbitration or litigation, the documents shall be subject to discovery, and the Department assumes no responsibility for safeguarding the documents unless the Proposer has obtained an appropriate protective order issued by the arbitrator or the court.

7 DEBRIEFING MEETINGS

Once Department awards the Preconstruction Services Contract to a Construction Manager, Department

will arrange meetings with each of the Proposer organizations if requested by a Proposer. These debriefing meetings give Proposers and Department an informal setting to discuss the RFQ and procurement process.

8 DEPARTMENT RESERVED RIGHTS

The Department reserves to itself all rights available to it under the Public Contract Code and applicable law, including without limitation, the following, with or without cause and with or without notice:

- A) Withdraw or cancel this RFQ in whole or in part at any time prior to the execution by the Department of a Preconstruction Services Contract, without incurring any cost obligations or liabilities
- B) Issue a new RFQ
- C) Accept or reject any and all submittals
- D) Modify dates set or projected in this RFQ
- E) Terminate evaluations of submittals received
- F) Waive any informalities, irregularities or omissions in a SOQ
- G) Issue addenda to this RFQ.

SOQs received become the property of the Department and will not be returned to the Proposer.

The Department assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties responding to this RFQ. All such costs shall be borne solely by the Proposer. In no event shall the Department be bound by, or liable for, any obligations with respect to the project until such time (if at all) as a CMGC Contract, in form and substance satisfactory to the Department, has been authorized and executed by the Department and, then, only to the extent set forth therein. The Department makes no representations that the contract will be awarded based on the requirements to this RFQ.

8.1 Department Disclaimers

In issuing this RFQ and undertaking the procurement process contemplated hereby, Department specifically disclaims the following:

- A) Any obligation to award or execute a Contract pursuant to this RFQ; and
- B) Subject to Section 1.8, any obligation to reimburse a Proposer for any costs it incurs under this procurement.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

Appendix A: Project Description, Project Status, and Construction Manager Responsibilities

1. Project Description

The [Note to Drafter: Insert Project Name] (Project) will [Note to Drafter: Insert description of Project]. The scope of the Project is anticipated to include the following [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]:

- a. Maintenance of traffic during construction;
- b. Construct one auxiliary lane on northbound I-5 between March Lane Interchange and the I-5/4 Interchange;
- c. Add one mainline lane between March Lane Interchange and the I-5/4 Interchange
- d. Install the automated traffic management system (ATMS) conduit as specified in the RFQ
- e. Coordinate with other construction projects within the corridor to increase mobility;
- f. Coordinate with the local cities;
- g. Coordinate with Department's public involvement management team, including;
 - Development and implementation of a public information plan as part of the construction phase of this Project, and
 - Participation in any Community Coordination Team representing the Construction Manager;
- h. Obtain necessary environmental permits and authorizations, including noise permits from local agencies (if necessary), National Pollutant Discharge Elimination System (NPDES) permit, etc.; and;
- i. Maintain the roadway and roadway facilities within the project limit during construction.

2. Project Status

The status of the Work being completed for the Project by Department is summarized as follows.

Survey: [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]: A preliminary topographic survey of the Project is being performed by Department.

Preliminary Engineering: [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]: The Department is currently preparing preliminary engineering documentation for the Project.

Right of Way and Utilities: [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]: A preliminary Subsurface Utilities Engineering (SUE) analysis is currently underway by Department. Appraisal and modified Right of Way Maps for the proposed Right of Way requirement are being developed.

Environmental: [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]: The Project is currently undergoing California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) environmental review by the Department.

An Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is currently being prepared by Department. The EIR/EIS includes an evaluation and mitigation measures for the following resources:

- Aesthetics and Visual

- Air Quality
- Community Impacts/Environmental Justice
- Cultural/Paleontological Resources
- Geology and Soils
- Hazardous Waste
- Hydrology, Water Quality, Floodplains
- Land Use/Planning
- Natural Resources
- Noise
- Public Services
- Relocation Impacts
- Public Recreation
- Traffic and Transportation
- Utilities
- Growth Inducement/Cumulative Impacts

The Draft EIR/EIS is expected to be available for public review in [Note to Drafter: Insert Date]. The Final EIR/EIS and Notice of Determination/Record of Decision is expected to be approved in [Note to Drafter: Insert Date].

Geotechnical: Soil boring information is being collected by Department.

3. Construction Manager Responsibilities {Edit to reflect Preconstruction Services}

The successful Construction Manager will be responsible for furnishing all labor, material, plant, equipment, services, and support facilities for the following project elements, including but not limited to [Note to Drafter: Edit specific to Project, EDIT or REPLACE example below]:

- a. Validate agency/consultant design—Construction Manager evaluates the design as it is originally intended and compares it to the scope of work with both the required budget and schedule to determine if the scope can be executed within those constraints. A validated design is one that can be constructed within the budget and schedule constraints of the project.
- b. Assist/input to agency/consultant design—the Construction Manager will offer ideas/cost information to the designer to be evaluated during the design phase. Ultimately, the designer is still responsible for the design.
- c. Design reviews—done to identify errors, omissions, ambiguities, and with an eye to improving the constructability and economy of the design submittal.
- d. Design charrettes—the Construction Manager would participate in structured brain-storming sessions with the designer and owner to generate ideas to solve design problems associated with the project.
- e. Constructability reviews—review of the capability of the industry to determine if the required level of tools, methods, techniques, and technology are available to permit a competent and qualified Construction Manager to build the project feature in question to the level of quality required by the contract.

- f. Operability reviews—bringing in the agency’s operations and maintenance personnel and providing them with an opportunity to make suggestions that will improve the operations and maintenance of the completed projects.
- g. Regulatory reviews—a check to verify that the design complies with current codes and will not have difficulty obtaining the necessary permits.
- h. Market surveys for design decisions—furnish designers with alternative materials or equipment along with current pricing data and availability to assist them in making informed design decisions early in the process to reduce the need to change the design late in the process resulting from budget or schedule considerations.
- i. Verify/take-off quantities—the Construction Manager verifies the quantities generated by the designer for the engineer’s estimate.
- j. Assistance shaping scope of work—Construction Manager generates priced alternatives from the designer and owner to ensure that the scope of work collates to the constraints dictated by the budget and/or schedule.
- k. Feasibility studies—Construction Manager investigates the feasibility of possible solutions to resolve design issue on the project.

4. Cost-Related Preconstruction Services

- a. Validate agency/consultant estimates—constructor evaluates the estimate as it is originally intended and determines if the scope can be executed within the constraints of the budget.
- b. Prepare project estimates—constructor provides real-time cost information on the project at different points in the design process to ensure that the project is staying within budget.
- c. Cost engineering reviews—review that includes not only the aspects of pricing but also focuses on the aspect that “time equals money” in construction projects.
- d. Early award of critical bid packages—Construction Manager determines which design packages should be completed first to ensure that pricing can be locked in on the packages.
- e. Life-cycle cost analysis—Construction Manager provides input to design decision that impact the performance of the project over its lifespan.
- f. Value analysis—process that takes place during preconstruction where the Construction Manager identifies aspects of the design that either do not add value or whose value may be enhanced by changing them in some form or fashion. The change does not necessarily reduce the cost; it may actually decrease the life-cycle costs.
- g. Value Engineering—systematic review by a qualified agency and/or Construction Manager personnel of a project, product, or process so as to improve performance, quality, safety, and life-cycle costs.
- h. Material cost forecasting – The Construction Manager utilizes its contacts within the industry to develop estimates of construction material escalation to assist the owner and designer make decisions regarding material selection and early construction packages.
- i. Cost risk analysis—furnishing the agency with information regarding those cost items that have the greatest probability of being exceeded.
- j. Cash flow projections/Cost control – The Construction Manager conducts earned value analysis to provide the owner with information on how project financing must be made available to avoid delaying project progress. This also may include an estimate of construction carrying costs to aid the owner in determining projected cash flow decisions.

5. Schedule-Related Preconstruction Services

- a. Validate agency/consultant schedules—Construction Manager evaluates if the current scope of work can be executed within the constraints of the schedule.
- b. Prepare project schedules—Construction Manager prepares schedules throughout the design phase to ensure that dates will be met, and notify the owner when issues arise.
- c. Develop sequence of design work—the Construction Manager sequences the design work to mirror the construction work, so that early work packages can be developed.
- d. Construction phasing – The Construction Manager develops a construction phasing plan to facilitate construction progress and ensure maintenance of traffic.
- e. Schedule risk analysis/control—the Construction Manager evaluates the risks inherent to design decisions with regard to the schedule and offers alternative materials, means and/or methods to mitigate those risks.

6. Administrative-Related Preconstruction Services

- a. Coordinate contract documents – the Construction Manager evaluates each component to the construction contract against all other components and identifies conflicts than can be resolved before award of the construction phase contract.
- b. Coordinate with third-party stakeholders—the Construction Manager communicates with third parties involved in the project including but not limited to utilities, railroads, and the general public.
- c. Public information-public relations – The Construction Manager implements a program to identify public relations issues and solve them to ensure the project is not delayed by public protest.
- d. Attend public meetings — the Construction Manager can organize and attend public meetings to answer questions from the public about the construction of the project.
- e. Biddability reviews — The Construction Manager reviews the design documents to ensure that subcontractor work packages can be bid out and receive competitive pricing. This action reduces the risk to the subcontractors because they are given the specific design product they need for their bids; not just told to find their work inside the full set of construction documents.
- f. Subcontractor bid packaging — The Construction Manager coordinates the design work packaging to directly correlate with subcontractor work packages so that early packages can be easily bid out and awarded.
- g. Prequalifying subcontractors – The Construction Manager develops a list of qualified subcontractors that are allowed to bid on packages as they are advertised.
- h. Assist in right-of-way acquisition – The Construction Manager assists the designer in identifying options for right-of-way acquisitions by providing means and methods input. The primary purpose is to minimize the amount of right-of-way actions that must be undertaken.
- i. Assist in permitting actions – The Construction Manager is empowered to meet with resource agencies and develop permit applications with assistance from the designer.
- j. Study labor availability/conditions – The Construction Manager furnishes advice during design with regard to the availability of specialty trade subcontractors and the impact of that availability on project budget and schedule constraints.
- k. Prepare sustainability certification application – When certification for sustainability is desired, the Construction Manager is empowered to prepare the necessary paperwork to submit for certification.

7. Additional Project Documentation [Note to Drafter: Use if a Project website exists]

To provide additional information pertaining to Project development by the Department documents are being made available to potential Proposers. These documents can be found on BidSync.com.

Draft

Appendix B: Format and Organization of Statement of Qualifications

1 Organization

The SOQ shall be organized as follows and as depicted in Table B-1 below:

- A) Transmittal Letter and Form G
- B) Seven text sections:
 - 1) Section 1 – Legal Structure;
 - 2) Section 2 – Financial Capacity;
 - 3) Section 3 – Safety Program;
 - 4) Section 4 – Firm Experience and Past Performance;
 - 5) Section 5 – Proposer Organization and Key Personnel;
 - 6) Section 6 – Project Understanding and Approach; and
 - 7) Section 7 – Quality Management Program.
- C) Two Appendices:
 - 1) Appendix A Resumes and Appendix B Legal Documents.

2 Pages and Binders

The sections and appendix shall consist of loose-leaf pages that are 8 ½” by 11” and white, except for charts, exhibits, and other illustrative and graphical information, which may be submitted on 11” by 17” paper and folded to 8 ½” by 11”. 11” by 17” pages will count as one page. There is a maximum limit of **20 pages** total for Sections 6 and 7 of the Proposer’s SOQ package. Specific page limitations pertaining to Sections 1 through 5 and Appendices A and B of the Proposer’s SOQ package are defined in Table B-1 of this appendix. The cover letter and each section shall be combined in one three-ring binder, and the complete appendices shall be placed together in a separate three-ring binder. The sections (and, optionally, subsections) shall be separated with lettered or numbered dividers. Color photographs, renderings, and brochures, if any, shall be adequately bound and suitably protected for handling and circulation during review and evaluation.

3 Page Format

Text shall be in a standard font that is a minimum of twelve points in size, single-spaced, and printed single-sided. Each page shall be numbered consecutively within each section (i.e., 1-1, 1-2...; 2-1, 2-2...; 3-1, 3-2..., etc.), and the page numbers shall be centered at the bottom of each page.

4 Clarity and Conciseness

Proposers should make every effort to present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification.

5 Reproducibility

All SOQ pages shall be easily reproducible in black and white by standard photocopying machines.

6 Submittal

One original and [Note to Drafter: Insert number of copies noted in Section 4.2 written out and in number form, i.e. nine (9)] copies of the SOQs and appendices shall be provided.

Table B-1: Specifications for SOQs

SOQ Section	Section Title and Required Information	RFQ Reference
	<p>Transmittal Letter and Proposer SOQ Certification <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> • <u>Form A</u>, Transmittal Letter (to be signed by duly authorized representatives of all equity members of the Proposer’s team); and • <u>Form G</u>, Proposer SOQ Certification (to be provided by all equity members of Proposer). 	3.1
Section 1	<p>Legal Structure <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> • Legal structure or description of proposed legal structure; • Identification of Major Participants; • Response to <u>Section 3.2 (D)</u> if required; • <u>Form E</u>, Proposer’s Organization Information; and • <u>Form F</u>, Proposer’s Provisional Overall DBE Project Goal Declaration Affidavit. 	3.2
Section 2	<p>Financial Capacity <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> • Verification of Proposer’s ability to secure Performance Bond and Payment Bond; and • Verification of Proposer’s ability to secure insurance. 	3.3
Section 3	<p>Safety Program <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> • Safety Record for the most recent three–year (3-year) period; and • Worker’s Compensation experience history for the past three (3) years. • (Cal-OSHA) or (FOSHA) citations and assessed penalties, any serious, willful or repeat violations of its safety or health regulations in the past five (5) years 	3.4
Section 4	<p>Firm Experience and Past Performance <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> • A brief narrative summary of each firm’s capability and capacity, a maximum of two pages for each firm is permitted; • <u>Form B</u>, Project Description (maximum of five <u>Form Bs</u> per each Major Participant are permitted), each <u>Form B</u> shall not exceed three pages in length; and • Summary of Claims for projects described. 	3.5
Section 5	<p>Proposer Organization and Key Personnel <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> • Brief narrative of significant functional relationships among participants and how the proposed organization will function as an integrated CMGC team, a maximum of four pages is permitted; • Organization Chart(s) (11” by 17”); • <u>Form D</u>, Proposed Key Personnel Information; • Evidence of Proposer’s ability to meet license requirements; and • <u>Form C</u> Subcontractor Information and a maximum one-page summary of subcontractor experience for each subcontractor listed, including consultants, is permitted. 	3.6

SOQ Section	Section Title and Required Information	RFQ Reference
Section 6	Project Understanding and Approach <i>(a maximum of 20 pages total for Sections 6 and 7 are permitted):</i> <ul style="list-style-type: none"> • Proposed management approach and project understanding; and • Keys to ensuring a successful project. 	3.7
Appendix A	Resumes <i>(no overall page limitation for this section):</i> Key Personnel Resumes, a limit of four pages for the Project Manager and three pages for all other Key Personnel will be permitted.	3.6 (C), 3.6.1
Appendix B	Legal Documents <i>(no overall page limitation for this section):</i> <ul style="list-style-type: none"> • Powers of attorney; and • Organization documents, letters of agreement, and other documents identified in RFQ <u>Section 3.2</u> or addressed in Section 1 of the Proposer’s SOQ. 	3.2

Appendix C List of Forms

Form A	Transmittal Letter
Form B	Project Description
Form C	BLANK
Form D	Proposed Key Personnel Information
Form E	Proposer's Organization Information
Form F	Proposer's Provisional Overall DBE Project Goal Declaration Affidavit
Form G	Proposer SOQ Certification
Form H	Preconstruction Services Cost Proposal

DRAFT

Form A
TRANSMITTAL LETTER

SOQ Date: [Note to Drafter: Insert Date]

California Department of Transportation

[Note to Drafter: Insert Address]

Attn: [Note to Drafter: Insert Point of Contact Name]

The undersigned (“Proposer”) submits this proposal and statement of qualification submittal (this “SOQ”) in response to that certain Request for Qualifications dated as of [Not to Drafter: Insert Date] (as amended, the “RFQ”), issued by California Department of Transportation (“Department”) to provide preconstruction services and construct the related facilities within the State Route [Note to Drafter: Insert Route], as described in the RFQ.

Enclosed, and by this reference incorporated herein and made a part of this SOQ, are the following:

- Transmittal Letter (this Form A)
- Form G, Proposer’s SOQ Certification
- Section 1: Legal Structure
- Section 2: Financial Capacity
- Section 3: Safety Program
- Section 4: Firm Experience and Past Performance
- Section 5: Proposer Organization and Key Personnel
- Section 6: Project Understanding and Approach
- Appendices A & B (Resumes and Legal Documents)

Proposer acknowledges receipt, understanding, and full consideration of all materials posted on the BidSync website (<http://www.BidSync.com>) as set forth in Section 1.3, and the following addenda and sets of questions and answers to the RFQ:

[Proposer to list any addenda to this RFQ and sets of questions and answers by dates and numbers prior to executing Form A]

Proposer represents and warrants that it has read the RFQ and agrees to abide by the contents and terms of the RFQ and the SOQ. If the Proposer consists of more than one entity, all members of the Proposer entity agree to accept joint and several liability for performance under the Contract. Proposer understands that Department is not bound to award a contract and may reject each SOQ Department may receive. Proposer further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process will be borne solely by the Proposer.

Proposer agrees that Department will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in this SOQ. This SOQ shall be governed by and construed in all respects according to the laws of the State of California.

Proposer's business address:

[Insert Project name]

[Insert RFQ Number]

(No.) (Street) (Floor or Suite)

(City) (State or Province) (ZIP or Postal Code) (Country)

State or Country of Incorporation/Formation/Organization: _____

1. Sample signature block for corporation or limited liability company:

[Insert Proposer's name]

By: _____

Print Name: _____

Title: _____

2. Sample signature block for partnership or joint venture:

[Insert Proposer's name]

By: *[Insert general partner's or equity member's name]*

By: _____

Print Name: _____

Title: _____

[Add signatures of additional general partners or equity members as appropriate]

3. Sample signature block for attorney in fact:

[Insert Proposer's name]

By: _____

Print Name: _____

Attorney in Fact

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of _____

County of _____ On this _____ day of _____ in the year of _____ before me, a notary public in and for the county and state aforesaid, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within the instrument and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal:

(SEAL)

Signature of Notary Public

ADA Notice: For individuals with sensory disabilities, this document may be available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Draft

Form B
PROJECT DESCRIPTION

Name of Proposer: _____

Instructions for Form completion: Form B is limited to a maximum of 3 pages for each completed project.

Name of Firm: _____	
Project Role: _____	
Principal Participant: _____	Designer: _____
Other (Describe): _____	
Years of Experience (provide length of activity as it relates to the following three elements): Roads/Streets: _____ Bridges/Structures: _____ Utility Relocations: _____	
Project Name, Location, and Nature of Work for Which Company Was Responsible:	
<i>(Use additional lines within this section as necessary to response to this question)</i>	
Provide Project Description and Describe Site Conditions:	
<i>(Use additional lines within this section as necessary to describe project and site conditions)</i>	
List Any Awards, Citations, and/or Commendations Received for the Project:	
Name of Client (Owner/Agency, Contractor, etc.): _____	
Address: _____	
Contact Name: _____	Telephone: _____
Owner's Project or Contract No.: _____	Fax No: _____
Contract Value (US\$): _____	Final Value (US\$): _____
Percent of Total Work Performed by Company: _____	Commencement Date: _____
Planned	
Completion Date: _____	Actual Completion Date: _____
Amount of Claims: _____	Any Litigation? Yes ___ No ___

Form D

PROPOSED KEY PERSONNEL INFORMATION

Name of Proposer _____

Instructions for Form completion: Responses shall be addressed within the table below. Should additional space be needed to adequately respond, Proposer is advised to increase the number of lines within the table as appropriate. Form D has no SOQ page limitation. [Note to Drafter: Edit positions for Project, refer to Section 3.6.1.]

Position	Name	Years of Experience	Education and Registrations	Parent Firm Name

Form E

PROPOSER'S ORGANIZATION INFORMATION

Name of Proposer:

Instructions for Form completion: Responses to each subject area shall be addressed within the table below. Should additional space be needed, Proposers are advised to increase space following question as appropriate. Form E shall have no SOQ page limitation.

Proposer (Individual Firm / Joint Venture / Partnership / LLC)		
Name of Entity: _____		
Address: _____ _____		
Contact Name: _____	Title: _____	
Telephone No.: _____	Fax No.: _____	E-mail: _____
Local / Regional Contact		
Name: _____		
Address: _____ _____		
Telephone No.: _____	Fax No.: _____	E-mail: _____

Form F

PROPOSER'S PROVISIONAL OVERALL DBE PROJECT GOAL DECLARATION AFFIDAVIT

[Note to Drafter: Use on Federal Aid Projects, if State Only funds are used EDIT as needed]

Name of Proposer:

It is understood and agreed by the Proposer that it has carefully examined all documents that form this Request for Qualifications (RFQ) and acknowledges that California Department of Transportation (Department) has established a proposed Overall Project DBE goal of [Note to Drafter: Insert percentage] % based on the total project value for this CMGC Project. This affidavit further serves to confirm that [INSERT PROPOSER NAME HERE] will aggressively exercise good faith efforts to the satisfaction of Department to meet the proposed Overall Project DBE goal in accordance with DBE Program requirements defined in the Request for Statement of Qualification (RFQ) documents, when issued. The proposed Overall Project DBE goal is considered "Provisional" at this time, as Department is currently in the process of securing required approvals of the proposed Overall Project DBE goal from U.S. Department of Transportation (U.S. DOT).

It is further understood by the Proposer that in the event the Proposer commits to exceed the established provisional overall DBE project goal, the DBE goal of record will be that committed to by the Proposer. In fulfilling the Proposer's commitment to meet or exceed the established overall DBE project goal, the Proposer will adhere to all DBE provisions set forth in the Department's DBE Program, this solicitation, regulatory requirements, and any contract which results there from.

STATE OF _____)

)

COUNTY OF _____)

Each of the undersigned, being first duly sworn, deposes and says that _____ (Contact Name)

is the _____ of _____ and _____ is the _____ (Title) (Company) (Contact Name) (Title)

of _____, which entity(ies) are the _____ (Company) (Joint Venture/Partnership, Other)

of _____, the entity making the foregoing Statement of Qualification. (Joint Venture Company)

The Proposer hereby affirms that it will either meet the DBE goals described in this solicitation or exercise and provide demonstrable evidence to the satisfaction of the California Department of Transportation (Department) that it has aggressively exercised Good Faith Efforts to do so in accordance with defined program requirements, including contractual and regulatory provisions set forth under Title 49, Code of Federal Regulations (CFR), Part 26 and subsequently published DBE Federal Registrars.

[Insert Project name]

[Insert RFQ Number]

(Signature)

(Signature)

(Name Printed)

(Name Printed)

(Title)

(Title)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public in and for said County and State

[Seal]

My commission expires: _____.

[Duplicate or modify this form as necessary so that it accurately describes the entity making the proposal and so that it is signed on behalf of all partners/members of the proposing firm.]

Form G
PROPOSER SOQ CERTIFICATION

A COPY OF THIS CERTIFICATION MUST BE COMPLETED AND SIGNED BY PROPOSER AND, IF A PROPOSER IS A PARTNERSHIP, LIMITED PARTNERSHIP, JOINT VENTURE OR OTHER ASSOCIATION, THEN A SEPARATE CERTIFICATION MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF EACH MEMBER AND SUBMITTED WITH THE STATEMENT OF QUALIFICATIONS.

DECLARATION

STATE OF _____)

)SS:

COUNTY OF _____)

I, (printed name) _____, being first duly sworn, state that I am the (title) _____ of the Proposer.

I certify that I have read and understood the information contained in the Request for Qualifications issued by the California Department of Transportation for the [Insert Project Name] Project and the attached Statement of Qualifications (SOQ), and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this SOQ is complete, current, and true. I further acknowledge that any false, deceptive, or fraudulent statements in the SOQ will result in denial of pre-qualification status.

(Signature)

(Name Printed)

ACKNOWLEDGMENT

On this [Insert date] before me, [Insert name and title of officer] personally appeared, [Insert name of signer above], who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public in and for
said County and State

[Seal]

My commission expires: _____.

NOTICE TO APPLICANTS:

A material false statement, omission, or fraudulent inducement made in connection with this Statement of Qualifications is sufficient cause for denial of the application. In addition, such false submission may subject the person or entity making the false

statement to criminal charges. (Title 18 USC 1001, false statements; California Penal Code section 132, offering altered or antedated or forged documents or records; and section 134, preparing false documentary evidence).

Draft

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SAMPLE COST PROPOSAL
PRECONSTRUCTION SERVICES CONTRACT

(2) Contract #: XXXXXXXX
 Attachment: 2
 Consultant: _____
 Date: XX/XX/XX
 Page 1 of #

(3) Fringe Benefit % Overhead % General Administration % Combined %
 NORMAL 41.10% + 23.19% + 63.25% = **(4a)** 127.54%
 OVERTIME 41.10% + 23.19% + 63.25% = **(4b)** 127.54%
 (5) FEE %
 6.00%

Form H

BILLING INFORMATION		CALCULATION INFORMATION					
Name/Classification ¹	Loaded Hourly Billing Rates		Effective Date of Hourly Rate From	To	% Escalation Increase	Actual Hourly Rate and/or Average Hourly Rate ²	Hourly Range for Class
	Straight	Overtime					
(6)	(7)	(7)	(8)	(8)	(9)	(10)	(11)
Joe Smith, Consultant Contract Manager	137.77	N/A	07/01/03	06/30/04		57.12	N/A
Exempt	141.90	N/A	07/01/04	06/30/05	3.0	58.83	
Sue Bird, Sr. Landscape Architect	74.17	89.55	07/01/03	06/30/04		30.75	N/A
	76.39	92.23	07/01/04	06/30/05	3.0	31.67	
Landscape Architect	49.44	59.69	07/01/03	06/30/04		20.50	17.00 – 24.00
	50.91	61.46	07/01/04	06/30/05	3.0	21.11	

- For all key team members that are listed on the Proposer's team, list the name and corresponding job classification. For all other employees (i.e. support staff/non-professional) list only the job classification. Team members subject to FLSA are not eligible for overtime.
- For named employees enter the actual hourly rate. For classifications only, list the average hourly rate for that classification.
- Note employees/classifications that are subject to prevailing wage requirements with an asterisk (*).
- Department Contract Manager's pre-approval is required for any addition of staff not listed on the cost proposal. The billing rates for these employees, including those that fall under general classifications, will be calculated and reimbursed based on their actual hourly rate on xx/xx/xx. Future escalations, if any, will be calculated and reimbursed in accordance with the percentage escalations agreed to in this cost proposal.
- Hourly rates for new employees hired after the date of this cost proposal will not exceed (or shall be in line with) the rates of similar personnel listed on this cost proposal having similar experience.

INSTRUCTIONS FOR DEVELOPING PRECONSTRUCTION SERVICES CONTRACT COST PROPOSAL

Division of Procurement and Contracts (DPAC) will only work directly with the Proposer's Representative concerning the Contract and the Cost Proposal. The Proposer must work with its Subconsultant(s) to develop the Cost Proposal. The Proposer is responsible for obtaining valid cost proposal information and/or forms from its Subconsultant(s).

Audit Review of Cost Proposal - The Proposer's Cost proposal will be subject to an Audit review.

- To assist Department Audit personnel, the Proposer shall provide a contact person's name, telephone number, fax number and email address for themselves and each Subconsultant.
- For each Subconsultant the Proposer shall provide the estimated total percentage(s) of the work anticipated to be performed by the Subconsultant.
- When submitting the Cost Proposal, the Subconsultant information may be submitted in a "cover letter" and/or on a separate page.
- If a revised cost proposal is required of the Proposer and Subconsultants as a result of audit findings or cost negotiations, the Consultant will provide a new cost proposal with all requested revision(s) and a revised date. The revised cost proposal date shall be the same for the Proposer and subconsultants and the revised date shall be on each page of the revised cost proposal.

Instructions for completing the Cost Proposal are enumerated on the Sample Cost Proposal as follows:

1. The Proposer and Subconsultant's Cost Proposal must be submitted in the format of the Sample Preconstruction Services Cost Proposal.
2. On the right hand side of the page indicate the contract number(s), the attachment letter, the firm's name, date prepared, and page number of numbers (i.e. 1 of 6, 2 of 6, 3 of 6, etc.).
3. In the middle, center of the page, indicate the firm's percentages for the fringe benefits, overhead, and general administration for normal and overtime percentages. The firm's fringe benefits, overhead, and general administration percentages are subject to Department audit review/approval.
4. **Combined %** - The combined percentage is the addition of the fringe benefit, overhead, and general administration percentage for both Normal and Overtime

**INSTRUCTIONS FOR DEVELOPING
PRECONSTRUCTION SERVICES CONTRACT COST PROPOSAL**

percentages. Provide combined percentages rates separately for “Normal” and Overtime” hours.

- The combined percentage figures for “Normal” and “Overtime” hours may remain the same if the firm’s business practice does not accumulate overhead costs separately for “Normal” and “Overtime” hours.
5. **Fee** - As a separate line item, indicate the fee percentage proposed. It should be noted that the fee percentage is subject to negotiation.
 5. **Name & Classification** - For all key team members that are listed in the Proposer’s SOQ, list the name and corresponding job classification. The job classification title should be descriptive of the function the team member will perform for the project. For all other employees (i.e. support staff, non-professional) list the job classification. When the Proposer has a “pool” of employees that can perform the necessary tasks and will randomly select individuals to perform the work, the “job classification” and “hourly range for class” may be utilized. The listing of specifically “named individuals” versus “classification only” is an issue that may be discussed and decided at the cost negotiation meeting. Note employees/classifications that are subject to prevailing wage requirements with an asterisk (*).
 7. **Loaded Hourly Billing Rate** - Under “Loaded Hourly Billing Rates” the firm will list the “Straight”, and “Overtime” rates for all named and/or unnamed classifications. To complete the “Loaded Hourly Billing Rates” section combines the applicable hourly wage rate with the combined overhead and fixed fee percentages. Below is the formula for calculating the “loaded rate” (with example figures):

Actual/Average Hourly Rate	X	Combined %	=	(A)
\$30.75	X	1.2754	=	\$39.219 (\$39.22)
Actual/Average Hourly Rate	+	(A)	=	(B)
\$30.75	+	\$39.22	=	\$69.97
(B)	X	Fee %	=	(C)
\$69.97	X	0.06	=	\$4.198 (\$4.20)
(B)	+	(C)	=	Loaded Rate
\$69.97	+	\$4.20	=	\$74.17

Overtime may be “not applicable” (N/A) for some of the classifications. Typically those classifications are Executive, Administrative, Professional, out-side Sales Personnel, Owners, Owner’s Parents, Spouses, and their Children, etc. Overtime is completed with a “N/A” for exempt employees and with a figure for employee(s) subject to the Fair Labor Standards Act.

INSTRUCTIONS FOR DEVELOPING PRECONSTRUCTION SERVICES CONTRACT COST PROPOSAL

8. **Hourly Rates** - The “Effective Date of Hourly Rates” should cover the period stated in the contract under Article - Performance Period. If the contract is for a three year duration, the Proposer should list each year on a separate line for each named individual and/or classification (see sample cost proposal). The effective dates may have to be revised depending on when the contract is actually executed.
9. **Escalation for Cost of Living** - If escalations are anticipated during the contract period, provide the estimated escalations percentage. If the contract period will be for more than one year, the Proposer and its Subconsultant(s) should indicate the anticipated escalation percentage for each individual/classification listed. Escalation increases are subject to negotiation and Department audit review/approval and are negotiated.
10. **Actual Hourly Rate** - Where a specific employee is named, provide the “Actual Hourly Rate” and the effective dates of the rate.

Average Hourly Rate - Where only the classification is listed, provide the “Average Hourly Rate” for the general classification. The “Average Hourly Rate” is calculated by adding the actual hourly salaries for the individuals in the “pool” and then dividing by the number of individuals in the pool. If the Proposer’s “employee pool” has 5 individuals that the firm will be utilizing, the 5 actual hourly salaries would be added and divided by 5 to obtain the “Average Hourly Rate”. Even though the employee is not named in the cost proposal, the Department Contract Manager shall pay the “actual salary rate” for the individual that is utilized from the “employee pool.”
11. **Named Employee(s)** - With specifically named employee, the “Hourly Range for Class” should indicate “not applicable” (N/A).

Classification Employee(s) - With the classification only, provide the “Hourly Range for Class” rate for that classification.
12. **Other Direct Costs** - Utilizing the format of the sample “Schedule of Other Direct Cost Items” attached, indicate any anticipated “Other Direct Cost” (ODC) items, including in-house billing rates. Each Proposer is responsible for billing the Department for their ODCs at “actual” cost, without any additional markup or profit. ODCs are subject to Department audit review/approval.
 - In-house billing rates are generally for those services provided by the Consultant rather than by an outside vendor. For example, a Consultant may perform all of its reprographic work in-house and bill at an established per page billing rate. The established in-house billing rate should be supported and based on actual costs incurred by the Consultant. Or, a Consultant may send out their reprographic work

**INSTRUCTIONS FOR DEVELOPING
PRECONSTRUCTION SERVICES CONTRACT COST PROPOSAL**

and pay an outside vendor. ODC items are expenditures that are directly related to the contract/project, which are not captured in the Consultant's Overhead Percentages.

- If part of the contracted work is to be subcontracted, the Consultant shall submit ODCs for each Subconsultant.
- Only one ODC sheet should be included with the Prime Consultant's cost proposal that combines the Prime and Subconsultants ODC items. Normally, ODC items will vary from Consultant to Consultant depending on the Accounting method utilized by the Consultant; the ODC items listed on the "sample" form may vary from one Consultant to another. If an item listed on the ODC sample form is captured in the Consultant's Overhead Percentages, the Consultant should note "not applicable" (N/A) in that section.

Appendix D

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION

Applicant Firm _____

Having had the opportunity to review Organizational Conflict of Interest Checklist, the Proposer hereby indicates that it has, to the best of its knowledge and belief:

_____ Determined that no potential organizational conflict of interest exists.

_____ Determined a potential organizational conflict of interest as follows:

Attach additional sheets as necessary.

Describe nature of the potential conflict(s):

Describe measures proposed to mitigate the potential conflict(s):

Signature

Date

If a potential conflict has been identified, please provide name and phone number for a contact person authorized to discuss this disclosure certification with Department of Transportation contract personnel.

Name

Phone

Appendix E Pre-Qualification Questionnaire

INSTRUCTIONS FOR COMPLETING THE PRE-QUALIFICATION QUESTIONNAIRE

CONTRACT NO. ##-##### [Note to Drafter: Insert Project EA]

Name of Applicant Firm: _____

Date Submitted: _____

Preparer's Name: _____

1. The Questionnaire should be completed by a person in the firm who is knowledgeable of and duly authorized to attest to the past and present operations of the firm and its policies. A corporate officer of the firm, owner or partner, as appropriate, must sign the Pre-Qualification Certification.
2. All questions must be answered completely and any "Yes" answers must be fully explained. Disclaimers, general statements with global qualifications, or notations of Not Applicable (N/A) are not acceptable. If "Yes" to any question in this Questionnaire Proposer must provide details including a brief summary of causes of action; indicate if Applicant Firm, Key Person or Affiliate Firms were plaintiffs or defendants; define charges explicitly, by what authority, court or jurisdiction, etc. Please note that a "Yes" answer to any question does not automatically result in denial of pre-qualification for a particular procurement. In the case of tax liens, please indicate whether the liens were resolved with the tax authorities. Please submit proof of payment or agreements to pay the liens. Complete details are required!
3. Applicant is defined as the Proposer to the RFQ for this project, each joint venture member, and Major Subconsultants and Major Subcontractors. If the Proposer is not yet a legal entity, the Major Participants must each complete the questionnaire.
4. See Section 4.0 of the RFQ for the Questionnaire submittal requirements.
5. The Department reserves the right to ask for additional documentation if it is reasonably required to make a determination of integrity and responsibility relevant to the goods or services the Applicant Firm will provide to the Department if awarded a contract.

SECTION I: IDENTIFICATION

Identification of Applicant Firm

Name of Application Firm

Address City State Zip Code

(Mailing Address, if different from above)

Tax ID or SSN:

(If doing business under a DBA or other name, include legal name of the company and Tax ID No., if different)

Primary Company Telephone Number: () -

Fax Number: () -

Application Firm's Contact Person (see RFQ):

Print or Type Name Position e-mail Telephone Number

Has the Applicant Firm changed its address or has the Firm or its owner operated under any other names including other DBAs in the past five years? If yes, explain fully on a separate sheet of paper.

No Yes

Type of business organization:

Year organization established:

NUMBER of current employees:

Sole Proprietor Corporation

Date and State of Incorporation:

Limited Partnership (LP), Limited Liability Partnership (LLP), General Partnership (GP)

Date and State of Partnership filing

Other (describe)

List general type of business in which Applicant Firm is engaged (may include more than one)

SECTION II - OWNERSHIP/MANAGEMENT, PROJECT TEAM MEMBERS, AND RELATED ENTITIES

Owners/Key Persons

List Owners and Key Persons of Applicant Firm. For large publicly traded companies, list only Key Persons. If the Owner is a partnership, limited partnership, joint venture, or other association, list all of the partners, general partners, or association members known at the time of submission of the SOQ who will participate in the contract.

Full Legal Name	Title	Ownership Percentage %

Related Entities (Affiliates/Subsidiaries/Joint Ventures)

List Affiliates, subsidiaries, holding companies, joint ventures, etc., of Applicant Firm. If no affiliates, state NONE. N/A is not an acceptable answer. Provide organizational, geographical or functional chart, if it would assist in clarifying the lines of authority.

Affiliate Name & Address	Tel. #	% Owned	Top Executive's Name	*Type of Relation

*Type of Relationship: 1. Joint Venture (JV), 2. Parent Co (PC), 3. Holding Co (HC), 4. Subsidiary (S), 5. Other (O), please explain.

SECTION II: OWNERSHIP/MANAGEMENT, PROJECT TEAM MEMBERS, AND RELATED ENTITIES

	QUESTION	NO	YES
	At any time during the past five years have any Owners or Key Persons of Applicant Firm (if yes, explain fully):		
	Served as Key Person, Officer or Director, in any other Firm not affiliated with applicant Firm? If so, please explain in a separate sheet.		
	Had any ownership interest in any other Firm other than shares of publicly owned companies? If so, please explain in a separate sheet.		

SECTION III - CONTRACTING HISTORY

List the applicant Firm’s three largest government contracts or subcontracts. If none, list the three largest contracts with non-governmental entities.

	Contract #1	Contract #2	Contract #3
Agency/Owner			
Contract No.			
Name/Location			
Describe project			
Were you a Prime or Subcontractor?			
Start Date/Complete Date			
Contract Amount			
Agency/Owner Contact to Verify (Name/Telephone No.)			

SECTION III: CONTRACTING HISTORY

	QUESTION	NO	YES
	Is the applicant Firm currently certified as a disadvantaged business entity?		
	Is the applicant Firm currently certified as a CA Small Business?		
	Is the Applicant Firm or any of its Affiliates, Key Persons or any other know subcontractors that Applicant Firm intends to use on the project ineligible to bid or work on, or be awarded, a public works project pursuant to Labor Code §§ 1777.1 or 1777.7?		
	During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged business certifications?		
	In the past five years has the Applicant Firm or any Affiliate been suspended, debarred, disqualified, or otherwise declared ineligible to		

	bid?		
	In the past five years has the Applicant Firm or any Affiliate failed to complete a contract?		
	In the past five years has the Applicant Firm or any Affiliate been denied a low-bid contract in spite of being the responsive low bidder?		
	In the past five years has the Applicant Firm or any Affiliate had a contract terminated for any reason, including default?		
	In the past five years has the Applicant Firm or any Affiliate had liquidated damages assessed against it during or after completion of a contract?		
SECTION IV: CIVIL ACTION			
	<p>Violations of Civil Law</p> <p>In the past five years has Applicant Firm, any of its Key Persons, or any Affiliate been the subject of an investigation of any alleged violation of a civil antitrust law, or other federal, state or local civil law?</p>		
	<p>Lawsuits with Public Agencies</p> <p>At the present time is, or during the past five years has the Applicant Firm, any of its Key Persons, or any Affiliate been a plaintiff or defendant in any lawsuit regarding services provided to a public agency?</p>		
	<p>Bankruptcy</p> <p>During the past five years, has the Applicant Firm or any Affiliate filed for bankruptcy or reorganization under the bankruptcy laws?</p>		
	<p>Judgments, Liens and Claims</p> <p>During the past five years, has the Applicant Firm been the subject of a judgment, lien or claim of \$25,000 or more by a subcontractor or supplier?</p>		
	<p>Tax Liens</p> <p>During the past five years, has the Applicant Firm been the subject of a tax lien by federal, state or any other tax authority?</p>		
SECTION V: COMPLIANCE WITH LAWS AND OTHER REGULATIONS			
<i>Criminal</i>	In the past five years has the Applicant Firm, any of its principals, officers, or Affiliates been convicted or currently charged with any of the following:		
	Fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement or transaction?		
	Federal or State antitrust statutes, including price fixing collusion and		

	bid rigging?		
	Embezzlement, theft, forgery, bribery, making false statements, submitting false information, receiving stolen property, or making false claims to any public agency?		
	Misrepresenting minority or disadvantaged business entity status with regard to itself or one of its subconsultants and/or subcontractors?		
	Non-compliance with the prevailing wage requirements of California or similar laws of any other State?		
	Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement?		
	Falsification, concealment, withholding or destruction of records relating to a public agreement or transaction?		
	Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction?		
	Do any Key Persons in Applicant Firm have any felony charges pending against them that were filed either before, during, or after their employment with the Applicant Firm?		
<i>Regulatory Compliance</i>	In the past five years, has Applicant Firm, any of its Key Persons, or Affiliates:		
	Been cited for a violation of any labor law or regulation, including, but not limited to, child labor violations, failure to pay wages, failure to pay into a trust account, failure to remit or pay withheld taxes to tax authorities or unemployment insurance tax delinquencies?		
	Been cited for a violation of federal, state or local environmental laws or regulations?		
	Been cited for an OSHA or Cal/OSHA "serious violation"?		
	Failed to comply with California corporate registration, federal, state or local licensing requirements?		
	Had its corporate status, business entity's license or any professional certification, suspended, revoked, or had otherwise been prohibited from doing business in the State of California, in the last three years?		
SECTION VI: ETHICS POLITICAL, CHARITABLE, AND OTHER CONTRIBUTIONS			
Political, Charitable, and Other Contributions	Has the Applicant Firm, any of its Key Persons, or Affiliates ever, regardless of amount? IF YES TO ANY OF THE ABOVE, SUBMIT LIST OF CONTRIBUTIONS AND FULL DETAILS		
	Given (directly or indirectly), or offered to give on behalf of another or		

	through another person, money, contributions (including political contributions), or other benefits, to any current State Official?		
	Given or offered to give on behalf of another, money, contributions, or other benefits, directly or indirectly, to any current or former State employee?		
	Been directed by any State employee, State official, or contractor to offer or give money, contributions or other benefits, directly or indirectly, to any current or former State employee or official?		
	Directed any person, including employees or subconsultants or subcontractors, to give money, contributions or other benefits, directly or indirectly, to any current or former State employee or official, or to someone else in order to benefit an State employee or official?		
	Been solicited by any State employee or official to make a contribution to any charitable nonprofit organization?		
SECTION VII: STATUTORY COMPLIANCE			
	<p>Has the Applicant Firm, any of its Key Persons, subsidiaries or Affiliates ever been an “expatriate corporation” as that term is defined in Public Contract Code (PCC) §10286.1(b)?</p> <p>IF YES, provide the date such “expatriate corporation” was established: _____</p> <p>If YES, does the entity meet the requirements of PCC §10286.1(b)(2)(A) or (B)?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes, the entity meets the requirements of PCC §10286.1(b)(2)(A); OR</p> <p><input type="checkbox"/> Yes, the entity meets the requirements of PCC §10286.1(b)(2)(B).</p>		
	Has the Applicant Firm, any of its Key Persons, Affiliates, officers, or any employee who has a proprietary interest in the Applicant Firm ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?		
	Has there been a settlement against any member of the Applicant Firm for any serious or willful violation of Part 1 (commencing with Section 6300) of Division 5 of the Labor Code or the federal Occupational Safety and Health Act of 1970 (Public Law 91-596)?		
	Has any member of the Applicant Firm been debarred, disqualified, or removed from a federal, state, or local government public works project?		
	Has there been any instance where the Applicant Firm, or its owners, officers, or managing employees submitted a bid on a public works project and were found to be nonresponsive or were found by an		

	awarding body not to be a responsible bidder?		
	Has there been any instance where the Applicant Firm, or its owners, officers, or managing employees defaulted on a construction contract?		
	Has there been any violations of the Contractors' State License Law, as described in Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, including alleged violations of federal or state law regarding the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or Federal Insurance Contribution Act (FICA) withholding requirements settled against any member of the Applicant Firm?		
	Has there been any bankruptcy or receivership of any member of the Applicant Firm, including, but not limited to, information concerning any work completed by a surety.		
	Has there been any settled adverse claim, dispute, or lawsuit between the owner of a public works project and any member of the Applicant Firm during the last five years in which the claim, settlement, or judgment exceeded fifty thousand dollars (\$50,000). Information shall also be provided concerning any work completed by a surety during this five-year period.		
<p>SECTION VIII : ADDITIONAL DOCUMENTATION REQUIRED</p> <p>Copies of all documents requested in Section VIII are to be submitted with this Questionnaire</p>			
	Applicant Firm's Current Local Business Licenses, if required by city, county or state, and		
	Applicant Firm's Financial Statements (see specific requirements below)		
	PUBLICLY TRADED COMPANIES: Financial information will be accessed on-line. However, if additional information is needed, it will be specifically requested from the firm.		
	NON-PUBLICLY TRADED COMPANIES WITH AUDITED OR REVIEWED FINANCIAL STATEMENTS: Statements, including balance sheet, statement of earnings and retained income, with footnotes, for the most recent three years.		
	NON-PUBLICLY TRADED COMPANIES WITHOUT AUDITED OR REVIEWED FINANCIAL STATEMENTS: Company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years. The Chief Financial Officer of the corporation, a partner, or owner, as appropriate, must certify these financial statements.		
	SOLE PROPRIETORSHIPS: If financial statements are not generated, please complete and sign the Financial Statement form, attached. Submit		

	one form for each of the most recent three years.		
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SECTION VIII: FINANCIAL STATEMENT

To be completed by Applicant Firms who are Sole Proprietorships and do not produce company-generated financial statements (balance sheet, statement of earnings and retained income). Complete one sheet for each of the most recent three years.

<p>This information is provided for pre-qualification purposes only. It is considered a confidential document not subject to public disclosure under California law.</p> <p>I hereby certify that the above information is true and accurate to the best of my knowledge and belief. I understand false statements may result in denial of pre-qualification and possible debarment for a period of five years.</p>	
<p>_____</p> <p>Signature of Owner or Officer</p>	<p>_____</p> <p>Date Signed</p>
<p>_____</p> <p>Company Name</p>	<p>_____</p> <p>For the Year Ended</p>
<p>_____</p> <p>Federal ID #</p>	

Appendix F SCORING FORM

Section	Requirement [Note to Drafter: Insert maximum points possible]	Score
3.5	<u>Firm Experience and Past Performance</u>	
3.5.1 (A)	Managing, designing, and constructing projects of same size as Project (maximum X pts.)	
3.5.1 (B)	Completion of contracts on time and within fixed price (maximum X pts.)	
3.5.1 (C)	Construction of major highways in sensitive environmental and community areas, and other aspects (maximum X pts.)	
3.5.1 (D)	Record of minimizing delays and claims (maximum X pts.)	
3.5.1 (E)	Technical and management experience on projects with the same scope as Project (maximum X pts.)	
3.6	<u>Proposer's Organization and Key Personnel</u> [Note to Drafter: Edit relevant to Project, see Section 3.6.1]	
3.6.1 (A)	Qualifications of the proposed Project Manager (maximum X pts.)	
3.6.1 (B)	Qualifications of the proposed Construction Manager (maximum X pts.)	
3.6.1 (C)	Qualifications of the proposed Lead Estimator (maximum X pts.)	
3.6.1 (D)	Qualifications of the proposed Scheduler (maximum X pts.)	
3.6.1 (E)	Qualifications of the proposed Other Key Personnel (maximum X pts.)	
Total Score for Firm Experience and Past Performance, and Proposer Organization and Key Personnel (*total score for these categories cannot exceed)		120*
3.7	<u>Project Understanding and Approach</u>	
3.7(A) and 3.7 (B)	Understanding of Project Scope, Management and Organizational Approach (maximum X pts.)	
3.7 (C)	Proposer's organization and the CMGC process to ensure a successful Project, considering Department's Project goals listed in Section 1.4 (maximum X pts.)	
3.7 (D), (E), and (F)	Identification, understanding, and potential solutions to top construction risks, design risks, and environmental risks (maximum X pts.)	
Total Score for Project Understanding and Approach (**total score for these categories cannot exceed)		80**