STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

REQUEST FOR QUALIFICATIONS

I-15/I-215 Interchange Improvements, Devore

FOR DESIGN AND CONSTRUCTION ON STATE HIGHWAY IN Devore in San Bernardino County

I-15 from 0.8 mile south of Glen Helen Parkway UC to 1.4 mile north of Kenwood Ave UC.
And
On I-215 from 1.2 mile south of Devore Road OC to the I-15 junction

DISTRICT 08, ROUTE I-15/I-215
CONTRACT NO. 08-0K710
PROJECT NO. 0800000366

Dated July 19, 2011

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1 INTRODUCTION AND GENERAL INSTRUCTIONS

Pursuant to Public Contract Code §6800 *et seq.*, the California Legislature has authorized the Department of Transportation (Department) to award 10 design-build contracts for highway, bridge, or tunnel projects as part of a pilot program under the new Design-Build Demonstration Program enacted by Senate Bill 4 (second extraordinary session). The contracts are to be awarded on the basis of the lowest responsible bid or best value, as authorized by the California Transportation Commission.

The design-build process for these projects will consist of the following: Request for Qualifications (RFQ), submittal of a Statement of Qualifications (SOQ), evaluation of submittals and pre-qualification of Proposers, Request for Proposals (RFP) from the pre-qualified Proposers, submittal of proposals, evaluation of proposals, selection of Best Value, and award and execution of contract.

The Department hereby requests Statements of Qualifications (SOQs) from qualified firms Proposers interested in submitting proposals for the design and construction of the I-15/I-215 Interchange Improvements, Devore (Project) through a design-build contract. The Project, further defined in Appendix A, is intended to eliminate existing lane reductions on I-15, reduce problems caused by weaving trucks, reduce operational deficiencies at theI-15 / I-215 interchange as well as the local service interchanges that are adjacent to the freeway-to-freeway interchange, including non-standard design features, and correct arterial highway deficiencies related to portions of I-15 and I-215 that are adjacent to the Community of Devore.

This document specifies the requirements of the submittal and the evaluation process to be used by the Department to pre-qualify firms to receive a RFP.

Proposers pre-qualified in response to this RFQ will be invited to submit Proposals when the Department issues a RFP for the Project.

1.1 Acronyms

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

DB	Design-Build, Design-Builder
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
FHWA	Federal Highway Administration
QA	Quality Assurance
QC	Quality Control
RFP	Request for Proposals
RFQ	Request for Qualifications
SOQ	Statement of Qualifications
TRC	Technical Review Committee
UDBE	Underutilized Disadvantaged Business Enterprise

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.
Affiliate	Includes parent companies, subsidiary companies and partners (in the reporting entity), and other financially liable parties for that entity.
Contract	The written agreement between the Department and the Design-Builder setting forth the obligations of the parties with respect to 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 Section 1.3.
Department	California Department of Transportation
Design-Demonstration Pilot Program	The State's design-build pilot program created under Senate Bill No. 4 (second extraordinary session), signed by Governor Schwarzenegger on February 20, 2009, and codified in California Public Contract Code section 6800 et seq.
Design-Build Contract	That certain Design-Build Contract, as executed by Department and Proposer, and any and all amendments thereto.
Design-Builder	The team, if any, that is selected pursuant to the RFP by Department to design and construct the Project.
Designer	The Major Participant or in-house designer that has primary responsibility for design services for the Project. The designer is the engineering firm of record who will have primary responsibility for design work under the contract.
Disadvantaged Business Enterprise	A for-profit small business concern as defined in 49 CFR Part 26.
Final Acceptance	Written confirmation by Department that the Project has been completed in accordance with the Contract, with the exception of latent defects and warranty obligations, if any, and has been accepted.
Lead Engineering Firm or Firm	The firm that employs the Engineer of Record.
Key Personnel	Individuals from the Proposer's organization, as identified in the Proposer's SOQ, to fill the positions specified in Section 3.6 of the RFQ. Additional key personnel positions for the Project may be identified in the RFP.
Major Participant	Each of the following entities on the Proposer's team: All partners or joint venture members; The bridge, grading, and paving contractor; and/or The lead engineering/design firm(s) (firms, partnerships, or joint venture members) and each engineering/design sub-consultant that will perform 20% or more of the design work. Notwithstanding the foregoing, references to a Major Participant's experience refer to experience of the entity and not to any individuals working for such entity.

Term	Definition
Principal Participant	Any of the following entities: The Proposer; and/or If the Proposer is a joint venture, partnership, limited liability company, or other form of association, any joint venturer, partner, or member.
Project	I-15/I-215 Interchange Improvements, Devore Project as described in Appendix A.
Proposal	The proposal submitted by the Proposer in response to the RFP, including any revisions thereto.
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 design and construct the Project.
Quality Assurance	All systematic monitoring and evaluation of various aspects of the Project to ensure that standards of quality are being met, thereby providing confidence that all Work complies with the Contract and that all materials incorporated in the Work, all equipment, and all elements of the Work will perform satisfactorily for the purpose intended. Quality assurance activities are performed concurrently, but independent of and in addition to the quality control activities.
Quality Control	The total of all activities that are performed by the Design-Builder, Designer, Subcontractor, producer, or manufacturer to ensure that a product meets Contract requirements.
Quality Program	The overall QC, QA, and associated activities performed by the Design-Builder and Department and their interrelationships to ensure that all Work complies with the Contract.
Request for Proposals	A written solicitation issued by Department seeking Proposals to undertake the Project to be used to identify the Proposer offering the best value to Department. The RFP will be issued only to pre-qualified Proposers.
Request for Qualifications	The written solicitation issued by Department to identify pre-qualified Proposers eligible to receive the RFP 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 Design-Builder 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.
Underutilized Disadvantaged Business Enterprise	Firms that meet the definition of DBE and are a member of one of the following groups: (1) Black Americans; (2) Native Americans; (3) Asian-Pacific Americans; or (4) Women.

Term	Definition
Work	The furnishing of labor, materials, equipment, and other incidentals necessary to, or convenient for the successful completion of, the design-build services for the Project and the carrying out of the duties and obligations imposed by the 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 A) that they have reviewed all materials posted thereon.

1.4 Project Opportunity

1.4.1 Project Description

Project is located near the unincorporated community of Devore in southwestern San Bernardino County. The proposed project would eliminate the existing lane reductions on I-15, reduce problems caused by weaving trucks, reduce operational deficiencies at the interchange including non-standard design features, and correct arterial highway deficiencies. A more detailed description of the Project is contained in Appendix A.

The estimated cost of this Design-Build project (in 2012 U.S. dollars) is $ 250,000,000

1.4.2 Project Goals

Department's goals for the Project are:

A) Safety:

- Provide a safe project area for the traveling public and workers during execution of the project
- Provide a solution consistent with the Department's Design Standards

B) Mobility:

- Minimize impacts to traffic on Route 15, Route 215 and adjacent local roads during construction
- Maintain traffic flows during construction
- Provide for local and emergency vehicle access to Route 15, Route 215 and to adjacent local roads during project execution
- Provide a completed project that meets the typical design and construction standards for California Highway projects

C) Quality:

- Provide a Quality Management Plan that includes a well-defined set of procedures and activities that ensures the requirements of the project will be met or exceeded
- Provide a high quality project that minimizes future maintenance

D) Environmental Compliance

- Adherence to all Avoidance, Minimization, and/or Mitigation Measures specified in the Initial Study (IS) to address California Environmental Quality Act (CEQA) requirements and in the Environmental Assessment (EA) to address National Environmental Policy Act (NEPA) requirements, prepared as a combined document (IS/EA). The IS/EA is anticipated to be completed and approved by February 2012.
- Adhere to local, State and Federal environmental regulations and permits that are required in executing and completing the project
- Incorporate best management practices to control sediment, stormwater runoff discharge, water quality treatment, or other environmental parameters that are established for the project

E) Budget

- Complete the project within programmed budget
- Implement innovative solutions to maximize the return on taxpayer investment by reducing costs or improving quality of the transportation system

F) Schedule

- Begin design by Fall 2012
- Successfully deliver Project and complete construction by Fall 2015.

1.4.3 Project Authorization

The Department is using the Best Value project delivery method contemplated under the Design-Build Demonstration Program. On July 1, 2010, the CTC approved the Project for one of the ten State design-build projects authorized under Public Contract Code section 6802(b).

1.5 Design-Builder Responsibilities and Project Status

See Appendix A for general descriptions of the Project, the Design-Builder 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 the RFP.

1.6 Federal Requirements

Proposers are advised that the RFP will be drafted 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, but are not limited to, 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 RFP. 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 two-phase procurement process to select a design-build contractor to deliver the Project. The procurement process will include the following two steps:

a) 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.

b) Request for Proposals: The Department will then issue a RFP to the pre-qualified Proposers requesting submittals of Proposals for a design-build contract for the Project that the Department will use to determine the Preferred Proposer. The Department, in its sole discretion, will award a design-build contract for the Project to the Proposer offering the Best Value Proposal. Specific details concerning the RFP phase of the procurement and any modifications to the above shall be set forth in the RFP.

1.7.2 Contract Type

The Contract will be a fixed-price, lump-sum, Design-Build 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.

1.7.4 Department's 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:

California Department of Transportation
Division of Procurements and Contracts
1727 30th Street
Sacramento, California 95816-7006
Attention: Denetia Smith, Contract Analyst
e-mail: denetia_smith@dot.ca.gov

1.7.5 Rules of Contact

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) After submittal of SOQs, neither a Proposer nor any of its team members may communicate with another Proposer or members of another Proposer's team with regard to the Project or the SOQs. This prohibition does not apply to (1) Proposer communication with an entity such as a Subcontractor, etc., that is on both its team and another Proposer's team, provided that the entity shall not act as a conduit of

information between the two Proposers; and (2) public discussion regarding the RFQ at Department-sponsored informational meetings.

B) 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).

C) Under normal circumstances, the Designated Contact will contact a Proposer in writing through the Proposer Representative.

D) Commencing with Department's release of this RFQ and continuing until the earliest of (1) execution and delivery of the Contract, (2) Department's rejection of all Proposals 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 Proposal Evaluation Team or any other person who will evaluate Proposals, 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.

E) Any contact by a Proposer determined to be improper may result in disqualification of the Proposer.

F) 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.

G) 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.

H) 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 and Stipend

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.

Subject to Department approval, Department intends to establish a stipend for the Project during the RFP phase of the procurement process. Specific details regarding the maximum stipend amount to be paid out by the Department during the RFP procurement phase, a Proposer's eligibility to receive a stipend, the timing of stipend release to eligible Proposers, and the terms of stipend acceptance will be described in the forthcoming RFP documentation.

1.9 Conflict of Interest

The Department has developed a Conflict of Interest policy for the Design-Build Demonstration Program. A copy of the current policy is enclosed as Attachment 1 to this RFQ.

The Proposer, Principal Participant, 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 Proposal and from

participating in the contract for the project:

1. A Proposer, Principal Participant, 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 design-build program
    - 1.2 managed or assisting 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 design-build 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 design-build program
2. 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
3. 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

Federal Highway Administration (FHWA) regulations address organizational conflicts of interest related to design-build projects financed in whole or in part with federal funds and provides guidance and minimum standards to identify, mitigate or eliminate apparent or actual organizational conflicts of interest (23 CFR 636.116).

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 Conflict of Interest Checklist included as Attachment 1 in this RFQ may be used by the Proposer in screening for potential organizational conflicts of interest. The checklist will not be submitted with the SOQ.

The Proposer must complete the Disclosure of Potential Conflict of Interest Certification included as Attachment 1 in this RFQ, and include it as part of the SOQ submittal. If the Proposer determines a potential conflict of interest exists for itself or a Principal Participant, 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 Proposal, 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, Principal Participant, 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 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 Proposer Requirements

Only prospective Proposers that have demonstrated the capability to complete this Project in its entirety will be eligible for the pre-qualification determination.

Organizational and Personnel Changes: Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after they have been pre-qualified, their organization, including all Principal Participants, Major Participants, specialty Subcontractors, and key management personnel identified in the SOQ, must remain intact for the duration of the procurement process and thereafter throughout the term of the Contract. A Proposer may propose substitutions for participants after the SOQ submittal; however, such changes will require prior written approval by Department, which may be granted or withheld in Department's sole discretion. To qualify for the Department's authorization, the Proposer must submit a written request explaining the reason for change and must document that the proposed removal, replacement, or addition will provide management of the project equal to or better than that submitted with the SOQ. The Department will use the criteria specified in this RFQ and the qualifications submitted by the Proposer to evaluate all requests. Requests for removals, replacements and additions must be submitted in writing to the Department's Designated Contact. Requests for changes must be made in writing no later than 30 days prior to the due date for submittal of Proposals. The Proposer should carefully consider the make-up of its team prior to submittal of the SOQ. Changes to the Proposer's organization will be justification for Department to revoke a previous determination pre-qualifying a Proposer.

Minimum Requirements: In order to be pre-qualified, the Proposer must submit a completed and verified Design-Build Prequalification Application, Attachment 3. Instructions for completing the Design-Build Prequalification Application are included in Attachment 3, "Design-Build Prequalification Application." 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 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.

1.11 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.

1.12 UDBE Goal

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) and Underutilized Disadvantaged Business Enterprise (UDBE) programs developed under the regulations. Design-Builders 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 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 Design-Build 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 UDBE Goal requirements as further defined in the RFP, when issued. Proposers shall complete and return Appendix C, Form F as part of the SOQ. The "Provisional" Overall Project UDBE Goal has been established at 10%.

1.13 Integrated Project Office

The objective of the integrated project office is to prepare, submit, review, and process project plans and working drawings in the shortest and most efficient manner possible. The Department will make its personnel assigned to the Design-Build phase of the project available for consultation and "over the shoulder reviews" on site with the Proposer's engineers and detailers who are preparing the plans and working drawings. The Proposer shall provide the office facility, full time, on-site staff and a computer system compatible with the Proposer's. The effort will focus on the most critical and time dependent plans and working drawings first to prevent delay to the project schedule. Specifications for the Integrated Project Office will be included in the RFP.

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 RFP.

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 Design-Builder will be required to indemnify Department, Department's Consultants and others with respect to claims arising out of the Contract or Work.

1.15.3 Guarantees

Proposers are advised that if the Proposer is a newly formed entity or a limited liability entity, or if it fails to meet the minimum financial requirements stated in this RFQ and/or the RFP, Department may require the Proposer to provide a guarantee covering performance and financial obligations by a separate entity acceptable to Department. Proposers shall also note that Department may, in its discretion based upon the review of the information provided under Section 3.3 and Attachment 3, also specify that an acceptable

guarantor is required as a condition of a determination of pre-qualification. Requirements for additional financial security will be included in the RFP.

2 BACKGROUND INFORMATION

2.1 Procurement Schedule

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

Issue RFQ	July 19, 2011
Data Room, Access Permitted	July 19, 2011
Final Date for Receipt of Proposers' Questions	August 26, 2011
SOQ Due Date	September 15, 2011
Anticipated Pre-qualification Determination	November 1, 2011
Anticipated Issuance of the RFP	December 15, 2011
Anticipated Proposal Due Date	July 2012
Evaluation of Proposals and Notification of Recommendation for Award	August 2012
Anticipated Notice of Award	September 2012
Anticipated Notice to Proceed	September 2012
Completion of Project	December 2015

2.2 Communication

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 Project Selection 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.

Following the selection of the prequalified Proposers, the Department anticipates that certain communications and contacts will be permitted. The RFQ and/or other written communications from the Department will set forth the rules and parameters of such permitted contacts and communications. To the extent any Proposer intends at any time to initiate contact with the general public regarding the Project, the nature of such intended contact and the substance thereof must be approved in writing by the Department prior to the commencement of such activities.

2.3 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 RFP with any Proposer. The advisory team consists of the following:

- AECOM
- Earth Mechanics, Inc.
- Iteris, Inc.
- L. Pacific Group
- Overland, Pacific & Cutler, Inc.
- Parsons-Brinkerhoff
- LSA, Associates, Inc.
- Parsons Transportation Group
- Vandermost Consulting Services

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 Principal/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 Principal/Major Participants have not been finalized at the time of the SOQ submittal, Principal/Major Participants shall submit letters of agreement signed by an authorized officer of each Principal/Major Participant noting the type of relationship to be entered into prior to the Proposal (i.e., joint venture, subcontract), and the commitment of the parties to finalize the organizational documents prior to the Proposal submittal. 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 design-build Contract by executing the transmittal letter appearing in Appendix C, Form A;

C) Name and describe all Principal/Major Participants as defined in this RFQ;

D) A statement from the Proposer identifying any actual and/or potential conflicts of interests the firm may have with other clients they represent (refer to Section 1.9);

E) In cases where Principal/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 Principal/Major Participants belong to more than one Proposer organization;

F) Principal 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

G) Principal 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;

A) 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;

B) The Proposer has agreed to adhere to the Project's UDBE requirements as provided in Appendix C, Form F; and

C) 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, Errors and Omissions, Auto Liability, Workers' Compensation/ Employers Liability, Pollution Liability, and Professional Liability insurance. Policy limit requirements will be specified in the RFP.

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 Principal/Major Participants shall provide evidence of capability to provide insurance as provided in Section 3.3 (B); and

E) Proposer shall demonstrate financial capacity to enter into a design-build contract and the resources to successfully complete the project.

3.4 Safety Program

Proposer shall provide the Proposer's safety record for the most recent three-year period, providing an average experience modification rate, 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. 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 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 Proposers 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 Proposer Experience and Past Performance

To demonstrate design-build experience, expertise, competence, capability, and capacity in, and a record of producing quality work on projects similar to the Project, the following shall be submitted under Section 4 of the SOQ:

A) Provide a brief narrative summary of the capability and capacity of each Principal/Major Participant and the environmental compliance firm. 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 a minimum of three but no more than five project descriptions for each Principal/Major Participant. The Designer is considered a key part of the Proposer's organization, and the Designer's experience must be identified in the SOQ. If Designer is a joint venture or partnership, each member or partner shall submit an independent Form B. 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 Principal/Major Participant 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. For the projects in which several of the proposed Principal/Major Participants were involved, Proposers may provide a single project description. Highlight experience in the past 15 years on completed projects having a scope comparable to that anticipated for this Project. Describe the experiences that Principal/Major Participants could apply to this Project. In particular, demonstrate design-build experiences in each of the following areas:

a) Construction of projects of similar size, scope, and complexity;
b) Design of projects of similar size, scope, and complexity;
c) Design and construction activity interaction or integration;
d) Experience of team members working together as an integrated team;
e) Construction/reconstruction using innovative designs, methods, and materials;
f) Quality Control and Quality Assurance plans and programs;
g) Environmental Compliance;
h) Construction in environmentally sensitive areas;
i) Public Information (in particular addressing traffic management in constrained setting).

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 design, construction, management, 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 Principal/Major Participant(s);
5) Description of scheduled completion deadlines and actual completion dates;
6) Description of how, if any, the Principal/Major Participants have worked together in the past and the experience such Principal/Major Participants have in conventional design-bid-build and design-build 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.
11) Partnering history including if the project was partnered in accordance with the Field Guide to Partnering on Caltrans Construction Projects, awards, successful calibration efforts, Partnering Facilitator used and number of partnering meetings held for each project listed.

3.5.1 FIRM EXPERIENCE EVALUATION CRITERIA

Successful Proposers will have demonstrated experience in the following:

a. Experience in managing, designing, and constructing projects of the size and complexity of this Project (designbuild preferred);

b. Experience in constructing major highways in sensitive environmental areas and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, and implementing community relations and outreach programs of projects of the size and complexity of this Project. Experience in coordinating with utility owners and railroad companies to obtain required permits to construct structures within railroad company right of way;

c. The technical and management experience and expertise to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project;

d. 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; and

e. A design firm that has completed one or more contracts for design of transportation facilities comparable to the Project

3.5.2 PAST PERFORMANCE EVALUATION CRITERIA

Successful Proposers will have demonstrated experience in the following:

a. Experience in successfully managing, designing, and constructing projects of the size and complexity of this Project (design-build preferred);

b. A record of completing contracts on time and within the fixed price;

c. Successful performance in constructing major highways in sensitive environmental areas and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, and implementing community relations and outreach programs of projects of the size and complexity of this Project. Experience in successfully coordinating with utility owners and railroad companies to obtain required permits to construct structures within railroad company right of way;

d. A record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;

3.6 Proposer Organization and 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) **Organizational Chart(s)**: Provide an organizational chart(s) showing the "chain of command," with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships, in managing, designing, and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Key Personnel by name. Key Personnel will be committed to the Project. Identify all Principal/Major Participants in the chart(s). Identify the critical support elements and relationships of Project management, Project administration, construction management, quality control, safety, environmental compliance, and Subcontractor administration. For each organizational chart, provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team. Changes to the Proposer's SOQ organization chart shall abide by the requirements identified in Sections 1.10 and 3.6.2;

B) **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;

C) **Required Resumes**: Resumes of Key Personnel, limited to four pages for the Design Build 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:

   i) Relevant licensing and registration

   ii) Years of experience performing similar work comparable to that anticipated for the Project

   iii) 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:

      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

      d) Relevant licensing and registration

The listing below describes the minimum Key Personnel for the Project. Personnel to staff these key functions, listed below in Section 3.6.1, shall be identified in the required Organizational Chart;

D) **Required Licenses**: Evidence that the Proposer and all Major Participants have, or at the time of Contract award will have, all licenses, registrations, and credentials required to design and 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 Contract is awarded, the Design-Builder 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 Design-Builder 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

E) **Subcontractor Information**: Using Appendix C, Form C (Subcontractor Information), identify Subcontractors, except for the designated Designer (which is included on Appendix C, Form E), that the Proposer plans to use, including Major Participants, specialty Subcontractors, and Subconsultants. Indicate what portion of the Work each Subcontractor is anticipated to undertake. Submit maximum one-page summaries of experience for each listed Subconsultant and Subcontractor.

3.6.1 Preferred Qualifications of 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, except for the DB Quality Manager. All Key Personnel will be required to be on-site 100% of the time during activities that involve their areas of responsibility. The number of years of experience listed for each Key Personnel represents a target goal for evaluation purpose for that position.

A) Project Manager:

a) Reports directly to DB executive management of Proposer
b) Responsible for overall design, construction, quality management, and contract administration
c) Agent and single point of contact on behalf of DB
d) Has authority to bind DB on all matters relating to the project
e) Has authority to stop work
f) Must be present at the site of work at all times
g) Fifteen (15) years experience managing complex infrastructure projects
h) Ten (10) years experience managing the design and construction of major urban freeway projects
i) Five (5) years of project management experience in design-build on major urban freeway projects
j) Recent experience as Project Manager for design and construction of highway projects similar in scope and complexity
k) License as Professional Civil Engineer in California preferred, but not required

B) Quality Manager

a) Reports directly to DB Executive Management
b) Develops and implements DB Quality Control/Quality Assurance Program
c) Reviews contract documents for adherence to quality and testing requirements
d) Has authority to stop any and all work, including construction that does not meet the standards, specifications, or criteria established for the Project
e) Must not be assigned any other duties or responsibilities on the production side of the Project.
f) Recent experience in quality management of design and construction of projects similar in scope and complexity
g) Fifteen (15) years of experience managing complex infrastructure projects.
h) Five (5) years of major design-build construction management of major urban freeways
i) License as Professional Civil Engineer in California is required.

C) Design Manager:

a) Reports directly to Project manager
b) Responsible for ensuring that the overall project design is completed and design requirements are met
c) The Design Manager will be assigned full time and will work directly for the Design-Builder under the direct supervision of the Project Manager. The Design Manager will be the individual responsible for coordinating the design of the individual design disciplines and will be responsible for ensuring that the overall Project design is completed and design criteria requirements are met. The Design Manager will be on-site full time until the design is 100% complete and as required during the construction phase of the Project. The Design Manager will be responsible for design quality management
d) Shall have at least five (5) years or preferred ten (10) years of recent experience managing the design of highway projects similar in scope and complexity
e) Fifteen (15) years of experience managing complex infrastructure projects
f) Ten (10) years of experience in managing the design of major urban freeways
g) Five (5) years of major design-build project management of major urban freeway systems
h) Must be a registered Professional Civil Engineer in the State of California now or by the time the initial notice to proceed is issued

D) Construction Manager:

a) Reports directly to Project manager
b) Responsible for ensuring that the project is constructed in accordance with the design and project requirements
c) Must be present at the site of work at all times construction is in progress
d) Has authority to stop work
e) License as Professional Civil Engineer in California preferred but not required
f) Fifteen (15) years of experience managing complex infrastructure projects
g) Ten (10) years experience managing the construction of major urban freeway systems
h) Five (5) years of design-build construction management of major urban freeways

E) Design Lead Engineer – Roadway (Engineer of Record):

a) Reports directly to Design Manager
b) Engineer of Record for the roadway design
c) Responsible for ensuring that the roadway design is completed and Caltrans design criteria are met
d) Responsible for following the Quality Control processes and activities
e) Must be present at all review and design coordination meetings
f) Minimum of Ten (10) years of recent experience as Engineer of Record and in roadway design on the California State Highway System
g) Minimum of Ten (10) years of recent experience in the design of roadways in major urban freeway systems similar in scope and complexity
h) Must have a license as Professional Civil Engineer in California

F) Design Lead Engineer – Structures (Engineer of Record)
a) Reports directly to Design Manager
b) Engineer of Record for the structure design
c) Responsible for following the Quality Control processes and activities
d) Responsible for ensuring that the structure design is completed and Caltrans design criteria are met
e) Must be present at all review and design coordination meetings
f) Ten (10) years experience as Engineer of Record in the design of long-span bridges structures similar in scope and complexity on the California State Highway System
g) Minimum of Ten (10) years experience as Engineer of Record in the design of large complex bridge structures – segmental bridges and/or steel bridges on the California State Highway System
h) Minimum Ten (10) years bridge design and seismic design experience on ~~in~~ California State Highway System
i) Must have a license as Professional Civil Engineer in California

G) Geotechnical Engineer
a) Reports directly to Design Manager
b) Responsible for geotechnical investigations and reports.
c) Minimum Fifteen (15) years of recent experience in deep foundation design, including large pipe piles, drilled shafts, monitoring drilled shaft construction, drilled shaft load testing criteria and analysis, spread footings, and settlement in California
d) Must have a license as a Civil Engineer or Geotechnical Engineer in California

H) Safety Manager
a) Works directly for the Design-Builder and reports directly to the Project Manager
b) Assigned to the Project full time and will be required to be on-site for the duration of the Project
c) Ten (10) years experience managing complex infrastructure projects
d) Five (5) years of construction safety management experience in implementing and managing safety programs and maintaining compliance with safety regulations during construction activities on major urban freeways.
e) Must have authority to stop work and past experience in authorizing to stop work.
f) Must be familiar with FHWA work zone safety regulations and must have at least ten (10) years experience working with roadway work zone safety and OSHA regulation

I) Utility Coordinator

a) Assigned to the Project full time and will be required to be on-site for the duration of the Project.

b) Responsible for coordination of utility, and permitting requirements of the Design-Builder and for ensuring that utility, and permitting issues are resolved prior to start of construction work

c) Ten (10) years of experience with complex infrastructure projects with direct management of utility coordination function

d) Five (5) years of management of utility coordination function on major urban freeways

J) Railroad Coordinator

a) Responsible for coordination of railroad requirements of the Design-Builder and for ensuring that railroad issues are resolved prior to start of construction work

b) Ten (10) years of experience with complex infrastructure projects with direct management of railroad coordination function

c) Five (5) years of management of railroad function on major urban freeways

K) Project Scheduler

a) Works directly for the Design-Builder

b) Fifteen (15) years experience in scheduling complex infrastructure projects

c) Five (5) years experience of schedule management on major urban freeways

L) Environmental Compliance Manager

a) Previous experience on more than one project, which required substantial coordination with Army Corps of Engineers, California State Regional Water Quality Control Board, California Department of Fish and Game (including preparation of permit applications), implementing measures addressing impacts to threatened and endangered species, implementing measures addressing impacts to waters, and implementing measures addressing cultural and paleontological resources (including on-site monitoring related to all of the above).

b) Experience on multiple projects requiring implementation of measures to address air quality, noise, and hazardous waste compliance requirements

c) Previous experience developing measures to satisfy Section 401, 404, and 1602 requirements as identified by corresponding Resource Agency, pertinent to issuance of same.

M) Traffic Manager

a) Five (5) years recent experience managing similar type of projects

b) Registered Professional Civil Engineer in the State of California now or by the time the notice to proceed is issued

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

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

3.6.2 Changes in Proposer Organization and Key Personnel

Department wants to ensure that Proposers are able to develop and attract the greatest range and depth of expertise as may be necessary to participate in the procurement, design, and construction of the Project in an innovative, effective, and efficient manner. Accordingly, Department shall permit Proposers to add team members and reorganize the Proposer entity through the procurement process until submittal of the Proposals as described herein, except in the event of potential organizational conflicts of interest and/or deficiencies in qualifications and experience for the proposed role. Notwithstanding the foregoing, and subject to Section 1.14, following submittal of the SOQs, the following actions may not be undertaken without Department's prior written consent, in its sole discretion:

- Deletion or substitution of a Proposer team member identified in its SOQ (i.e., Principal/Major Participants, Designer);
- Deletion or substitution of Key Personnel identified in Section 3.6.1 of this RFQ and Appendix C, Form D of its SOQ;
- Deletion or substitution of an equity owner of Proposer or Principal Participant, or any other entity that will bear financial responsibility or liability for the performance of the Proposer; and
- Other changes in the equity ownership or team membership of a Proposer.

Should a Proposer wish to make such a change, they shall notify and request Department's consent in writing and shall provide, for any new or substitute entity, the same information required under this RFQ for such entity had it been part of the Proposer team as of the SOQ submission (including, without limitation, legal, financial, qualifications/experience, and other). If a Proposer wishes to delete an entity, they shall provide Department with information establishing that the Proposer remains qualified as contemplated under this RFQ. Failure to secure the consent of Department may, at Department's sole discretion, result in the Proposer being disqualified.

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 design-build 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 Design-Builder 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 Design-Builder's approach to design-build Project contracting. The narrative should describe the methodology for integrating the design-build entity and the different areas of expertise within the team into an efficient and effective organization. Narrative shall include an organizational chart. The management approach must reflect an understanding of the use of the design-build project delivery methodology for transportation projects;

C) Brief description of how the Proposer will use its organization and the design-build process to ensure a successful Project, considering Department's Project goals listed in Section 1.4.2;

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;

F) Identify the top environmental risks associated with the project, the Proposer's understanding of the risks, and potential solutions to address the risk; and

G) Provide a narrative describing the Proposer's approach to using a skilled labor force as required by PCC §6805(c)(2).

3.8 Quality Management Program

Proposers shall demonstrate its approach in implementing a Quality Management Program under a design-build project in which Department will manage and perform its construction QA and design QA functions, while the Proposer is responsible for construction QA/QC and design QA/QC plans and functions.

Requirements and information to be submitted under Section 7 of the SOQ include a written approach with respect to design and construction QA/QC. The Proposer's approach should demonstrate an understanding of the following attributes:

A) Quality assurance/control during design;

B) Quality assurance/control during construction;

C) Coordination between Department and the Design-Builder organization; and

D) Coordination with other agencies.

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 contact person 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 (9) 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). In addition to the above, Proposers shall also include two electronic copies of the entire SOQ submittal package in "PDF" format, each on a separate CD or DVD.

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 "08-0K710," "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 3 copies (original and copies 1 through 3 of 10) and two electronic copies to:
State of California
Department of Transportation
Administration
Division of Procurement and Contracts
1727 30th Street
Sacramento, CA 95816-7006
Attention:
Denetia Smith, Contract Analyst
Telephone: (916) 227-6068

6 copies (copies 4 through 9 of 9) to:
State of California
Department of Transportation
District 8 Office
Division of Project/Program Management
464 West fourth Street
San Bernardino, CA
Attention:
Raghuram Radhakrishnan, Project Manager
Telephone: (909) 383-6288

One copy of each completed Prequalification Application (Attachment 3) and one copy of each completed Disclosure of Potential Conflict of Interest Certification (Attachment 1) are to be provided in a separate sealed package and delivered with the original and three copies of the SOQ to the Sacramento address above.

For hand-delivered SOQ submittals to the Sacramento location, you 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 San Bernardino location, ask the security guard to call Raghuram Radhakrishnan at (909) 383-6288 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 Technical Review Committee are required to review only those materials identified in Appendix B.

The front cover of each SOQ must be labeled with "I-15/I-215 I/C Improvement, Devore" "Statement of Qualifications," and the date of submittal.

4.4 Challenges

The decision of Department as to Proposer pre-qualification and the subsequent award of the 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 eligible to receive an overall rating of either "pre-qualified" or "not pre-qualified." In order to be pre-qualified, the Proposer must meet or exceed the evaluation and scoring criteria as established in Section 5.4. A "fail" or "not pre-qualified" rating in any of the categories identified in Section 5.3 will result in an overall rating of not pre-qualified. Only those Proposers that receive an overall rating of pre-qualified will be allowed to participate in the RFP procurement process.

5.2 Evaluation Objective

The objective of the RFQ step of the procurement is to pre-qualify Proposers with the legal, technical, financial, and management capability, capacity, and experience necessary to successfully undertake and complete the Work. The Design-Builder will have primary responsibility to plan, design, manage, and control the Project and to complete the Project on or ahead of schedule. Department has set high responsibility standards for the Design-Builder, which is reflected in the evaluation factors of this RFQ and will be reflected in the RFP and the Contract.

5.3 SOQ Evaluation Factors

The information submitted in accordance with Section 3 will be evaluated by the TRC 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 Proposal'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 TRC according to the following, using the scoring form provided in Attachment 2:

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) *Proposer Experience and Past Performance:* The SOQ will be evaluated against the criteria established under Section 3.5.1.

2) *Proposer Organization and Key Personnel:* The SOQ will be evaluated against the criteria established under Section 3.6.1.

B) *Project Understanding and Approach* and *Quality Management Program*. 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 TRC will evaluate the non-scored SOQ categories as defined under Section 5.3.2. The TRC will evaluate the scored categories as defined under Section 5.3.3 based on the scoring outline in Attachment 2. The overall score for each scored element will be a consensus score from the entire TRC based on individual assessment of the SOQs by the TRC Members.

To pre-qualify, a Proposer will be required to meet the following standards:

A) For each of the non-scored SOQ categories, meets or exceeds the minimum passing requirements as set forth under Section 5.3.2; and

B) For each of the scored SOQ categories, obtains a passing grade based on the following minimum scoring criteria:

1) For the *Proposer Organization and Key Personnel* and *Firm Experience and Past Performance* categories, achieves a passing score of 85 or greater. The maximum score under this category is 130.

2) For the *Project Understanding and Approach* and *Quality Management Program* categories, achieves a passing score of 44 or greater. The maximum score under this category is 68.

If only one Proposer responds to the RFQ or attains pre-qualification status, Department may re-advertise or cancel the Project as the Department deems necessary.

5.5 Notification of Pre-Qualification Listing

Upon completion of the SOQ evaluation and scoring process, Department will notify each Proposer in writing whether or not it has gained pre-qualification status. Department will also publish the list of Proposers obtaining pre-qualification status on its design-build website:

http://dot.ca.gov/hq/oppd/designbuild/db.htm.

Announcement of pre-qualification listing 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
Division of Procurement and Contracts
1727 30th Street, 4th Floor, MS 67
Sacramento, CA 95816-7006
Attention: Denetia Floyd-Smith

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. 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 Pre-qualifying Decision

Any protest regarding the pre-qualifying decision must be filed within five business days after the earlier of (a) the public announcement of the Pre-qualified Proposers; or (b) notification of the Pre-qualified 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 §6805(c).

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 Design-Build Prequalification Application. 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 Contract to a Design-Builder, 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 RFP 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:

1. Withdraw or cancel this RFQ in whole or in part at any time prior to the execution by the Department of a Design Build contract, without incurring any cost obligations or liabilities
2. Issue a new RFQ
3. Accept or reject any and all submittals
4. Modify dates set or projected in this RFQ
5. Terminate evaluations of submittals received
6. Waive any informalities, irregularities or omissions in a SOQ
7. Issue addenda to this RFQ, and issue addenda to the RFP.

SOQs received become the property of the State of California, Department of Transportation.

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 Design-Build 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 or the RFP or to issue an RFP; 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, Design-Builder Responsibilities, and Project Status

Appendix A – Table of Contents

1 Project Description

2 Design and Construction Requirements

3 Design-Builder Responsibilities

4 Project Status

5 Additional Project Documentation

1 Project Description

The proposed I-15/I-215 Interchange Improvements, Devore (Project) will consist of designing and constructing the following:

Northbound I-15

- Construct one auxiliary lane on northbound I-15 between Glen Helen Parkway Interchange and the I-15/I-215 Interchange
- Add one mainline lane between Glen Helen Parkway Interchange and the I-15/I-215 Interchange

Southbound I-15

- Add one mainline lane from the I-15/I-215 Interchange, continuing south to the existing 4-lane section of southbound I-15 at the southern limit of the project.
- Construct one auxiliary lane on southbound I-15 between the I-15/I-215 Interchange and the southbound Glen Helen Parkway exit ramp.

I-15/I-215 Interchange

- Widen portions of the northbound I-215 to southbound I-15 connector to two lanes to allow for passing.
- Relocate the northbound I-15 to southbound I-215 connector easterly.
- Add truck bypass lanes through the interchange.

Local Roads

- Rebuild the I-215/Devore Road interchange.
- Reconfigure the I-15/Kenwood Avenue Interchange.
- Reconnect Cajon Boulevard through the I-15/I-215 Interchange.
- Reconstruct the intersection at Cajon Boulevard and Kenwood Avenue. Maintain compatibility with future work by other agencies.
- Realignment of local streets to accommodate Project improvements.

Other Improvements

Depending on which project alternative is selected, the Project may also include the following:

- Additional construction to establish route continuity
- Additional auxiliary lanes
- Construction of collector-distributor roads

The scope of the Project may be revised during the development of the Request for Proposals (RFP) but is anticipated to include the following:

A) Maintenance of traffic during construction;
B) Drainage systems, including stormwater treatment systems;
C) Rehabilitation of existing pavement;
D) Provide construction surveying;
E) Coordinate with other construction projects within the corridor to increase mobility;
F) Coordinate with the local cities and county;
G) Coordinate with Union Pacific Railroad and Burlington-Northern/Santa Fe Railroad;

H) 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

I) Obtain necessary environmental permits and authorizations and/or prepare all required documentation for issuance of same, from federal and State agencies such as Army Corps of Engineers, United States Fish and Wildlife Service, United States Forest Service, Regional Water Quality Control Board and Department of Fish and Game, and also, including noise permits from local agencies (if necessary), National Pollutant Discharge Elimination System (NPDES) permit, etc.; and

J) Maintain the roadway and roadway facilities within the project limit during construction.

2 Design and Construction Requirements

Design: The Project shall be designed to current Department and AASHTO standards. The Design-Builder will have as much flexibility in the design of the Project as applicable standards and environmental requirements allow. However, major changes to roadway geometry will be subject to Department approval, which will include consideration of environmental, and right-of-way impacts, as well as impacts caused by various Federal and State agencies' requirements for review and approval.

Construction: It is anticipated that the Project will be constructed within the highway right-of-way proposed to be acquired. The Project must be constructed so as to maintain traffic flow throughout the construction process. The *Caltrans May 2006 Standard Specifications* will apply.

3 Design-Builder Responsibilities

The successful Design-Builder will be responsible for furnishing all labor, material, plant, equipment, services, and support facilities for the following project elements, including but not limited to:

A) Design and construction of all Project components;

B) Management of the project, design, and construction;

C) Project-related public involvement activities;

D) Coordination with Project stakeholders, other contractors, and utility owners;

E) Design quality;

F) Construction quality;

G) Implementation of all Environmental avoidance, minimization, and/or mitigation measures, including compliance monitoring;

H) Environmental permitting;

I) Development and implementation of additional environmental investigations, monitoring, and investigation along with any resultant additional measures, including monitoring associated with or resulting from Design-Builder's activities;

J) Maintenance and protection of traffic, including both temporary and permanent access to properties;

K) Project safety and security;

L) Preliminary engineering, such as surveys and geotechnical investigations;

M) Remediation of harmful and/or hazardous materials caused by the Design-Builder during design and construction;

N) Drainage and erosion control;

O) Construction waste disposal and handling;

P) Required clearances, licenses, construction easements, and permits for Design-Builder Work, Work sites, storage areas, etc., both on- and off-site;

Q) Ancillary works, such as temporary fencing, relocation of drainage, Work sites, and temporary works;

R) Material location, acquisition, permits, and transportation including all required environmental investigations and compliance;

S) Utility coordination and (as required) relocation, and protection of existing utilities; and

T) Site clearance.

4 Project Status

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

Survey: The RFP will include preliminary Topographic Map (in 2D format) of the corridor in an electronic format.

Preliminary Engineering: The Department is currently preparing preliminary engineering documentation for the Project. The RFP will include these preliminary engineering documents for Proposers' information.

Right of Way and Utilities: A preliminary Subsurface Utilities Engineering (SUE) analysis is currently underway by Department. The RFP will include copies of SUE information collected by Department, along with established constraints and responsibilities for impacted utilities. Modified Right of Way Maps for the proposed Right of Way requirement are available to proposers during the RFP stage.

The Design-Builder shall be responsible to complete all engineering work related to the identification of conflicts, mapping, and other engineering design related activities associated with public and private utilities. The Department will be responsible for the administration, Federal authorization, utility agreements, and payments associated with the relocation of public and private utilities.

Environmental: The Project is in the process of completing California Environmental Quality (CEQA) and National Environmental Policy Act (NEPA) requirements associated with the Preliminary Engineering phase of the project. Technical Studies prepared in support of the combined CEQA/NEPA Environmental Document (Initial Study [IS] for CEQA and Environmental Assessment [EA] for NEPA) will be included along with the Environmental Document [IS/EA] as part of the RFP. The IS/EA is expected to be completed before the end of February 2012 with a Mitigated Negative Declaration for CEQA and a Finding of No Significant Impact for NEPA

Plans: As-built plans for the existing highway facility are available for review by the Proposers. Copies will be made available to Proposers during the RFP.

Geotechnical: Soil boring information collected by Department will be provided during the RFP.

Permitting: The Project will require several environmental, utility, and agency permits/approvals. The following table summarizes the anticipated required permits/approvals and their associated status:

Anticipated Permits and Approvals Needed

Agency	Permit/Approval	Status
State Agencies		
Regional Water Quality Control Board (RWQCB)	Section 401 Water Quality Certification	The Design-Builder is responsible for the preparation and approval of the SWDR.
Regional and Local Agencies		
City of San Bernardino County of San Bernardino	Local Street Permit	The Design-Builder is responsible for all permits prior to construction work.
Time Warner Telecom (TWT) Sprint (S) Level 3 (L3) Verizon (V) Verizon Business (MCI) City of San Bernardino (CSB) American Telephone and Telegraph (ATT)	Utility Relocation	The Design-Builder is responsible for coordinating the relocation of all utilities. Design builder will be responsible for preparation of any Technical Studies and any corresponding Environmental Document requirements that may be necessary in conjunction with utility relocation, including implementation of measures.

Agency	Permit/Approval	Status
Williams Telecommunication (WT) Charter Communications (CC) Kinder Morgan (KM) Southern California Gas (SCG) San Bernardino Municipal Water Department (SBMW) Devore Water Company (DWC) Southern California Edison (SCE)		
BNSF UPRR		

The responsibility for obtaining each of the permits/approvals will be detailed in the RFP.

5 Additional Project Documentation

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

Draft Project Report

Appendix B:
Format and Organization of Statement of Qualifications

Appendix B – Table of Contents

1 Organization

2 Pages and Binders

3 Page Format

4 Clarity and Conciseness

5 Reproducibility

6 Submittal

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
   2) 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 nine (9) copies of the SOQs and appendices shall be provided. In addition, two electronic copies of the entire SOQ submittal in "PDF" format, each on a separate CD or DVD shall be provided.

Table B-1: Specifications for SOQs

SOQ Section	Section Title and Required Information	RFQ Reference
	Transmittal Letter and Proposer SOQ Certification *(no overall page limitation for this section)*: • Form A, Transmittal Letter (to be signed by duly authorized representatives of all equity members of the Proposer's team); and • Form G, Proposer SOQ Certification (to be provided by all equity members of Proposer).	**3.1**
Section 1	**Legal Structure** *(no overall page limitation for this section)*: • Legal structure and supporting documents or description of proposed legal structure; • Identification of Principal/Major Participants; • Response to Section 3.2 (E) if required; • Form E, Proposer's Organization Information; and • Form F, Proposer's Provisional Overall UDBE Project Goal Declaration Affidavit.	**3.2**
Section 2	**Financial Capacity** *(no overall page limitation for this section)*: • 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	**Safety Program** *(no overall page limitation for this section)*: Safety Record for the most recent three-year period.	**3.4**
Section 4	**Firm Experience and Past Performance** *(no overall page limitation for this section)*: • A brief narrative summary of each firm's capability and capacity, a maximum of two pages for each firm is permitted; • Form B, Project Description (maximum of five Form Bs per each Principal/Major Participant are permitted), each Form B shall not exceed three pages in length.	**3.5**
Section 5	**Proposer Organization and Key Personnel** *(no overall page limitation for this section)*: • Brief narrative of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team, a maximum of four pages is permitted: • Organization Chart(s) (11" by 17"); • Evidence of Proposer's ability to meet license requirements; • Form C Subcontractor Information and a maximum one-page summary of Subcontractor experience for each Subcontractor listed, including consultants, is permitted; and • Form D, Proposed Key Personnel Information.	**3.6**
Section 6	**Project Understanding and Approach** *(a maximum of 20 pages total for Sections 6 and 7 are permitted)*: • Proposed management approach and project understanding; • Keys to ensuring a successful project; and • Skilled labor availability information.	**3.7**

SOQ Section	Section Title and Required Information	RFQ Reference
Section 7	**Quality Management Program** *(a maximum of 20 pages total for Sections 6 and 7 are permitted)***:** • Proposed approach for quality assurance/control during design; • Proposed approach for quality assurance/control during construction; • Proposed approach for coordination between Department and the Design-Builder's organization; and • Proposed approach for coordination with other agencies.	**3.8**
App. A	**Resumes** *(no overall page limitation for this section)***:** 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**
App. B	**Legal Documents** *(no overall page limitation for this section)***:** • Powers of attorney; and • Organization documents, letters of agreement, and other documents identified in RFQ Section 3.2 or addressed in Appendix A of the Proposer's SOQ.	**3.2**

Appendix C:
Forms

Appendix C – List of Forms

Form A	Transmittal Letter
Form B	Project Description
Form C	Subcontractor Information
Form D	Proposed Key Personnel Information
Form E	Proposer's Organization Information
Form F	Proposer's Provisional Overall UDBE Project Goal Declaration Affidavit
Form G	Proposer SOQ Certification
Form H	Pre-Qualification Questionnaire

Form A
TRANSMITTAL LETTER

PROPOSER: _____

SOQ Date: [Note to Drafter: Insert Date]

California Department of Transportation
Department of Procurement and Contracts
1727 30th Street
Sacramento, CA 95816-7006

Attn: Denetia Smith

The undersigned ("Proposer") submits this proposal and statement of qualification submittal (this "SOQ") in response to that certain Request for Qualifications dated as of July 19, 2011 (as amended, the "RFQ"), issued by California Department of Transportation ("Department") to design and construct the related facilities within the State Routes I-15 and I-215, 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

Section 7: Quality Management Program

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 1.8, 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 pre-qualify any Proposer and may reject each SOQ

Form A
TRANSMITTAL LETTER

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, except, to the extent of any payment made by Department following pre-qualification determination, as described in Section 1.12 of the RFQ.

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:

_____

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

_____

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

State or Country of Incorporation/Formation/Organization: _____

[insert appropriate signature block from following pages]

Form A
TRANSMITTAL LETTER

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]

[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

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:

(Use additional lines within this section as necessary to response to this question)

Provide Project Description and Describe Site Conditions:

(Use additional lines within this section as necessary to describe project and site conditions)

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 C
SUBCONTRACTOR INFORMATION
(Including Consultants)

Name of Proposer:

Instructions for Form completion: Responses shall be addressed within the table below. Should additional space be needed to adequately respond, Proposers are advised to increase the number of lines within the table as appropriate. Form C has no SOQ page limitation.

Subcontractor Name [1,2]	Address and Telephone Number	Work Planned for the Project

(1) At a minimum, list specialized Subcontractors except for the Designer.

(2) Attach a maximum one-page summary of Subcontractor experience for each Subcontractor listed, including consultants.

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 are advised to increase the number of lines within the table as appropriate. Form D has no SOQ page limitation.

Position	**Name**	**Years of Experience**	**Education and Registrations**	**Parent Firm Name**
Project Manager				
Quality Manager				
Design Manager				
Construction Manager				
Design Lead Engineer – Roadway (Engineer of Record)				
Design Lead Engineer – Structures (Engineer of Record)				
Geotechnical Engineer				

Form D
PROPOSED KEY PERSONNEL INFORMATION

Safety Manager				
Utility Coordinator				
Railroad Coordinator				
Project Scheduler				
Environmental Compliance Manager				
Traffic Manager				

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: _____

Name(s) of Proposer Entity(ies)

Company Name	Address and Telephone & Fax Numbers	State of Incorporation:	Lead Participant? Yes	No
Principal Participant(s)				
Designer				
Other Firm(s)				

Form F
PROPOSER'S PROVISIONAL OVERALL UDBE PROJECT GOAL DECLARATION AFFIDAVIT

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 UDBE goal of 10 % based on the total project value for this Design-Build Project. This affidavit further serves to confirm that [Note to Drafter: ***INSERT PROPOSER NAME HERE***] will aggressively exercise good faith efforts to the satisfaction of Department to meet the proposed Overall Project UDBE goal in accordance with UDBE Design-Build Program requirements defined in the Request for Proposal (RFP) documents, when issued. The proposed Overall Project UDBE goal is considered "Provisional" at this time, as Department is currently in the process of securing required approvals of the proposed Overall Project UDBE 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 UDBE project goal, the UDBE goal of record will be that committed to by the Proposer. In fulfilling the Proposer's commitment to meet or exceed the established overall UDBE project goal, the Proposer will adhere to all UDBE provisions set forth in the Authority's UDBE Program, this solicitation, regulatory requirements, and any contract which results there from.

Form F
PROPOSER'S PROVISIONAL OVERALL UDBE PROJECT GOAL DECLARATION AFFIDAVIT

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 Proposal.
(Joint Venture Company)

The Proposer hereby affirms that it will either meet the UDBE 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 Design-Build DBE Federal Registrars.

_____	_____
(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 I-15/I-215 Interchange Improvements, Devore 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 _____ [Note do Drafter: Insert date] before me, _____ [Note to Drafter: Insert name and title of officer] personally appeared, _____ [Note to Drafter: 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).

Attachment 1:

Department Conflict of Interest Policy

CALIFORNIA DEPARTMENT OF TRANSPORTATION CONFLICT-OF-INTEREST POLICY COVERING THE DESIGN-BUILD DEMONSTRATION PROGRAM

The purpose of this document is to clarify the California Department of Transportation's (Department) position on potential conflicts of interest which may arise when Consultants or Contractors (Proposers) perform work for local transportation entities or the Department relating to potential design-build projects.

Organizational conflicts of interest can occur when, because of existing or planned activities or because of relationships with other persons, the Proposer is unable or potentially unable to render impartial assistance or advise the Department; the Proposer's objectivity in performing the contract work is or might be otherwise impaired; or the Proposer has an unfair competitive advantage.

The policies and guidelines concerning the organizational conflicts of interest found herein will be specified or referenced in the design-build Request for Qualifications or Request for Proposal documents as well as any contract for the engineering services, inspection, or technical support in the administration of the Design-Build Program or Projects.

A conflict of interest checklist will be provided to and is to be used by all Proposers, including Subconsultants, to assist in screening for potential organizational conflicts of interest. The checklist, which will provide various examples of conflicts, is for the internal use of the Proposers and does not need to be submitted to the Department. The checklist will only serve as a guide, and there may be additional potential conflict situations not covered by the checklist. If a Proposer determines a potential conflict of interest exists that is not covered by the checklist, that potential conflict must still be disclosed.

After review of the checklist, the Proposers must complete the Disclosure of Potential Conflict of Interest Certification and submit it along with the Proposer's proposal. If the Proposer determines a potential conflict of interest exists, it must disclose the potential conflict of interest to the Department; however, such a disclosure will not necessarily disqualify a Proposer from being awarded a contract. The respondent shall propose measures to avoid, neutralize or mitigate all potential conflicts. To avoid any unfair taint in the selection process, the disclosure certification will be provided separate from the bound proposal, and it will not be provided to the selection committee members. The Department's contract management personnel will review the disclosure and the appropriateness of the proposed mitigation measures to determine if the Proposer may be awarded the contract notwithstanding the potential conflict. The Department's contract management personnel may consult with its Legal Division. Resolution of the conflict of interest issues is ultimately 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 certification that is false or misleading.

After award, conflict of interest guidelines and policies shall continue to be monitored and enforced. If an organizational conflict of interest is discovered after award, 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 such conflicts. If an organizational conflict of interest is determined to exist and the Proposer was aware of an organizational conflict of interest prior to award of the contract and did not disclose the conflict, the Department may terminate for default. If the Proposer is terminated, the Department assumes no obligations, responsibilities and liabilities to reimburse all or part of the costs incurred or alleged to have been incurred by the Proposer.

The Department recognizes that the Proposers must maintain business relations with other public and private sector entities in order to continue as viable businesses. The Department will take this reality into account as it evaluates the appropriateness of proposed measures to mitigate potential conflicts. It is not the intent of a Department to disqualify Proposers based merely on the existence of a business relationship with another entity, but rather only when such relationship causes a conflict that potentially impairs the Proposer's ability to provide objective advice to

the Department. The Department would seek to disqualify Proposers only in those cases where a potential conflict cannot be adequately mitigated.

A Federal Highway Administration (FHWA) regulation addresses organizational conflicts of interest related to design-build projects financed in whole or in part with federal funds (see 23 CFR 636.116). This regulation provides additional guidance and minimum standards to identify, mitigate or eliminate apparent or actual organizational conflicts of interest. This regulation also states that to the extent that State-developed organizational conflict of interest standards are more stringent those contained in the federal regulations, the State standards shall prevail.

The California Board for Professional Engineers and Land Surveyors provides additional guidance and has established conflict of interest rules applicable to those professionals licensed by the Board (see Board Rules 475 and 476). These rules require full disclosure when a licensee has any business association or financial interest that may influence his or her judgment in connection with the performance of professional services and when a licensee provides professional services for two or more clients on a project or related project.

APPROACH

Based upon the guidance of State and Federal laws, codes, regulations and policies, the following approach to conflict of interest will apply:

1. Consultants will NOT be allowed to participate as a Proposer or to join a design-build team if, including but not limited to:

    A. The Consultant is the Department's general engineering consultant (GEC) to the design-build program. Subconsultants to the GEC that have not yet performed work on the contract to provide services for the design-build program may participate as a Proposer or join a design-build team.
    B. The Consultant has assisted the Department in managing or assisting in the management of this design-build project, including the preparation of Request for Proposal (RFP) language or evaluation criteria.
    C. The Consultant has conducted preliminary design services for the design-build project such as geometric layouts, bridge-type selection, preliminary bridge design, etc.
    D. The Consultant performed design work related to the design-build project for other stakeholders.
    E. The Consultant has performed work on a previous contract that specifically excludes them from participating as a Proposer or joining a design-build team.
    F. The Consultant is under contract with any other entity or stakeholder to perform oversight on the project after letting.
    G. The Consultant has obtained any advice from, or discussed any aspect relating to the project or procurement of the project with any person or entity with an organizational conflict of interest, including but not limited to the Consultants of any entity who have provided technical support on the design-build project or program.

2. Consultants who may have potential conflicts of interest in relation to the design-build program or project and wish to participate as a Proposer or join a design-build team must:

    A. Conform to federal and state conflict of interest rules and regulations.
    B. Disclose all relevant facts relating to past, present or planned interest(s) of the Proposer's team (including the Proposer, Proposer's proposed consultants, and Subconsultants and or Subcontractors and their respective chief executives, directors and key personnel) which may result, or could be viewed as an organizational conflict of interest in connection with any design-build procurement including present or planned contractual or employment relationships with any current employee of the Department.
    C. Disclose in the response documents to a design-build Request for Qualifications (RFQ) and RFP, all of the work performed in relation to the design-build program and project.

D. Provide ALL records of such work performed for the Department so that all information can be evaluated and made available to all potential design-build teams, if necessary.
E. Ensure that the Consultant's contract with any related entity to perform services related to the design build project or program has expired or has been terminated.
F. In cases where Consultants on different Consultant teams belong to the same parent company, each Consultant describe how the Subconsultants and or Subcontractors would avoid conflicts through the qualification bid phases of the project.

Upon review of the information provided above, the Department will determine, in its sole discretion, if the consultant has obtained an unfair competitive advantage.

3. For other potential conflicts of interest not mentioned above, (e.g. employee changing companies, merger/acquisitions of firms, property ownership, business arrangements, financial interest) Consultants shall disclose and address any conflicts of interest or potential conflicts of interest when participating as a Prime or joining a design-build team. The Department will then determine if a conflict of interest exists.
4. The successful Proposer or firms affiliated with this Proposer are prohibited from competing on any agreement to provide construction inspection services for the design-build project. An affiliated firm is one, which is subject to the control of the same persons, through joint ownership or otherwise. Except for Subconsultants whose services are limited to providing surveying or material testing information, no Subconsultants who provided design services in connection with the design-build project shall be eligible to compete for any agreement to provide construction inspection services for the design-build project.

Notes – The forgoing is provided by way of example, and shall not constitute a limitation on the disclosure obligations.

Unless otherwise stated, "Consultant" or "Proposers" shall mean prime consultant or prime contractor and Subconsultants and Subcontractors performing services for the prime.

CONFLICT OF INTEREST CHECKLIST INSTRUCTIONS AND DISCLOSURE CERTIFICATION

Purpose of the checklist. A conflict of interest checklist will be provided to and is to be used by all Proposers to assist in screening for potential organizational conflicts of interest. The checklist is for the internal use of the Proposers and does not need to be submitted to the Department of Transportation (Department).

Definition of "Proposer." As used herein, the word "Proposer" includes both the prime contractor/Consultant and all proposed Subcontractors/Subconsultants.

Checklist is not Exclusive. Please note that this checklist serves as a guide only, and that there may be additional potential conflict situations not covered by this checklist. If a Proposer determines a potential conflict of interest exists that is not covered by this checklist, that potential conflict must still be disclosed.

Use of the Disclosure Certification. After review of the checklist, the Proposers must complete the Disclosure of Potential Conflict of Interest Certification and submit it along with the Proposer's proposal. If the Proposer determines a potential conflict of interest exists, it must disclose the potential conflict of interest to the Department; however, such a disclosure will not necessarily disqualify a Proposer from being awarded a contract. To avoid any unfair taint of the selection process, the disclosure certification will be provided separate from the bound proposal, and it will not be provided to the selection committee members. The Department's contract management personnel will review the disclosure and the appropriateness of the proposed mitigation measures to determine if the Proposer may be awarded the contract notwithstanding the potential conflict. The Department's contract management personnel may consult with its Legal Division. Resolution of the conflict of interest issues is ultimately at the sole discretion of the Department.

Material Representation. The Proposer is required to submit the attached disclosure certification either declaring, to the best of its knowledge and belief, that no potential conflict exists, or identifying potential conflicts and proposing remedial measures to mitigate such conflicts. The Proposer is also responsible to update conflict information if such information changes after the submission of the proposal. Information provided on this certification will constitute a material representation as to the award of this contract. 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 certification that is false or misleading.

Approach to Reviewing Potential Conflicts. The Department recognizes that the Proposers must maintain business relations with other public and private sector entities in order to continue as viable businesses. The Transportation Entity will take this reality into account as it evaluates the appropriateness of proposed measures to mitigate potential conflicts. It is not the intent of a Department to disqualify Proposers based merely on the existence of a business relationship with another entity, but rather only when such relationship causes a conflict that potentially impairs the Proposer's ability to provide objective advice to the Department. The Department would seek to disqualify Proposers only in those cases where a potential conflict cannot be adequately mitigated.

Additional Guidance for Professionals Licensed by the California Board for Professional Engineers and Land Surveyors. The California Board for Professional Engineers and Land Surveyors provide additional guidance and has established conflict of interest rules applicable to those professionals licensed by the Board (see Board Rules 475 and 476). These rules require full disclosure when a licensee has any business association or financial interest that may influence his or her judgment in connection with the performance of professional services and when a licensee provides professional services for two or more clients on a project or related project.

CONFLICT OF INTEREST CHECKLIST

An organizational conflict of interest may exist in any of the following cases:

- ☐ The Proposer, or its principals, own real property in a location where there may be a positive or adverse impact on the value of such property based on the recommendations, designs or other deliverable required by this contract.
- ☐ The Proposer is providing services to another governmental or private entity and the Proposer knows or has reason to believe, that the entity's interest are, or may be, adverse to the state's interest with respect to the specific project covered by this contract. **Comment:** the mere existence of a business relationship with another entity would not ordinarily need to be disclosed. Rather, this focuses on the nature of services commissioned by the other entity. For example, it would not be appropriated to propose on a Department of Transportation (Department) project if a local government has also retained the Proposer for the purposes of persuading the Department to stop or alter the project plans.
- ☐ The Proposer is providing design services to a private entity, including but not limited to developers, whom the Proposer knows or has good reason to believe, own or are planning to purchase property affected by the project covered by this contract, when the value or potential uses of such property may be affected by the Proposer's performance of work pursuant to this contract. "Property affected by the project" includes property that is in, adjacent to, or in reasonable proximity to the current or potential right-of-way for a project. The value or potential uses of the private entity's property may be affected by the Proposer's work pursuant to the contract when such work involves providing recommendations for right-of-way acquisition, access control and the design or location of frontage roads and interchanges. **Comment:** this provision does not presume Proposers know nor have a duty to inquire as to all of the business objectives of their clients. Rather, it seeks the disclosure of information regarding cases where the Proposer has a reason to believe that its performance of work under this contract may materially affect the value or viability of a project it is performing for the other entity.

- ☐ The Proposer has a business arrangement with a Department employee or immediate family member of such employee, including promised future employment of such person, or a subcontracting arrangement with such person, when such arrangement is contingent on the Proposer being awarded this contract. This item does not apply to pre-existing employment of current or former Department employees, or their immediate family members. **Comment:** this provision is not intended to supersede any statutes or policies applicable to its own employees accepting outside employment. This provision is intended to focus on identifying situations where promises of employment have been made contingent on the outcome of this particular procurement. It is intended to avoid a situation where a Proposer may have unfair access to "inside" information.

- ☐ The Proposer has, in previous work for any Transportation Entity, provided design services and such professional services that potentially provides the Proposer with an unfair advantage in preparing a proposal for this project. **Comment:** this provision will not, for example, necessarily disqualify a Proposer who provided surveying or material testing services for this project, however such work must be disclosed and all work products must be provided.

- ☐ The Proposer has, in previous work for the Department, been given access to "data" relevant to this procurement or this project that is classified as "private" or "nonpublic" under the California Public Records Act (see GC 6250-6270), and such data potentially provides the Proposer with an unfair advantage in preparing a proposal for this project. **Comment:** this provision is intended to avoid a situation where a Proposer has been provided information that cannot be provided to other Proposers.

- ☐ The Proposer has, in previous work for the Department, managed or assisted in the management of the Department's design-build program, performing such work as: helping to create the ground rules for this solicitation, writing this solicitation, or preparing evaluation criteria or evaluation guides for this solicitation.

- The Proposer, or any of its principals, because of any current or planned business arrangement, investment interest, or ownership interest in any other business, may be unable to provide objective advice to the Department.

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

Attachment 2:

SCORING FORM

SCORING FORM

Organization and Key Managers and Experience of the Firms

Section	Requirement	Score
3.5	*Firm Experience and Past Performance*	
3.5.1	Firm Experience (maximum 17 pts.)	
3.5.2	Past Performance (maximum 18 pts.)	
3.6	*Proposer's Organization and Key Personnel*	
3.6.1 (A)	Qualifications of the proposed Project Manager (maximum 11 pts.)	
3.6.1 (B)	Qualifications of the proposed Quality Manager (maximum 11 pts.)	
3.6.1 (C)	Qualifications of the proposed Design Manager (maximum 11 pts.)	
3.6.1 (D)	Qualifications of the proposed Construction Manager (maximum 11 pts.)	
3.6.1 (E)	Qualifications of the proposed Design Lead Engineer – Roadway (Engineer of Record) (maximum 9pts.)	
3.6.1 (F)	Qualifications of the proposed Design Lead Engineer – Structures (Engineer of Record) (maximum 9 pts.)	
3.6.1 (G)	Qualifications of the proposed Geotechnical Engineer (maximum 4 pts.)	
3.6.1 (H)	Qualifications of the proposed Safety Manager (maximum 6 pts.)	
3.6.1 (I)	Qualifications of the proposed Utility Coordinator (maximum 5 pts.)	
3.6.1 (J)	Qualifications of the proposed Railroad Coordinator (maximum 2 pts.)	
3.6.1 (K)	Qualifications of the proposed Project Scheduler (maximum 6 pts.)	
3.6.1 (L)	(Qualifications of the proposed Environmental Compliance Manager (maximum 5 pts.)	
3.6.1 (M)	Qualifications of the proposed Traffic Manager (maximum 5 pts.)	
Total Score for Proposer Organization and Key Personnel and Firm Experience and Past Performance (total score for these categories cannot exceed 130)		

SCORING FORM

Organization and Key Managers and Experience of the Firms

Section	Requirement	Score
3.7	*Project Understanding and Approach*	
3.7 (A) and 3.7 (B)	Management and Organizational Approach (maximum 8 pts.)	
3.7 (C)	Proposer's organization and the design-build process to ensure a successful Project, considering Department's Project goals listed in Section 1.3 (maximum 8 pts.)	
3.7 (D), (E), and (F)	Identification, understanding, and potential solutions to top construction risks, design risks, and environmental risks (maximum 6 pts.)	
3.7 (G)	Skilled Labor Force Availability (maximum 6 pts.)	
3.8	*Quality Management Program*	
3.8 (A)	Quality assurance/control during design (maximum 15 pts.)	
3.8 (B)	Quality assurance/control during construction (maximum 15 pts.)	
3.8 (C)	Coordination between Department and the Design-Builder organization (maximum 5 pts.)	
3.8 (D)	Coordination with other agencies (maximum 5 pts.)	
	Total Score for Project Understanding and Approach and Quality Management Program (total score for these categories cannot exceed 68)	

Attachment 3:

Prequalification Application

Applicant Firm: _____

DESIGN-BUILD PRE-QUALIFICATION APPLICATION FORM

CONTRACT NO. 08-0K710

Name of Applicant Firm:

_____

Date Submitted:

_____

Preparer's Name:

_____

THIS PAGE MUST BE COMPLETED AND INCLUDED WITH THE APPLICATION

READ THE INSTRUCTIONS BEFORE FILLING OUT THE QUESTIONNAIRE

DESIGN-BUILD PRE-QUALIFICATION APPLICATION INSTRUCTIONS

Applicant Firm: _____

1. The application 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. Please note that a "Yes" answer to any question does not automatically result in denial of pre-qualification for a particular procurement.

DEFINITIONS

1. 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 application.
2. Affiliate is defined as any one of the following:
   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
3. For purposes of pre-qualification a Key Person is:
   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

APPLICATION SUBMITTAL

See Section 4.0, "SOQ Submittal Requirements" of the RFQ.

Applicant Firm: _____

PRE-QUALIFICATION APPLICATION

SECTION I – IDENTIFICATION

Identification of Applicant Firm

_____

Name of Applicant 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 No. (___)-___-____

Fax No. (___)-___-____

E-mail Address:_____

Applicant 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: _____

Applicant Firm: _____

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	% of Ownership

[Use additional sheets if necessary]

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.

Applicant Firm: _____

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.

At any time during the past five years have any Owners or Key Persons of Applicant Firm (if yes, explain fully):

1. Served as Key Person, Officer or Director, in any other Firm not affiliated with applicant Firm? If so, please explain in a separate sheet.

   __ No __ Yes

2. Had any ownership interest in any other Firm other than shares of publicly owned companies? If so, please explain in a separate sheet.

   __ No __ Yes

SECTION III - CONTRACTING HISTORY

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.)			

NOTE: ANY "YES" ANSWERS BELOW MUST BE FULLY EXPLAINED ON A SEPARATE SHEET OF PAPER AND ATTACHED TO THIS APPLICATION.

Applicant Firm: _____

Is the applicant Firm currently certified as a disadvantaged business entity?

__ No __ Yes

Is the applicant Firm currently certified as a CA Small Business?

__ No __ Yes

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?

__ No __ Yes

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?

__ No __ Yes

In the past five years has the Applicant Firm or any Affiliate been the subject of any of the following actions?

1. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?

   __ No __ Yes

2. Failed to complete a contract?

   __ No __ Yes

3. Been denied a low-bid contract in spite of being the responsive low bidder?

   __ No __ Yes

4. Had a contract terminated for any reason, including default?

   __ No __ Yes

5. Had liquidated damages assessed against it during or after completion of a contract?

   __ No __ Yes

Applicant Firm: _____

If "Yes" to any question in Sections IV, V or VI, 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. 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!

SECTION IV - CIVIL ACTIONS

Violations of Civil Law

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?

__ No __ Yes

Lawsuits with Public Agencies

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?

__ No __ Yes

Bankruptcy

During the past five years, has the Applicant Firm or any Affiliate filed for bankruptcy or reorganization under the bankruptcy laws?

__ No __ Yes

Judgments, Liens and Claims

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?

__ No __ Yes

Tax Liens

During the past five years, has the Applicant Firm been the subject of a tax lien by federal, state or any other tax authority?

__ No __ Yes

Applicant Firm: _____

SECTION V - COMPLIANCE WITH LAWS AND OTHER REGULATIONS

Criminal

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:

1. Fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement or transaction?

   __ No __ Yes

2. Federal or State antitrust statutes, including price fixing collusion and bid rigging?

   __ No __ Yes

3. Embezzlement, theft, forgery, bribery, making false statements, submitting false information, receiving stolen property, or making false claims to any public agency?

   __ No __ Yes

4. Misrepresenting minority or disadvantaged business entity status with regard to itself or one of its Subconsultants and/or Subcontractors?

   __ No __ Yes

5. Non-compliance with the prevailing wage requirements of California or similar laws of any other State?

   __ No __ Yes

6. Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement?

   __ No __ Yes

7. Falsification, concealment, withholding or destruction of records relating to a public agreement or transaction?

   __ No __ Yes

8. Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction?

   __ No __ Yes

Applicant Firm: _____

9. 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?

   __ No __ Yes

Regulatory Compliance

In the past five years, has Applicant Firm, any of its Key Persons, or Affiliates:

1. 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?

   __ No __ Yes

2. Been cited for an OSHA or Cal/OSHA "serious violation"?

   __ No __ Yes

3. Been cited for a violation of federal, state or local environmental laws or regulations?

   __ No __ Yes

4. Failed to comply with California corporate registration, federal, state or local licensing requirements?

   __ No __ Yes

5. 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?

   __ No __ Yes

SECTION VI - ETHICS

Political, Charitable, and Other Contributions

Has the Applicant Firm, any of its Key Persons, or Affiliates ever, regardless of amount:

1. 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?

   __ No __ Yes

Applicant Firm: _____

2. Given or offered to give on behalf of another, money, contributions, or other benefits, directly or indirectly, to any current or former State employee?

   __ No __ Yes

3. 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?

   __ No __ Yes

4. 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?

   __ No __ Yes

5. Been solicited by any State employee or official to make a contribution to any charitable nonprofit organization?

   __ No __ Yes

IF YES TO ANY OF THE ABOVE, SUBMIT LIST OF CONTRIBUTIONS AND FULL DETAILS.

SECTION VII – STATUTORY COMPLIANCE

1. 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)?

   __ No __ Yes

   IF YES, provide the date such "expatriate corporation" was established: _____.

   If YES, does the entity meet the requirements of PCC §10286.1(b)(2)(A) or (B)?

   __ No __ Yes, the entity meets the requirements of PCC §10286.1(b)(2)(A); OR

   __ Yes, the entity meets the requirements of PCC §10286.1(b)(2)(B).

2. 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?

   __ No __ Yes

Applicant Firm: _____

3. 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)?

   __ No __ Yes

4. Has any member of the Applicant Firm been debarred, disqualified, or removed from a federal, state, or local government public works project?

   __ No __ Yes

5. 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?

   __ No __ Yes

6. Has there been any instance where the Applicant Firm, or its owners, officers, or managing employees defaulted on a construction contract?

   __ No __ Yes

7. 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?

   __ No __ Yes

8. 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?

   __ No __ Yes

9. 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.

   __ No __ Yes

IF YES TO ANY OF THE ABOVE, PROVIDE A FULL DISCLOSURE WITH COMPLETE DETAILS.

SECTION VIII - ADDITIONAL DOCUMENTATION REQUIRED

Copies of the following documents are to be submitted with this application:

1. Applicant Firm’s Current Local Business Licenses, if required by city, county or state, and

2. Applicant Firm’s Financial Statements (see specific requirements below):

Applicant Firm: _____

2.1 PUBLICLY TRADED COMPANIES: Financial information will be accessed on-line. However, if additional information is needed, it will be specifically requested from the firm.

2.2 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.

2.3 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.

2.4 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.

NOTE: 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.

Applicant Firm: _____

FINANCIAL STATEMENT

To be completed by Applicant Firms that 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.

ASSETS

Cash on Hand and in Banks	$_____
Account and Notes Receivable	$_____
Fixed Assets (net of depreciation)	$_____
Other Assets	$_____
Total Assets	$_____

LIABILITIES

Accounts Payable	$_____
Notes Payable to Banks in next twelve months	$_____
Notes Payable to Others	$_____
Taxes Payable	$_____
Long Term Liabilities (More than twelve months)	$_____
Other Liabilities	$_____
Total Liabilities	$_____
Net Worth	$_____

INCOME FROM OPERATIONS

Revenue	$_____
Interest from Bank Accounts	$_____
Cost of Goods Sold (if appropriate)	$_____
Gross Profit	$_____
General & Administrative Expenses	$_____
Depreciation	$_____
Interest Paid	$_____
Net Gain or Loss	$_____

Applicant Firm: _____

This information is provided for pre-qualification purposes only. It is considered a confidential document not subject to public disclosure under California law.

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.

_____	_____
Signature of Owner or Officer	Date Signed
_____	_____
Company Name	For the Year Ended
_____	
Federal ID #	

Applicant Firm: _____

PRE-QUALIFICATION CERTIFICATION

A COPY OF THIS CERTIFICATION MUST BE COMPLETED AND SIGNED BY A GENERAL PARTNER, OWNER, PRINCIPAL OR CORPORATE OFFICER AUTHORIZED TO LEGALLY COMMIT THE APPLICANT FIRM, AND SUBMITTED WITH THE APPLICATION.

The signer of this declaration recognizes that the information submitted in the questionnaire herein is for the express purpose to allow the Applicant to participate in this project as contractor, Subcontractor, vendor, supplier, or consultant. The signer has read and understands the requirements of the program, and has read and understands the instructions for completing this form.

DECLARATION

State of: _____

County of: _____

I, (printed name) _____, being first duly sworn, state that I am the (title) _____ of Applicant Firm. I certify that I have read and understood the questions contained in the attached Application, and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this Application is complete, current, and true. I further acknowledge that any false, deceptive or fraudulent statements on the Application will result in denial of pre-qualification.

I authorize the Department to contact any entity named herein, or any other internal or outside resource, for the purpose of verifying information provided in the questionnaire or to develop other information deemed relevant by the Department.

_____ _____

Signature of Certifying Individual Date Signed

Applicant Firm: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of }

On this _____ before me, _____.
Date *Here Insert Name and Title of the Officer*

personally appeared _____.
Name(s) of Signer(s)

_____

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.

Signature _____
Signature of Notary Public

(SEAL)

NOTICE TO APPLICANTS

A material false statement, omission or fraudulent inducement made in connection with this pre-qualification application 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).

NOTE: Applicant information submitted to the Department in connection with pre-qualification is not considered a public record under the California Public Records Act, as described in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code and shall not be open to public inspection. All such applicant information is confidential business information and will be afforded protection to the fullest extent permitted by law.