



**IMPERIAL COUNTY
TRANSPORTATION COMMISSION**

REQUEST FOR QUALIFICATIONS

**Calexico East Port of Entry
Bridge Widening**

DESIGN-BUILD

**FOR DESIGN AND CONSTRUCTION ADJACENT TO
STATE ROUTE 7 IN IMPERIAL COUNTY**

**Off System Facility Located in Imperial County
0.7 Mile South of Route 7 near the US/Mexico Border**

**ICTC CONTRACT NO. 20-101
11-IMP-007-PM0.0
Project ID 1118000265**

Federal Aid Project BUILD L-6471 (017)

May 20, 2020

Addendum No. 1 – June 29, 2020
Addendum No. 2 – July 10, 2020

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1 INTRODUCTION AND GENERAL INSTRUCTIONS

The Imperial County Transportation Commission (ICTC) intends to solicit a design-builder to design and construct the Calexico East Port of Entry Bridge Widening Project (Project).

California Public Contract Code, Chapter 6.5 [Transportation Design-Build Program 6820 - 6829] allows a regional transportation agency such as ICTC to utilize the design-build method to design and construct projects on or adjacent to the State Highway System, including related non-highway portions of the Project, and enter into a Cooperative Agreement with the California Department of Transportation (Caltrans) for a Project on or interfacing with the State Highway System. California Streets and Highways Code Section 307 provides that State Route 7 is from the northerly boundary of the Federal Port of Entry near Calexico to Route 8 near El Centro. The subject bridge is within the Federal Port of Entry on Federal General Services Administration (GSA) property with the U.S. Customs and Border Patrol (CBP) as the site operator. The site shall remain in full, uninterrupted operations during construction Work. Through Cooperative Agreement, ICTC collaborated with Caltrans to complete the Project Approval and Environmental Document (PAED).

The Project is funded through a U.S. Department of Transportation (DOT) Building Utilizing Investments to Leverage Development (BUILD) Transportation Development Grant. The Trade Corridor Enhancement Program (TCEP) provided funding for the Project Initiation Documents (PID). ICTC is the lead agency as the recipient of the BUILD funds and subsequent agreement approved by the DOT and Federal Highway Administration (FHWA).

Additional governmental agencies who may be consulted regarding the Project development include Caltrans, the GSA, CBP, U.S. Bureau of Reclamation (USBR), and the Imperial Irrigation District (IID). ICTC will lead the selection process. Caltrans may be involved in various roles during the procurement and Project delivery process, as requested by ICTC, including procurement advisory support, design and construction reviews and site inspection during construction, as appropriate. Other stakeholder agencies may have a purely consulting role. ICTC will provide additional information to the Proposers as these agency roles are identified and confirmed. The design-build process for this Project will consist of the following:

- Request for Qualifications (RFQ)
- Submittal of Statements of Qualifications (SOQ)
- Evaluation of submittals and short-listing of Proposers
- Request for Proposals (RFP) to the short-listed Proposers
- Submittal of Proposals
- Evaluation of Proposals
- Conduct interview/presentations – optional step
- Selection of the Best Value Proposer
- Award and execution of the design-build Contract

The ICTC hereby requests Statements of Qualifications (SOQs) from qualified Proposers interested in submitting Proposals for the design and construction of the Project through a design-build Contract. The Project, further defined in [Appendix A](#), is intended to widen the existing structure of the Calexico East Port of Entry (POE) Bridge over the All-American Canal near the USA/Mexico Border to facilitate flow to the existing inspection booths. All Project work is within the US.

This document specifies the requirements of the SOQ submittal and the evaluation process to be used by ICTC to short-list Proposers.

Proposers short-listed in response to this RFQ will be invited to submit Proposals when the ICTC issues the RFP for the Project.

1.1 Abbreviations

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

Abbreviation	Definition
AASHTO	American Association of State Highway Transportation Officials
ADA	Americans with Disabilities Act
BUILD	Building Utilizing Investments to Leverage Development
CAQMD	California Air Quality Management District
CBP	Customs and Border Protection
CDFG	California Department of Fish and Game
CE	Categorical Exclusion (under CEQA)
CE	Categorical Exclusion (under NEPA)
CEQA	California Environmental Quality Act
DBE	Disadvantaged Business Enterprise
DHS	Department of Homeland Security
DOT	U.S. Department of Transportation
EEO	Equal Employment Opportunity
FHWA	Federal Highway Administration
FOIA	Freedom of Information Act
GSA	General Services Administration
HSPD-12	Homeland Security Presidential Directive-12
IBWC	International Boundary and Water Commission
ICTC	Imperial County Transportation Commission
IID	Imperial Irrigation District
LPOE	Land Port of Entry
NEPA	National Environmental Policy Act
NDA	Non-Disclosure Agreement
NPDES	National Pollutant Discharge Elimination System
PAED	Project Approval and Environmental Document
PBS	Public Building Services
PCCP	Portland Cement Concrete Pavement
PID	Project Initiation Documents
POE	Port of Entry
PR	Project Report
QC	Quality Control
QV	Quality Validation
RFP	Request for Proposals
RFQ	Request for Qualifications

Abbreviation	Definition
RWQCB	Regional Water Quality Control Board
SOQ	Statement of Qualifications
SUE	Subsurface Utilities Engineering
TCE	Temporary Construction Easement
TCEP	Trade Corridor Enhancement Program
USBR	U.S. Bureau of Reclamation
USFWS	United States Fish and Wildlife Service

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 release of the RFQ.
Affiliate	Includes parent companies, subsidiary companies and partners (in the reporting entity), and other financially liable parties for that entity.
Best Value	Proposal meeting the standards set by the RFP that the Imperial County Transportation Commission (ICTC) determines, through the evaluation process and evaluation criteria described in the RFP, to present the best value and to be in the best interest of ICTC.
Business Day(s)	Day on which ICTC is officially open for business
Caltrans	California Department of Transportation
Contract	The written agreement between ICTC and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, the performance of the Work, the furnishing of labor and materials, and the basis of payment.
Designated Contact	ICTC's sole contact person and addressee for receiving all communications about the Project during the RFQ and RFP procurement process.
Design-Builder	The Preferred Proposer, if any, that is selected pursuant to the RFP by ICTC 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.

Term	Definition
Engineer of Record	The Engineer of Record is the single point of responsibility for all design decisions and design products for the Design-Builder. The Engineer of Record shall review, coordinate, deconflict, and approve for construction all design products. The Engineer of Record shall indicate review and approval on all record drawings, specifications, and other design products by fixing a stamp indicating approval for construction or the Engineer of Record's seal as appropriate.
Evaluation Team	Committees that review and assess individual SOQs using the criteria set forth in this RFQ.
Executive Director	The Executive Director of the Imperial County Transportation Commission.
Good Faith Efforts	All necessary and reasonable steps to achieve a DBE goal or which could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
Integrated Project Office	The Project office that may be required for the Proposer to establish to provide work space for the Project team to enhance design collaboration.
Key Personnel	Individuals from the Proposer's organization, as identified in the Proposer's SOQ, to fill the positions specified in <u>Section 3.6</u> . Additional Key Personnel positions for the Project may be identified in the RFP.
Lead Engineering Firm(s)	The firm(s) that employs the Engineer of Record.
Major Participant	Each of the following entities on the Proposer's team: <ul style="list-style-type: none"> a) All general partners or joint venture members. b) Any Subcontractor that will perform Work valued at 15 percent or more of the overall Contract amount. c) The Lead Contractor. d) The Lead Engineering Firm(s). e) Firms, partnerships, or joint venture member(s) and each engineering/design Subconsultant that will perform 20 percent 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.
Preferred Proposer	The Proposer that submits the Best Value Proposal.
Principal Participant	Any of the following entities: <ul style="list-style-type: none"> a) The Proposer. b) If the Proposer is a joint venture, partnership, limited liability company, or other form of association, any joint venturer, partner, or member.
Project	Calexico East Port of Entry Bridge Widening as described in <u>Appendix A</u> .

Term	Definition
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 ICTC to design and construct the Project.
Proposer Designated Representative	The Proposer's sole contact person and addressee for receiving all communications about the Project during the RFQ and RFP procurement process.
Quality Control	Activities that are performed by the Design-Builder, Designer, Subcontractor, producer, or manufacturer to ensure that a product meets Contract requirements.
Quality Management Plan	The plan developed by the Design-Builder to manage quality as documented in the Quality Manual.
Quality Program	The overall quality management and associated activities performed by the Design-Builder and ICTC and their interrelationships to ensure that all Work complies with the Contract.
Quality Validation	All systematic monitoring and evaluation by the Design-Builder 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 Validation activities are performed concurrently, but independent of and in addition to the Quality Control activities.
Request for Proposals	A written solicitation issued by ICTC seeking Proposals to undertake the Project to be used to identify the Proposer offering the best value to ICTC. The RFP will be issued only to short-listed Proposers.
Request for Qualifications	The written solicitation issued by ICTC to identify qualified Proposers eligible to receive the RFP for the Project.
Right of Way	The real property (which term is inclusive of all estates and interests in real property, as well as licenses and permits authorizing occupancy) that is necessary for ownership and operation of 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.

Term	Definition
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.
Successful Proposer	The Proposer determined by the Evaluation Team providing the Best Value offer to ICTC.
Transportation Design-Build Program	California Public Contract Code, Chapter 6.5 [Transportation Design-Build Program 6820 - 6829] allows a regional transportation agency such as ICTC to utilize the design-build method of procurement to design and construct projects on or adjacent to the state highway system (State Route 7), including related nonhighway portions of the Project.
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 Project Materials: RFQ and Addenda

Each Proposer is solely responsible to ensure that it has the appropriate software which allows the Proposer to view and download Project materials from the ICTC website at: <http://www.imperialctc.org/>. Each Proposer is solely responsible for checking the website frequently for the addition, deletion, or amendment of the Project materials. Proposers are responsible for monitoring the website for information concerning this procurement as Proposers responding to this RFQ shall acknowledge in the transmittal letter (Appendix C, Form A) that they have reviewed all materials posted thereon.

In addition to the general procurement materials, additional Project background materials may be made available to the Proposers in conformance with access security requirements provided in Section 1.10.3 and Section A4e of this RFQ.

1.4 Project Opportunity

1.4.1 Project Description

The Project is located in Imperial County, 0.7 mile south of Route 7 near the USA/Mexico Border. The proposed Project will widen the existing structure of the Calexico East Port of Entry (POE) Bridge over the All-American Canal near the USA/Mexico Border to facilitate flow to the existing inspection booths.

The Build Alternative presented in the Project Report considered two Options, both propose to widen the Bridge on its east side as traffic impacts during construction and capital construction cost are reduced.

Given current funding, **Option A** is the proposed Project alternative. Option A proposes adding new concrete barriers and four northbound lanes on the existing nine lane structure; two commercial vehicle lanes and two passenger vehicle lanes. Option A includes minor modifications to existing landscaping, drainage, signage, and lighting. The existing northbound pedestrian walkway will be shifted to the east to facilitate the addition of the two new northbound passenger vehicle lanes. The Project Report Attachment C illustrates Option A.

If additional funding comes available, **Option B** will become the proposed Project alternative. Under Option B, an eight-foot shoulder for commercial vehicles, non-critical rehabilitation work on the existing structures and tunnels, and a bridge canopy along the northbound pedestrian walkway will be included.

A more detailed description of the Project is contained in [Appendix A](#).

The estimated amount of the Option A Contract (in U.S. dollars) for this design-build Project is approximately \$18,444,000.

The estimated additional amount of the Option B Work (in U.S. dollars) if funding becomes available is approximately \$7,500,000.

1.4.2 Project Goals

ICTC's goals for the Project developed in collaboration with Caltrans are:

- a) Safety:
 - Provide a safe and secure Project area for the traveling public, construction workers, and border crossing inspection booth workers during execution of the Project.
 - Provide a solution consistent with the ICTC, Caltrans, CBP, GSA, and American Association of State Transportation Officials (AASHTO) design standards and requirements.
- b) Mobility:
 - Minimize impacts to traffic on Route 7 at the Calexico East Port of Entry Border Crossing inspection booths during construction.
 - Maintain efficient, safe, and secure traffic flows during construction.
 - Provide for local and emergency vehicle access to Route 7 at the Calexico East Port of Entry Border Crossing inspection booths during Project execution.
 - Provide a completed Project that meets the 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 ensure the requirements of the Project will be met or exceeded.
 - Provide a high-quality Project that minimizes future maintenance.
- d) Environmental Compliance:
 - Adhere to local, State, and Federal environmental regulations; the environmental documents; 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 without scope reductions or improving quality of the transportation system.
- f) Schedule:
 - Begin design by March 1, 2021.
 - Successfully deliver the Project and complete construction by October 1, 2022.

1.4.3 Project Authorization

ICTC is using the Best Value selection method contemplated under the Transportation Design-Build Program as authorized under California Public Contract Code, Chapter 6.5 [Transportation Design-Build Program 6820 - 6829].

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 ICTC and Caltrans 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 ICTC's plan of finance for the Project will remain eligible for Federal-aid funds. Consequently, the procurement documents and any agreements thereunder shall 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 (Title 49 Code of Federal Regulations Part 26, as amended), Small Business requirements (United States Code § 631 et seq.), Buy America requirements (49 Code of Federal Regulations Part 661), and Davis-Bacon wage rates.

The Work shall comply with the Homeland Security Presidential Directive-12 (HSPD-12), GSA design Standard P100 *Facilities Standards for Public Buildings*, CBP *Land Port of Entry Design Guide*, and AASHTO design standards and requirements.

Details as to the extent and applicability of Federal requirements to the entire Project will be set forth in the RFP. ICTC reserves the right to modify the procurement process described in this RFQ to address any concerns, conditions, or requirements of Federal agencies, including FHWA, CBP, and GSA.

1.7 Procurement Process

1.7.1 Two-Phase Procurement

ICTC will use a two-phase procurement process to select a design-builder to deliver the Project. The procurement process will include the following two steps:

1. Request for Qualifications (RFQ): This RFQ is issued as part of the first phase to solicit information, in the form of SOQs that ICTC will evaluate to determine which Proposers are qualified to successfully deliver the Project. ICTC may solicit input or advice from other agency stakeholders, including GSA, Caltrans, IID, and the County of Imperial as part of the SOQ evaluation and Proposer short-listing; however, ICTC at its sole discretion will short-list the Proposers.
2. Request for Proposals (RFP): ICTC will then issue an RFP to the short-listed Proposers requesting submittals of Proposals for the Project that ICTC will use to determine the Preferred Proposer. ICTC may solicit input or advice from other agency stakeholders, including GSA, Caltrans, IID, and the County of Imperial as part of the Proposal evaluation and Best Value Proposer selection. ICTC, 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 information 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 ICTC at any time before 3:00 p.m. Pacific Time on the last day for clarification questions listed in Section 2. Written clarification questions from Proposers may be presented to ICTC by submitting them to the ICTC's Designated Contact. ICTC 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. ICTC will post responses to those inquiries that ICTC deems to be material and that are not adequately addressed in previously provided documents on the Project page on the ICTC website at: <http://www.imperialctc.org/>.

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

1.7.4 ICTC's Designated Contact

ICTC's Designated Contact will serve as the primary point of contact during the RFQ procurement phase of the Project. As the ICTC point of contact, the Designated Contact is ICTC's sole contact person and addressee for receiving all communications about the Project during the RFQ procurement process. Proposers are prohibited from contacting any ICTC 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:

Imperial County Transportation Commission
1503 North Imperial Avenue; Suite 104
El Centro, California 92243
Attention: Ms. Virginia Mendoza, Program Manager
e-mail: VirginiaMendoza@imperialctc.org

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 ICTC, is ICTC'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 (i) 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 (ii) public discussion regarding the RFQ at ICTC-sponsored informational meetings.
- b) Unless otherwise specifically noted in this RFQ or authorized by the Designated Contact, all Proposer communication with ICTC will be between the Proposer Representative and the Designated Contact. All such communication shall be in writing (by U.S. Mail or e-mail).

- c) Under normal circumstances, the Designated Contact will contact a Proposer in writing through the Proposer's Designated Representative.
- d) Commencing with ICTC's release of this RFQ and continuing until the earliest of (i) execution and delivery of the Contract, (ii) ICTC's rejection of all Proposals, or (iii) cancellation of the Project procurement, neither a Proposer nor its agents may have ex parte communications with State officials, Caltrans employees, members of the Evaluation Team, ICTC employees, GSA employees, IID employees, CBP employees, USBR employees, 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 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 preclude or restrict communications regarding matters unrelated to the Project or from participating in public meetings or any public or ICTC workshops related to the Project. ICTC 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) ICTC will disseminate written communications regarding the Project on ICTC letterhead. The Designated Contact and/or the Executive Director will sign such communications. Alternatively, the Designated Contact and/or the Executive Director may communicate via e-mail originating from ICTC's server or post information on ICTC's Project website at: <http://www.imperialctc.org/>.
- g) ICTC will not be responsible for or bound by (i) any oral communication, or (ii) 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 ICTC during the procurement phase, Proposer shall be responsible for verifying with ICTC's Designated Contact any Project-related information it so receives.

1.8 Precontractual Expenses

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ and the subsequent RFP, including attending briefing(s), providing supplemental information, participating in interview/presentations if conducted, and negotiating the Contract for the Preferred Proposer.

1.9 Conflict of Interest

ICTC has developed a Conflict of Interest policy for the design-build program. A copy of the current policy is enclosed as Appendix D. The Proposer, Principal Participant, Major Participant, other Subconsultants and Subcontractors, and employees of such entities shall 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:

- a) A Proposer, Principal Participant, Major Participant or other Subconsultant or Subcontractor, that has done any of the following:
 - i. Consulted to ICTC or Caltrans in the development of the design-build program.
 - ii. Managed or assisting in the management of this Project.
 - iii. Conducted preliminary design services for this Project.
 - iv. Performed design work related to this Project for ICTC, Caltrans, or other stakeholders.

- v. Performed work on a previous contract that specifically excludes them from participating as a Proposer or joining a Proposer team.
 - vi. Contracted with any other entity or stakeholder to perform oversight on this Project after award.
 - vii. Obtained any advice from, or discussed any aspect relating to this Project or award of this Contract with any person or entity with an organizational conflict of interest, including a consultant of any entity who has provided technical support to ICTC or Caltrans on this Project or the design-build program.
- b) Any entity that is a parent, Affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control or management with any of the foregoing entities.
 - c) An employee or former employee of any of the foregoing entities or stakeholder agencies who was involved with this Project while serving as an employee of such entity.
 - d) Any entity who has received non-public information from any stakeholder.

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 Appendix D 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 shall complete the Disclosure of Potential Conflict of Interest Certification (Appendix D) 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 shall 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. ICTC will review the Disclosure of Potential Conflict of Interest Certification and the proposed mitigation measures to determine if the Proposer may submit an 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 shall make an immediate and full written disclosure to ICTC 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 ICTC. The ICTC 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 short-listing.

1.10.1 Organizational and Personnel Changes

Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after they have been short-listed, their organization, including all Principal Participants, Major Participants, specialty Subcontractors, and key personnel identified in the SOQ, shall 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 shall require prior written approval by ICTC, which may be granted or withheld in ICTC's sole discretion. To qualify for ICTC's authorization, the Proposer shall submit a written request explaining the reason for change and shall document that the proposed removal, replacement, or addition will provide management and delivery of the Project equal to or better than that submitted with the SOQ. ICTC 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 shall be submitted in writing to the ICTC's Designated Contact. Requests for changes shall 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 ICTC to revoke a previous determination short-listing a Proposer.

1.10.2 Minimum Requirements

In order to be short-listed, the Proposer shall submit a completed and verified Design-Build Prequalification Questionnaire, [Appendix E](#). Instructions for completing the Design-Build Prequalification Application are included in [Appendix E](#). The Proposer shall also meet all SOQ responsiveness as set forth in [Section 5.3.1](#) and 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.

1.10.3 Non-Disclosure Requirement

The Proposer may be given access to records and materials, which are confidential or security sensitive under State and/or Federal laws, solely for the purpose of performing the required services under the Contract. The Proposer shall be required to sign a Non-disclosure Agreement (NDA) 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. Additional non-disclosure requirements related to as-built plan and Project background materials review are provided in [Section A4e](#) of this RFQ

1.11 Equal Employment Opportunity and Nondiscrimination

Work on the job site shall 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 DBE Goal

This solicitation is subject to 49 CFR 26. Proposers shall be fully informed of the requirements of the regulations and the ICTC's Disadvantaged Business Enterprise (DBE) program developed under the regulations. The Design-Builder 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 shall include with their submission a signed affidavit acknowledging the Proposer's commitment to comply fully with U.S. DOT DBE provisions as set forth under Title 49 CFR Part 26 and subsequent publication of the Federal Register dated June 16, 2003 (Volume 68, Number 115) and the Project DBE Goal requirements as further defined in the RFP, when issued. Proposers shall complete and return Appendix C, Form F as part of the SOQ.

1.13 Integrated Project Office

ICTC may require the successful Proposer to establish an 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 anticipated location and requirements for the Integrated Project Office will be provided in the RFP. ICTC will make its personnel assigned on an as needed basis 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. If approved and established, the Proposer shall provide the office facility, required full or part 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.

1.14 Labor Policies

State prevailing wages and Federal prevailing wages shall apply to this Contract. 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 shall submit payment and performance bonds upon execution of the Contract, each in the amount of 100 percent of the Contract price. Such payment and performance bonds shall include the United States of America as a co-obligee. Proposers shall demonstrate their capacity to obtain the required bonds as provided in Section 3.3a of this RFQ.

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 both:

- Proposer's current bonding capacity is sufficient for the Project and referenced payment and performance bonds.
- Proposer's current available bonding capacity. Statements indicating "unlimited" bonding capacity are not acceptable.

1.15.2 Insurance Requirements

Proposers shall provide evidence of capability to provide insurance as provided in Section 3.3b. In addition, the selected Design-Builder shall indemnify ICTC, ICTC's consultants, the United States of America, and others with respect to claims related to or 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, ICTC may require the Proposer to provide a guarantee covering performance and financial obligations by a separate entity acceptable to ICTC. Proposers shall also note that ICTC may, in its discretion based upon the review of the information provided under Section 3.3 and Appendix E, also specify that an acceptable guarantor is

required as a condition of a determination of prequalification. Requirements for additional financial security will be included in the RFP.

2 BACKGROUND INFORMATION

2.1 Procurement Schedule

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

Issue RFQ	Wednesday, May 20, 2020
ICTC Project Information Website Available	Wednesday, May 20, 2020
<u>Pre-SOQ Video Conference</u>	<u>Wednesday, July 29, 2020</u>
<u>Comments on Draft Design-Build Contract</u>	<u>Friday, August 7, 2020</u>
Final Date for Receipt of Proposers' Questions	<u>Friday, August 14, 2020</u> Friday, June 12, 2020
SOQ Due Date	<u>Friday, August 28, 2020</u> Wednesday, July 1, 2020
Anticipated Short-List Determination	<u>Thursday, September 10, 2020</u> Wednesday, August 5, 2020
Anticipated Issuance of the RFP	<u>Thursday, September 17, 2020</u> Wednesday, August 12, 2020
Anticipated Proposal Due Date	<u>Friday, November 20, 2020</u> Friday, December 18, 2020
Evaluation of Proposals and Notification of Recommendation for Award	Wednesday, January 27, 2021
Anticipated Notice of Award	Wednesday, February 3, 2021
Anticipated Notice to Proceed	Wednesday, February 3 ⁴ , 2021
Completion of Project	October 2022

2.1.1 Pre-SOQ Video Conference

A Pre-SOQ Video Conference is scheduled for 2:00 to 3:00 p.m. Pacific Time on Wednesday, July 29, 2020 to discuss the Project scope and general RFQ requirements. The City's Designated Contact will provide the Pre-SOQ Video Conference access details one week prior to the scheduled meeting date.

As this video conference represents the opportunity to introduce your proposed team to ICTC, it is encouraged that each Proposer ensure the participation of their project management team representatives. ICTC will respond to any questions raised by participating teams in this meeting. If ICTC is unable to answer a question raised in the Pre- SOQ Video Conference, the question shall be submitted to the ICTC Designated Contact to receive a formal, written response after the meeting. It is noted that verbal responses to questions provided at the Pre- SOQ Video Conference are for general reference only and do not modify or amend any requirements of this RFQ. If Proposers require formal clarification to become a binding part of the RFQ, the question shall be submitted in writing to receive a formal, written response. Only written responses will be incorporated by Addendum into the RFQ. Proposers are advised ICTC's opinion is an issued Addendum becomes part of the RFQ, as if included in the original RFQ document. The Addendum content shall govern the SOQ development. Any ICTC updates to the RFQ following an Addendum are for the Proposers' convenience only.

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 Evaluation Team, or officers, administrators, staff or consultants of ICTC, ICTC employees, GSA employees, Caltrans employees, CBP employees, USBR employees, or IID employees regarding the subject matter of this RFQ after the issuance date of this RFQ, except as specifically permitted hereby or approved in advance by ICTC. 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 short-listing of Proposers may be the cause for ICTC to disqualify the Proposer team from submitting an SOQ, to disqualify the team member from participating in a Proposer team or to discontinue any further consideration of such Proposer team.

Following the selection of the short-listed Proposers, ICTC anticipates that certain communications and contacts will be permitted. The RFQ and/or other written communications from ICTC 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 shall be approved in writing by ICTC before beginning such activities.

2.3 ICTC and Caltrans Advisors/Consultant Support

ICTC and Caltrans have engaged consultants and advisors to assist and participate in the project development stages, and to assist ICTC 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 current advisory team consists of the following:

- a) Jacobs Engineering Group
- b) Kleinfelder, Inc

Additional advisors or consultant support firms may be added to support ICTC as the procurement proceeds. If additional advisors or consultant support firms are engaged, the Proposers will be notified by Addendum so these advisors and consultant support firms precluded from further Project participation will not be added to Proposer teams.

3 CONTENT OF STATEMENT OF QUALIFICATIONS

This section describes specific information that shall be included in the SOQ. SOQs shall 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 non-responsive. SOQs that do not follow the submittal requirements exactly will be scored less favorably and may be determined non-responsive.

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](#), 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 ICTC, 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 is an established contracting entity, it shall possess an active Class "A" General Engineering Contractor License issued by the California Contractor License Board at the time of SOQ submittal. 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 submittal (i.e., joint venture, subcontract), and the commitment of the parties to finalize the organizational documents and secure the necessary Contractor License prior to the Proposal submittal. At its sole discretion, ICTC may disqualify a Proposer if the required organization documentation is not provided prior to the Proposal submittal. If Proposer is a partnership, joint venture, or other association, the SOQ shall 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 shall agree to be fully liable for the performance under the Contract by executing the Transmittal Letter 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 shall describe how conflicts of interest would be avoided by the participants through the qualification and Proposal phases of the Project. At its sole discretion,

ICTC 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.
- 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 shall demonstrate all the following:

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

3.3 Financial Capacity

To demonstrate Proposer's team members possess the financial capacity to enter into a design-build Contract with ICTC 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 each in the amount of 100 percent of the Contract price 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:
 - a. Commercial General Liability with a limit of \$10 million per occurrence, including completed operations coverage, naming ICTC and the United States of America as additional insureds
 - b. Auto Liability with a limit of \$10 million per accident
 - c. Workers' Compensation and Employers Liability, with a limit of \$1 million per claim, including a waiver of subrogation in favor of ICTC and the United States of America
 - d. Pollution Liability with a limit of \$5 million per claim
 - e. Professional Liability insurance with a limit of \$5 million per claim

3.3.1 Minimum Requirement for Financial Capacity

A Proposer shall 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 the following:

- a) The surety or insurance company shall be admitted to doing business in the State of California.
- b) The surety or insurance company shall 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 and Section 3.3a.
- d) Proposer’s Principal/Major Participants shall provide evidence of capability to provide insurance as provided in Section 3.3b.
- 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 (3)-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 five (5) years.

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

3.4.1 Minimum Requirement for Safety Program

A Proposer shall demonstrate the following:

- a) The Proposer’s safety record shall be deemed acceptable if its experience modification rate for the most recent three (3)-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 (3)-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. Summaries shall be a maximum of two (2) pages for each firm; the format is at the discretion of the Proposer.

- b) Firm Experience: Using Appendix C, Form B, show the firm's experience by providing a minimum of three (3) but no more than five (5) project descriptions for each Principal/Major Participant for projects of similar size, type, and complexity. The Designer is considered a key part of the Proposer's organization, and the Designer's experience shall 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 (3) to five (5) projects that the Principal/Major Participant have managed, designed, or constructed. For the projects in which several of the proposed Principal/Major Participants were involved, Proposers may provide a single project description. The total number of Form Bs for the Proposer team shall not exceed ten (10). Highlight experience in the past fifteen (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 experiences in each of the following areas:
- i. Construction of projects of similar size, scope, and complexity.
 - ii. Design of projects of similar size, scope, and complexity.
 - iii. Design and construction activity interaction or integration.
 - iv. Design and construction of projects involving similar security and worker security clearance restrictions and concerns.
 - v. Experience of team members working together as an integrated team.
 - vi. Construction, expansion, or modification to the existing bridge
 - vii. Using innovative designs, methods, and materials.
 - viii. Quality Control and Quality Validation plans and programs.
 - ix. Environmental compliance.
 - x. Construction adjacent to and over active waterways with no access into the waterway.
 - xi. Construction in environmentally sensitive areas.
 - xii. Public Information (addressing traffic management in constrained setting).

Each project description must include the following information as appropriate:

- a) 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 and the Proposer's work on the project. The alternative contact must have played a leadership role for the owner during the project.
- b) Dates of design, construction, management, and/or warranty periods.
- c) A narrative describing the project.
- d) Description of the work or services provided and percentage of the overall project actually performed by (each of) the Principal/Major Participant(s).
- e) Description of scheduled completion deadlines and actual completion dates.
- f) 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.
- g) 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.

- h) Record of cost and schedule growth or reduction, cost reduction incentive proposals implemented to minimize cost and schedule growth, and experience with techniques to achieve goals of avoiding delays and minimizing claims.
- i) Claims history, numbers, and dollars submitted and final results.
- j) Record of any reports, issues, or citations related to site security during constructions.
- k) Dispute Review Board history, including subjects and outcomes.
- l) 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 Proposer Experience and Past Performance Evaluation Criteria

Successful Proposers shall demonstrate experience in all the following:

- a) Experience in managing, designing, and constructing projects of the size and complexity of this Project.
- b) Experience in designing and constructing highway improvements and bridge widenings in secure and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, maintaining site security during design and construction, and implementing community and stakeholder relations and outreach programs of projects of the size and complexity of this Project.
- c) 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 ICTC in a cohesive and seamless manner.
- d) A design firm that has completed contracts for design of bridge and transportation facilities comparable to the Project.
- e) Experience with working with multiple governmental agencies such as ICTC, Caltrans, CBP, IID, and GSA and understanding their various Project roles.

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 (resumes shall be submitted under Appendix A) of the SOQ:

- a) **Organizational Chart:** Provide an Organizational Chart showing the “chain of command” and “lines of communication,” with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships, in managing, designing, and constructing the Project. The chart shall show the functional structure of the organization down to the design discipline leader or construction superintendent level and shall identify Key Personnel by name. Key Personnel shall be committed to the Project. Identify all Principal/Major Participants in the chart. Identify the critical support elements and relationships of Project management, Project administration, construction management, Quality Control/Quality Validation, safety, site security, environmental compliance, and Subcontractor administration. Provide a brief, written description (maximum of four (4) pages) 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, list appropriate information on each Key Personnel position described in Section 3.6.1.
- c) Required Resumes: Resumes of Key Personnel, limited to three (3) pages for the Design-Build Project Manager and two (2) pages for all other Key Personnel. Resumes will not be counted toward the overall SOQ page limit. If an individual fills more than one position, only one (1) 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)). Include duties performed and percent of time on the job. For each project listed:
 - 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.
 - Dates of work performed on the project.
 - 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.

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

- d) Required Licenses: Evidence that the Proposer and all Major Participants have, or at the time of Contract award shall 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 the State of California. 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 Design-Builder 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.
- e) Subcontractor Information: Using Appendix C, Form C, 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 (1)-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 shall be met by the Proposer in the titles and reporting structure provided. An individual may fill more than one functional position, except for the Design-Builder's Quality Manager. All Key Personnel,

or their approved designee, shall be on site 100 percent 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 purposes for that position.

a) Project Manager:

- i. Reports directly to Design-Builder's executive management.
- ii. Responsible for overall design, construction, quality management, and contract administration.
- iii. Acts as agent and a single point of contact in all matters on behalf of the Design-Builder.
- iv. Has full responsibility for the prosecution of the Work and full decision-making and budgetary authority to act on behalf of the Design-Builder and bind the Design-Builder on all matters relating to the Project.
- v. Shall have authority to stop Work.
- vi. Shall be present (or designate shall be present) at the Site at all times that Work is performed.
- vii. Shall be available (or designate shall be available) 24 hours a day, 7 days a week, throughout the duration of the Project.
- viii. Ten (10) years of experience as the designated Project Manager in responsible charge of delivering transportation infrastructure projects.~~Fifteen (15) years of experience managing the design and construction of transportation infrastructure projects.~~
- ix. Five (5) years of project management experience in design-build on highway and bridge projects similar in scope and complexity.
- x. License as Professional Civil Engineer in California preferred, but not required.

b) Quality Manager:

- i. Responsible for developing and implementing the Quality Program and overseeing the day-to-day quality aspect of design, construction, and Project management activities, including managing the Design-Builder's workmanship inspections, overseeing Design-Builder's production testing, and coordinating with the ICTC's verification testing and inspection.
- ii. Validates and provides confidence that the Work meets or will meet the Contract requirements.
- iii. Point of contact to resolve nonconforming Work and Project quality issues with ICTC.
- iv. Assigned full-time to the Project and on Site during regular business hours whenever any Work is being performed and available to be on Site within two (2) hours outside of regular business hours.
- v. Has authority to stop any and all Work, including construction that does not meet the standards, specifications, or criteria established for the Project.
- vi. Works independently of the design and construction teams and the Design-Builder's Project Manager, shall not have any production-related responsibilities, and shall report directly to Design-Builder's executive management.
- vii. Recent experience in quality management of design and construction of projects similar in scope and complexity.
- viii. Ten (10) years of experience as the designated Quality Manager in responsible charge of developing and implementing transportation infrastructure projects.~~Fifteen (15) years of experience developing and implementing Quality Programs for transportation infrastructure projects.~~

- ix. Registered Professional Engineer in the State of California.
- c) Design Manager:
 - i. Reports directly to Project Manager.
 - ii. Responsible for ensuring that the overall Project design is completed and design requirements are met.
 - iii. The Design Manager shall be the individual responsible for coordinating the design of the individual design disciplines.
 - iv. The Design Manager shall be on site full time until the design is 100 percent complete and as required during the construction phase of the Project. The Design Manager shall be available to ICTC within 24 hours whenever design activities are being performed, including design activities related to field design changes.
 - v. The Design Manager shall be responsible for design quality management.
 - vi. Five (5) years of experience in design-build design management of transportation highway projects of similar scope and complexity.
 - vii. Ten (10) years of experience managing the design of highway and bridge projects.
 - viii. Registered Civil Engineer in the State of California.
- d) Construction Manager:
 - i. Reports directly to Project Manager.
 - ii. Responsible for ensuring that the Project is constructed in accordance with the design and Project requirements.
 - iii. Shall be present at the site of Work at all times construction is in progress.
 - iv. Shall be available (or designate shall be available) 24 hours a day, 7 days a week.
 - v. Has authority to stop Work.
 - vi. Ten (10) years of experience as the designated Construction Manager in responsible charge of delivering transportation infrastructure projects. ~~Fifteen (15) years of experience managing design and construction of transportation infrastructure projects.~~
 - vii. Five (5) years of recent design-build construction management of highway and bridge projects of similar scope and complexity.
 - viii. License as Professional Civil Engineer in California preferred, but not required ~~Registered Professional Engineer in the State of California.~~
- e) Design Lead Engineer – Roadway (Engineer of Record):
 - i. Reports directly to Design Manager.
 - ii. Engineer of Record for the roadway design.
 - iii. Responsible for ensuring that the roadway design is completed and ICTC and GSA design criteria are met.
 - iv. Responsible for following the Quality Control processes and activities.
 - v. Shall be present at all review and design coordination meetings.
 - vi. Ten (10) years of experience as Engineer of Record in roadway design of highway projects similar in scope and complexity on the California State Highway System.
 - vii. Registered Civil Engineer in the State of California.
- f) Design Lead Engineer – Structures (Engineer of Record):
 - i. Reports directly to Design Manager.

- ii. Engineer of Record for the structure design.
 - iii. Responsible for ensuring that the structure design is completed and ICTC and GSA design criteria are met.
 - iv. Responsible for following the Quality Control processes and activities.
 - v. Shall be present at all review and design coordination meetings.
 - vi. Ten (10) years of experience as Engineer of Record in bridge and seismic design for structures similar in scope and complexity on the California State Highway System.
 - vii. Shall be a registered Civil Engineer in the State of California.
- g) Geotechnical Engineer:
- i. Reports directly to Design Manager.
 - ii. Responsible for geotechnical investigations and reports.
 - iii. Ten (10) years of experience in California bridge foundation design, including pipe piles and drilled shafts, seismic analysis and design, monitoring drilled shaft construction, drilled shaft load testing criteria and analysis, spread footings, and settlement.
 - iv. Registered Civil Engineer or Geotechnical Engineer in the State of California.

In addition to resumes, provide the following information:

- Percent time Key Personnel are committed to the Project, including percent of time during design, post design, and construction activities.
- Percent time Key Personnel are committed to other projects, including a description of these other projects, and their scheduled completion date.

3.6.2 Changes in Proposer Organization and Key Personnel

ICTC 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, ICTC 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 ICTC'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.
- 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 ICTC'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 ICTC with information establishing that the Proposer remains qualified as contemplated under this RFQ. Failure to secure the consent of ICTC may, at ICTC's sole discretion, result in the Proposer being disqualified.

3.7 Project Understanding and Approach

Proposers shall demonstrate the following:

- a) An understanding of and approach to the management, technical aspects, site security, maintenance of traffic issues, and risks associated with the Project.
- b) 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 ICTC's and Caltrans Project goals.
- c) An understanding of the risk sharing and the teaming relationship between the Design-Builder and ICTC.

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

- a) A narrative describing the Proposer's understanding of the Project scope.
- b) A narrative description of the Design-Builder's approach to design-build Project contracting. The narrative shall describe the methodology for integrating the design-build entity and the different areas of expertise within the team into an efficient and effective organization. The management approach shall reflect an understanding of the use of the design-build project delivery methodology for transportation projects.
- c) A brief description of how the Proposer will use its organization and the design-build process to ensure a successful Project, considering ICTC's and Caltrans Project goals listed in Section 1.4.2.
- d) Identification of the top design, construction, environmental, Right of Way, site security, and traffic management risks of the Project, the Proposer's understanding of the risks, and potential solutions to address or mitigate the risk.
- e) A brief discussion of how the Proposer will incorporate ICTC, Caltrans, CBP, and GSA design standards and specifications into the Project design.
- f) A brief discussion of the Proposer's partnering plan and meeting approach with ICTC, Caltrans, and FHWA to create and maintain alignment throughout the Project delivery.
- g) A brief discussion of the Proposer's approach to staffing the Integrated Project Office, if required by ICTC.
- h) A brief description of how the Proposer will address the GSA site security requirements during design and construction, specifically addressing the Homeland Security Presidential Directive-12 (HSPD-12) requirements, available at: <https://www.osec.doc.gov/osy/hspd-12/hspd-12information.html>.
- i) A brief discussion of how the Proposer will comply with GSA design standards P100, *Facilities Standards for the Public Buildings Service*, available at: <https://www.gsa.gov/real-estate/design-construction/engineering-and-architecture/facilities-standards-p100-overview>.
- j) A brief discussion of how the Proposer will comply with CBP *Land Port of Entry Design Guide* requirements, available at: <https://www.wbdg.org/building-types/land-port-entry-1>.
- k) A brief discussion of the Proposer's understanding of and approach to complying with the GSA's *Controlled Unclassified Information (CUI) Guide* requirements. Proposers shall not include references, information, or details of any of the site-specific information and details in its SOQ. Proposers violating this site security requirement will be determined non-responsive.
- l) A narrative describing the Proposer's approach to using a skilled labor force as required by PCC §6805(c)(2).

3.7.1 Project Understanding and Approach Evaluation Criteria

Successful Proposers shall demonstrate a clear understanding of the following:

- a) Identification of Project elements, Project's local and regional significance, and the relationships of the Project elements and constraints and their effect on the Project schedule.
- b) A proposed methodology for integrating the design-build entity and associated Key Personnel into an efficient and effective organization in cooperation with ICTC's Project team and approach that reflects an understanding of design-build methodology. The management approach reflects an understanding of the use of the design-build project delivery methodology for transportation projects.
- c) Proposer's team organization and approach align with and support the design-build process to ensure a successful Project, considering ICTC's Project goals listed in Section 1.4 and a feasible approach to achieving the planned schedule.
- d) That the Proposer has carefully considered anticipated top priority construction, design, traffic management, Right of Way, site security, environmental, and stakeholder risks of the Project in terms of Project constraints and lays out feasible proposed solutions or mitigation measures to identified risks.
- e) That the Proposer has addressed its plan and approach to complying with the GSA requirements listed in this Section 3.7 of this RFQ.
- f) An approach to ensure availability of skilled labor for the Project, providing the necessary security clearance requirements for site Work.

3.8 Quality Management Program

Proposers shall demonstrate its approach in implementing a Quality Management program under a design-build project in which ICTC will manage and perform its construction and design owner verification functions, while the Proposer is responsible for design Quality Control (QC)/Quality Validation (QV) and construction QC/QV 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 QC/QV. The Proposer's approach shall demonstrate an understanding of the following attributes:

- a) Quality Control/Quality Validation during design.
- b) Quality Control/Quality Validation during construction.
- c) Coordination between ICTC and the Design-Builder organization.
- d) Coordination with other agencies, including Caltrans, GSA, IID, USBR, and CBP.

3.8.1 Quality Management Program Evaluation Criteria

Successful Proposers shall demonstrate a clear understanding of the following:

- a) Ensuring quality during both design and construction.
- b) Coordination of quality efforts between the ICTC and the Design-Builder organization and with other agencies.
- c) Coordination of quality efforts with other agencies, including Caltrans, IID, and USBR.

4 SOQ SUBMITTAL REQUIREMENTS

The following sections describe requirements that all Proposers shall satisfy in submitting SOQs. Failure of any Proposer to submit its SOQ as required in this RFQ may, at ICTC's sole discretion, result in rejection of its SOQ. SOQs not matching the submittal requirements and required order may be disqualified or determined non-responsive at ICTC's sole discretion. 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 determined 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, will not be reviewed, may be scored less favorably, and may be determined non-responsive.

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.

Proposers shall not include references, information, or details of any of the site-specific information and details in its SOQ. Proposers violating this site security requirement will be determined non-responsive.

4.2 Quantities, Due Date, Time, and Location

One (1) unbound original and sixteen (16) copies of the SOQ shall be provided. The unbound original shall contain all original signed forms and documents. The original shall be identified on its front cover, in the upper right-hand corner as (Original). Each copy shall be identified on its front cover, in the upper right-hand corner as (Copy __ of 16 Copies). In addition to the above, Proposers shall also include four (4) electronic copies of the entire SOQ submittal package in searchable PDF format, each on a separate flash drive.

The outside of the sealed SOQ delivery package shall 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 "Calexico East Port of Entry Bridge Widening," "Contract: BUILD L-6471 (017)," "Statement of Qualifications," and "DO NOT OPEN."

All SOQs shall be received by 3:00 p.m. Pacific Time on the day specified in Section 2.1 and delivered to the following:

Original, 16 copies (original and copies 1 through 16 of 16), and four (4) electronic copies to:

Imperial County Transportation Commission
1503 North Imperial Avenue; Suite 104
El Centro, California 92243
Attention: Mr. Mark Baza, Executive Director
Telephone: (760) 592-4494

One (1) copy of each completed Prequalification Questionnaire ([Appendix E](#)) and one (1) copy of each completed Disclosure of Potential Conflict of Interest Certification ([Appendix D](#)) are to be provided in a separate sealed package and delivered with the original, sixteen (16) copies, and four (4) electronic copies of the SOQ to the address above.

For hand-delivered SOQ submittals to the ICTC office, ask for Mr. Mark Baza, Executive Director or Ms. Virginia Mendoza, Project Manager at (760) 592-4494 to have your SOQ package picked up and logged in as received.

SOQ submittals will be considered non-responsive if all required original, copies, and electronic 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.

Late delivery of the SOQ will not be accepted. Deliveries by U.S. Mail, express mail, or courier service will only be accepted up to the date and time specified in this RFQ. Late deliveries will be rejected without opening, consideration, or evaluation and will be returned unopened to the sender. The Proposer is solely responsible for SOQ on time delivery.

Should a Proposer submit its SOQ prior to the submittal deadline and subsequently determine that modifications to the SOQ are necessary prior to the submittal deadline, the Proposer shall communicate with ICTC's Designated Contact to arrange for the Proposer to make the required revisions or deliver replacement SOQs. All such revisions or replacements shall be completed prior to the submittal date and time specified in this RFQ and shall meet the submittal requirements specified in this RFQ.

Any SOQ that fails to meet the deadline or the delivery package identification requirements 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 shall adhere to the requirements outlined in [Appendix B](#). Additional information beyond those requirements contained in [Appendix B](#) may be provided; however, members of the Evaluation Team are required to review only those materials identified in [Appendix B](#).

The front cover of each SOQ shall be labeled with "Calexico East Port of Entry Bridge Widening" "Statement of Qualifications," the date of submittal, and the information required by [Section 4.2](#) of this RFQ.

4.4 Challenges

The decision of ICTC as to Proposer prequalification 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

ICTC and its Evaluation Team 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 scored and ranked. In order to be short-listed, the Proposer shall meet or exceed the evaluation and scoring criteria as established in Section 5.4. A “fail” or “not qualified” rating in any of the categories identified in Section 5.3 will result in an overall rating of not qualified. Only those Proposers that are short-listed will be allowed to participate in the RFP procurement process. ICTC intends to short-list not more than four (4) Proposers to invite to submit Proposals. As a result, each Proposer submitting a responsive SOQ will be ranked. The top ranked and short-listed Proposers will be announced.

5.2 Evaluation Objective

The objective of the RFQ step of the procurement is to short-list Proposers with the legal, technical, financial, and management capability, capacity, and experience necessary to successfully undertake and complete the Work. The Design-Builder shall have primary responsibility to plan, design, manage, and control the Project and to complete the Project on or ahead of schedule. ICTC 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 Evaluation Team 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:

- a) Minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content of the SOQ.
- b) The SOQ's conformance to the RFQ instructions regarding organization and format.
- c) 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. ICTC 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:

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

5.3.3 Scored SOQ Categories

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

- a) Proposer Experience and Past Performance: The SOQ will be evaluated against the criteria established under Section 3.5.
- b) Proposer's Key Personnel: The SOQ will be evaluated against the criteria established under Section 3.6.
- c) Project Understanding and Approach: The SOQ will be evaluated based on the criteria established under Section 3.7.
- d) Quality Management Program: The SOQ will be evaluated based on the criteria established under Section 3.8.

5.4 Evaluation and Scoring Process

The Evaluation Team will evaluate the non-scored SOQ categories as defined under Section 5.3.2. The Evaluation Team will evaluate the scored categories as defined under Section 5.3.3 based on the criteria weighting outline in Appendix F. The overall score for each scored element will be a consensus score based on individual assessment of the SOQs by the Evaluation Team members. The overall score for each Proposer will be used to determine a short-list of Proposers.

5.5 Notification of Short-Listing

Upon completion of the SOQ evaluation and scoring process, ICTC will notify each Proposer in writing whether or not it has been short-listed. In addition to this direct notification, ICTC will publish the list of Proposers who have been short-listed on the ICTC website at: <http://www.imperialetc.org/>.

Announcement of short-listing will not be later than the date specified in Section 2.1.

6 PROTEST PROCEDURES AND PUBLIC RECORDS ACT

6.1 Protest Procedures

This Section 6 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 6 shall be submitted for filing by hand delivery or certified, return receipt U.S. Mail to the following address:

Imperial County Transportation Commission
1503 North Imperial Avenue; Suite 104
El Centro, California 92243
Attention: Mr. Mark Baza, Executive Director
Telephone: (760) 592-4494

6.1.1 Protests Regarding RFQ Documents

Proposers may protest the terms of this RFQ on the grounds that:

- e) A material provision in this RFQ is ambiguous.
- f) Any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement.
- g) This RFQ in whole or in part exceeds the authority of ICTC.

Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with ICTC 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.

RFQ document protests shall be filed as soon as the basis for protest is known to the Proposer, but in no event later than five (5) Business 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 ICTC's Executive Director or designee, whose decision shall be final and conclusive and not subject to legal challenge unless wholly arbitrary. ICTC's Executive Director or designee will issue a written decision regarding any protest to each Proposer. If necessary to address the issues raised in a protest, ICTC may make appropriate revisions to the RFQ documents by issuing Addenda.

Notwithstanding the existence of a protest, ICTC 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. ICTC may extend the SOQ due date, if necessary, to address any such protest issues. If the protest is granted, ICTC shall not be liable for payment of the protestant's costs or attorneys' fees. ICTC 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 Short-Listing Decision

Any protest regarding the short-listing decision shall be filed within five (5) Business Days after the earlier of (a) the public announcement of the short-listed Proposers, or (b) notification of the short-listed Proposers. The Proposer filing the short-listing decision protest shall concurrently file a copy of the protest with the other Proposers whose addresses may be obtained from ICTC. The notice of protest shall specifically state the grounds for the protest.

Within (5) Business Days after delivery of the short-listing decision notice of protest to ICTC, 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 short-listing 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 five (5) Business Days of the filing of the detailed statement of protest. ICTC will promptly forward copies of any such statements to the protestant. Any evidentiary statements shall be submitted under penalty of perjury. ICTC may also, at its option, submit a statement regarding the protest.

The ICTC's Executive Director or designee will only consider, based on a preponderance of the evidence, whether the ICTC's determination is arbitrary, capricious, or contrary to law, and will either affirm the ICTC's original determination or recommend remedial steps, if appropriate, to address the issues raised in the short-listing decision protest. The ICTC's Executive Director or his designee will issue a written decision regarding the protest within thirty (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 ICTC's Executive 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.

ICTC shall not be liable for any damages to the entity filing the short-listing decision 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). Proposers shall not include references, information, or details of any of the site-specific information and details in its SOQ. Proposers violating this site security requirement will be determined non-responsive. Proposers are advised that GSA has exemptions under the Freedom of Information Act (FOIA) to protect information from disclosure.

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 Questionnaire provided in Appendix E. Only one (1) copy of each document shall be submitted.

ICTC 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 ICTC'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. ICTC 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. ICTC 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. In the event of arbitration or litigation, the documents shall be subject to discovery, and ICTC 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 ICTC awards the Contract to a Design-Builder, ICTC will arrange meetings with each of the Proposer organizations if requested by a Proposer. These debriefing meetings give Proposers and ICTC an informal setting to discuss the RFQ and RFP procurement process.

8 RESERVED RIGHTS

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

- a) Withdraw or cancel this RFQ in whole or in part at any time prior to the execution by ICTC of the Contract, without incurring any cost obligations or liabilities.
- b) Issue a new RFQ.
- c) Accept or reject any and all submittals.
- d) Modify dates set or projected in this RFQ.
- e) Terminate evaluations of submittals received.
- f) Waive any informalities, irregularities, or omissions in an SOQ.
- g) Issue Addenda to this RFQ and issue Addenda to the RFP.

SOQs received become the property of ICTC.

ICTC 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 ICTC be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as a Contract, in form and substance satisfactory to ICTC, has been authorized and executed by ICTC and, then, only to the extent set forth therein. ICTC makes no representations that the Contract will be awarded based on the requirements to this RFQ.

8.1 Disclaimers

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

- a) Any obligation to award or execute a Contract pursuant to this RFQ or the RFP or to issue an RFP.
- 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

- A1 Project Description**
- A2 Design and Construction Requirements**
- A3 Design-Builder Responsibilities**
- A4 Project Status**
- A5 Additional Project Documentation**

A1 Project Description

Based on the currently identified viable Build Alternative, the proposed Calexico East Port of Entry Bridge Widening (Project) will consist of designing and constructing the following:

- Widen and modify the three existing bridge structures each separated by a 1 inch joint – referred to from west to east as “bridge 1,” “bridge 2,” and “bridge 3” over the All-American Canal by constructing a new steel girder structure with a concrete deck to the east tying to the existing bridge:
 - i. Increase the number of lanes on the existing bridge from nine (9) to thirteen (13) lanes.
 - ii. Add two northbound passenger vehicle lanes.
 - iii. Add two northbound commercial vehicle lanes.
 - iv. Structural steel cross-bracing stiffeners placed between the new steel girders.
 - v. Remove the eastern most bridge railing and place a closure pour in its place to tie in the new bridge to the existing.
 - vi. Provide deck overlay to adjust the deck slope.
 - vii. Demolish the existing northbound pedestrian sidewalk and existing concrete barriers separating the northbound pedestrian walkway from the vehicular traveled way (on existing bridge 2, and south and north of the existing bridge 2 to the extent shown on the preliminary layout).
 - viii. Remove and replace existing pedestrian turnstile at the limit line (international boundary).
 - ix. Remove and replace existing security cameras on the pedestrian bridge.
 - x. Construct concrete closure pour along existing one (1) inch joint separating existing bridges 2 and 3.
 - xi. Construct new concrete barriers with eight (8)-foot high fence on both barriers on the relocated northbound pedestrian walkway to meet US CBP requirements.
 - xii. Construct bridge abutments and extend existing sheet piling to the east, on the north and south ends of the bridge.
 - xiii. Construct structure approach slabs, south and north of the widened bridge structure, and south and north of existing bridge 2.
 - xiv. Rehabilitate the existing bridge 3 by replacing anchor bolts and bearing pads at the south abutment, clean and maintain bearing pads at both abutments, prepare concrete bridge deck surface, and furnish and place concrete polyester overlay on deck surface.
 - xv. Additional bridge 3 work includes clean expansion joints and placement of new joint filler.
- Roadway Widening:
 - i. Widening and realigning approach and departure roadways to align with the additional new lanes.
 - ii. Roadway pavement is expected to be continuously reinforced concrete pavement (CRCP) and jointed plain concrete pavement to match existing Portland Cement Concrete Pavement (PCCP).
- Tunnel Extensions:
 - i. Extend the existing north and south tunnels to the east to accommodate the additional lanes.
 - ii. Removal and relocation of the existing tunnel ramps on the east side.

- iii. Demolish and relocate an existing retaining wall along the southern edge of the ramp and parallel to the All-American Canal to accommodate relocation of the northern tunnel ramp roadway.
- Replace Electrical Systems:
 - i. Replace the existing lighting systems on the bridge, north and south of the bridge, and in the northern tunnel.
 - ii. Relocate the existing four (4)-inch diameter conduit embedded in the existing northbound pedestrian walkway on the bridge deck.
- Modify Existing Drainage System
 - i. Modify the existing drainage systems.
 - ii. Install new drainage systems to maintain the existing drainage pattern.
 - iii. Relocate existing stormwater lift station northeast of the existing bridge.
 - iv. Enlarge existing drainage basin located northeast of the Project site to accommodate additional runoff.
 - v. Construct a new drainage basin southeast of the Bridge to collect stormwater runoff from the new pavement before reaching Mexico.

If additional funding becomes available, the Project may also include the following Work items, in priority order:

- Complete deferred maintenance
- Construct an eight (8)-foot shoulder for commercial vehicles—the existing northbound and southbound pedestrian walkways will remain.
- Add a pedestrian canopy which meets GSA’s requirements.
- Shift the northbound pedestrian walkway slightly to accommodate the additional northbound passenger lanes.
- Rehabilitate existing bridges 1, 2, and 3.
- Rehabilitate existing tunnels.

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 flow during construction.
- b) Bridge widening and modification.
- c) Drainage systems, including stormwater detention and conveyance systems.
- d) Rehabilitation of existing pavement.
- e) Design and construction surveying.
- f) Coordinate with other construction projects within the Project vicinity.
- g) Coordinate with other local, state, and federal entities including GSA, USBR, IID, and CBP.
- h) Coordinate with Mexican federal Government and State of Baja California Government.
- i) Coordinate with ICTC’s public involvement management team, including:
 - Develop and implement a public information plan as part of the construction phase of this Project.
 - Participate in any Community Coordination Team representing the Design-Builder.

- j) Obtain necessary environmental permits and authorizations and/or prepare all required documentation for issuance of same, from federal and State agencies such as GSA, USBR, International Boundary and Water Commission (IBWC), California Regional Water Quality Control Board (RWQCB), IID, 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), or National Pollutant Discharge Elimination System (NPDES) permit.
- k) Maintain the roadway and roadway facilities within the Project limit during construction.
- l) Coordinate with GSA and CBP to maintain site security during design site visits and construction.

A2 Design and Construction Requirements

- Design: The Project shall be designed to current GSA, CBP, Caltrans, FHWA, Federal, and ICTC standards. The Design-Builder will have as much flexibility in the design of the Project as applicable standards and environmental requirements allow; however, changes to roadway geometry will be subject to FHWA and ICTC approval, which will include consideration of environmental, security, and right-of-way impacts, and impacts caused by various Federal and State agencies' requirements for review and approval. The design Work shall include active communication and partnering sessions with these agencies throughout the design and construction Work. The design shall specifically address GSA design standard *P100 Facilities Standards for the Public Buildings Service* and CBP *Land Port of Entry Design Guide* requirements.
- Construction: It is anticipated that the Project will be constructed within the existing highway right-of-way. The bridge widening Work will occur over the All-American Canal, requiring coordination with USBR. The Proposers are advised that no Work shall occur within the All-American Canal. The Project shall be constructed so as to maintain traffic flow throughout the construction process. ICTC and Caltrans shall be fully engaged throughout the construction Work, including construction oversight, progress inspections, and participation at construction progress meetings. The *Caltrans 2018 Standard Specifications* and its current Amendments, GSA's *P100 Facilities Standards for Public Buildings*, CBP *Land Port of Entry Design Guide*, and AASHTO design standards and requirements shall apply.

A3 Design-Builder Responsibilities

The successful Design-Builder shall be responsible for furnishing all labor, material, plant, equipment, services, and support facilities for the following Project elements, including:

- a) Design and construction of all Project components.
- b) Verification calculations necessary to demonstrate the repaired bridges will support the additional lane loads
- c) Management of the Project, design, and construction.
- d) Project-related public involvement activities.
- e) Coordination with Project stakeholders, other contractors, and utility owners.
- f) Design quality.
- g) Construction quality.
- h) Implementation of all Environmental avoidance, minimization, and/or mitigation measures, including compliance monitoring.
- i) Secure environmental permits.

- j) 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.
- k) Maintenance and protection of traffic, including both temporary and permanent access to properties.
- l) Project site safety and security and worker security clearances and certifications, with specific compliance with GSA site security requirements in compliance with Homeland Security Presidential Directive-12.
- m) Preliminary engineering, such as surveys and geotechnical investigations.
- n) Remediation of harmful and/or hazardous materials caused by the Design-Builder during design and construction.
- o) Drainage and erosion control.
- p) Construction waste disposal and handling.
- q) Coordination with ICTC as it coordinates directly with GSA (the site owner) and the CBP (the site operator) through the GSA, so the site remains in full, uninterrupted safe and secure operations during the construction Work.
- r) Required clearances, licenses, construction easements, and permits for Design-Builder Work, Work sites, storage areas, and other elements, both on- and off-site.
- s) Ancillary works, such as temporary fencing, relocation of drainage, Work sites, and temporary works.
- t) Material location, acquisition, permits, and transportation, including all required environmental investigations and compliance.
- u) Utility coordination and (as required) relocation, and protection of existing utilities.
- v) Site clearance and clean up during and following construction.
- w) Provide any and all warranties to GSA.

A4 Project Status

The status of the Work being completed for the Project by ICTC is summarized as follows:

- a) Survey: The RFP will include preliminary Topographic Map (in 2D and 3D format) of the corridor in an electronic format.
- b) Preliminary Engineering: ICTC is currently preparing preliminary engineering documentation for the Project. The Bridge Advance Planning Study is completed and preliminary roadway plans have been developed. Both are included in the Project Report (PR) available on the ICTC website at: <http://www.imperialctc.org/>. The RFP will include these preliminary engineering documents for Proposers' information.
- c) Right of Way and Utilities: A preliminary Subsurface Utilities Engineering (SUE) analysis has been completed by ICTC. The RFP will include copies of SUE information collected by ICTC and Caltrans, along with established constraints and responsibilities for impacted utilities. Preliminary Right of Way Maps will be 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. ICTC will be responsible for the administration, Federal authorization, utility agreements, and payments associated with the relocation of public and private utilities.

- d) 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 Documents (Categorical Exclusion [CE] for CEQA and Categorical Exclusion [CE] for NEPA) will be included along with the Environmental Document [CE/CE] as part of the RFP. The CE/CE is expected to be completed in May 2020 and will be available with the Project information on the ICTC website at: <http://www.imperialctc.org/>.
- e) Plans: As-built plans and other records for the existing bridges are available for review by the Proposers. Copies will be made available to Proposers for in-person review during the RFP response period. Proposers are advised that compliance with the GSA’s CUI Guide is required to allow access to any existing site information and records. Given security restrictions, Proposers shall be required to execute individual non-disclosure agreements (NDAs) prior to as-built plan and existing records review. If required, only those individuals with executed NDAs will be allowed to review as-built plans. As-built plans may not copied, reproduced, or removed from the plan review location. See Section 1.10.3 of this RFQ for additional non-disclosure requirements. Proposers shall not include or provide details of any of the site secure information or records in its SOQ. The plan review location information and any NDA requirements will be provided with the RFP.
- f) Geotechnical: Preliminary soil boring information collected by ICTC and the preliminary foundation recommendation memorandum are included in the PR. Additional geotechnical information will be provided with the RFP.
- g) Permitting: The Project will require several environmental, utility, and agency permits/approvals. Permit descriptions and their submittal requirements are included in the PR. The following table summarizes the anticipated required permits/approvals and their associated status:

Anticipated Permits and Approvals Needed

Agency	Permit/Approval	Status
Federal Agencies		
Presidential Permit	An amendment to the existing Presidential Permit or an Application for a New Presidential Permit will be required to remove approximately 60 feet of existing border fence to accommodate the proposed widening of the approach roadway from Mexico necessary to merge with the roadway in the U.S.	ICTC to obtain permit.

Agency	Permit/Approval	Status
United States Bureau of Reclamation (USBR)	<p>Project construction and bridge plans shall be reviewed by USBR.</p> <p>In order to request right -of-way use from USBR, an <i>Application for Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299)</i> along with a non-refundable \$100 application fee shall be submitted to USBR.</p> <p>The application shall include design plans, which must outline USBR’s rights-of-way and/or lands and include the legal description.</p> <p>USBR will require environmental studies and reports for the Project along with a plan of development.</p> <p>USBR can review 30, 60, 90, and 100 percent plans, but will only provide approval on 90 or 100 percent plans.</p> <p>Typical application review and processing takes from 120 to 180 days depending on project complexity and other variables.</p> <p>Approval may be part of GSA’s requirement.</p>	<p>Prior to construction ICTC must have received approval for Project activity.</p>
General Services Administration (GSA)	<p>HSPD-12 requirements must be met.</p> <p>Notice shall be provided that the facility is a law enforcement facility with significant security requirements and is subject to local law enforcement controls for any day to day incidents which may occur.</p> <p>Construction easement on GSA property will be obtained by ICTC from GSA.</p>	<p>GSA is considering donation. MOU signed by GSA’s Public Building Services (PBS) Commissioner is a prerequisite to moving forward.</p>
United States Fish and Wildlife Service (USFWS)	<p>No regulatory requirement determined at time of technical report.</p>	<p>ICTC will monitor regulatory environment for changes in law.</p>
Imperial County Transportation Commission (ICTC)	<p>Section 404 Individual Permit for filling or dredging waters of the United States.</p>	<p>Approved scope avoids impacts to waters of the United States.</p> <p>ICTC must revalidate should Project scope get modified.</p>

Agency	Permit/Approval	Status
General Services Administration (GSA)	Temporary Construction Easement.	This action will be ordained after Project transfer to ICTC and will be per its directive.
International Boundary and Water Commission (IBWC)	Any permitting process from the IBWC on U.S. territory will be followed.	ICTC will follow-up with IBWC as defined as part of the Presidential Permit amendment stipulates.
State Agencies		
California Regional Water Quality Control Board (RWQCB)	Construction storm water permit and an industrial storm water permit.	Project transfers from Caltrans General Permit to the responsibility of ICTC.
California Department of Fish and Game (CDFG)	Section 1602 Agreement for Streambed Alteration	Project avoids impacts to regulated water and changes to Project scope will require actions by ICTC.
California Department of Fish and Game (CDFG)	Section 2080.1 Agreement for Threatened and Endangered Species	Project avoids impacts to regulated water and changes to Project scope will require actions by ICTC.
State Water Resources Control Board (SWRCB)	Section 402 National Pollutant Discharge Elimination System (NPDES) (Construction Activity)	Responsibility transfers from Caltrans to ICTC. Depending upon the means and methods of construction for the Project selected by ICTC and its Contractor with regards to dewatering byproduct, permit, and process alternatives will vary per Kleinfelder report for groundwater sampling dated March 23, 2020.
State Water Resources Control Board (SWRCB)	Section 401 Water Quality Certification	Responsibility transfers from Caltrans to ICTC. Depending upon the means and methods of construction for the Project selected by ICTC and its Contractor with regards to dewatering byproduct, permit, and process alternatives will vary per Kleinfelder report for groundwater sampling dated March 23, 2020.

Agency	Permit/Approval	Status
California Regional Water Quality Control Board (RWQCB)	Per IID, a construction storm water permit and an industrial storm water permit from the California Regional Water Quality Control Board are required for the construction and operation of the proposed facility. Copies of those permits and the Project's Storm Water Pollution Prevention Plan are to be submitted to IID.	Responsibility transfers from Caltrans to ICTC. Depending upon the means and methods of construction for the Project selected by ICTC and its Contractor with regards to dewatering byproduct, permit, and process alternatives will vary per Kleinfelder report for groundwater sampling dated March 23, 2020
Regional and Local Agencies		
Imperial Irrigation District (IID)	Project construction and bridge plans will be reviewed by IID. IID requires an IID encroachment permit process to be followed. Any construction or operation on IID property or within its existing and proposed right-of-way or easements will require an encroachment permit or encroachment agreement. An IID encroachment permit will be required to utilize existing surface-water drainpipe connections to drains and receive drainage service from IID. Surface-water drainpipe connections are to be modified in accordance with IID standards. IID shall be consulted prior to the installation of any facilities adjacent to IID's facilities.	These permits will be obtained after approval of the environmental document by ICTC or its agents.
California Air Quality Management District (CAQMD)	Rule 1403	ICTC must comply with requirements by submitting test results which were negative for Asbestos Containing Materials planned for demolition. Must be revalidated should scope change.

Agency	Permit/Approval	Status
Regional and Local Agencies		
Private Property Owners	Property access and temporary construction easements (TCEs).	None currently identified. Will be responsibility of ICTC to deny or approve solicitation should a request evolve.

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

A5 Additional Project Documentation

To provide additional information pertaining to Project development by ICTC, supporting documents are being made available to potential Proposers. These documents can be found on the ICTC website at: <http://www.imperialctc.org/>. Only non-secure Project development materials and public document guides and references are posted on the ICTC website at: <http://www.imperialctc.org/>. Secure Project background materials are available for Proposer review as directed in Section 1.3, Section 1.10.3, and Section A4e of this RFQ.

APPENDIX B: FORMAT AND ORGANIZATION OF STATEMENT OF QUALIFICATIONS

B1 Organization

B2 Pages and Binders

B3 Page Format

B4 Clarity and Conciseness

B5 Reproducibility

B6 Submittal

B1 Organization

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

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

B2 Pages and Binders

The sections and appendices shall consist of loose-leaf pages that are 8 ½-by-11-inch and white, except for charts, exhibits, and other illustrative and graphical information, which may be submitted on 11-by-17-inch paper and folded to 8 ½-by-11-inch (11-by-17-inch pages will count as two (2) pages). There is a maximum limit of twenty (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, each section, and two appendices shall be combined in one (1) three-ring binder. The sections (and, optionally, subsections) shall be separated with lettered or numbered dividers. No text, photos, or graphics other than the SOQ Section number and title shall be included on the divider sheet. Any divider sheets with text, photos, or graphics will be included in the required page limit. Pages exceeding the page limit will be removed from the SOQ and not scored. Color photographs, renderings, and brochures, if any, shall be adequately bound and suitably protected for handling and circulation during review and evaluation.

B3 Page Format

Text shall be in a standard font that is a minimum of 12-point 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. Pages shall have a one (1) inch margin all around. Only header and footer text may be included in the margins.

B4 Clarity and Conciseness

Proposers should make every effort to present information clearly and concisely. Documentation that is difficult to read may be rejected, scored less favorably, or may lead to Proposer disqualification.

B5 Reproducibility

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

B6 Submittal

One original and sixteen (16) copies of the SOQs and appendices shall be provided. Four (4) electronic copies of the entire SOQ submittal in searchable PDF format, each on a separate, labeled flash drive shall be provided.

Table B-1: Specifications for SOQs

SOQ Section	Section Title and Required Information	RFQ Reference
	<p>Transmittal Letter and Proposer SOQ Certification (no overall page limitation for this section). Note this section is not scored other than to confirm the SOQ is responsive to the RFQ requirements:</p> <ul style="list-style-type: none"> • <u>Form A</u>: Transmittal Letter (to be signed by duly authorized representatives of all equity members of the Proposer’s team). • <u>Form G</u>: Proposer SOQ Certification (to be provided by all equity members of Proposer). 	3.1
Section 1	<p>Legal Structure (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • Legal structure and supporting documents or description of proposed legal structure. • Identification of Principal/Major Participants. • Response to <u>Section 3.2 (e)</u> if required. • <u>Form E</u>: Proposer’s Organization Information. • <u>Form F</u>: Proposer’s DBE Project Goal Declaration Affidavit. 	3.2
Section 2	<p>Financial Capacity (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • Verification of Proposer’s ability to secure Performance Bond and Payment Bond. • Verification of Proposer’s ability to secure insurance. 	3.3
Section 3	<p>Safety Program (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • Safety Record for the most recent three (3) year period. • Worker’s Compensation experience history for the past three (3) years. • Cal-OSHA or FOSHA citations and assessed penalties, any serious, willful or repeat violations of its safety or health regulations in the past five (5) years. 	3.4
Section 4	<p>Proposer Experience and Past Performance (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • A brief narrative summary of each firm’s capability and capacity, a maximum of two (2) pages for each firm is permitted. • <u>Form B</u>: Project Description (maximum of five (5) <u>Form Bs</u> per each Principal/Major Participant are permitted, not to exceed ten (10) <u>Form Bs</u> total for the Proposer team), each <u>Form B</u> shall not exceed two (2) pages in length. 	3.5

SOQ Section	Section Title and Required Information	RFQ Reference
Section 5	<p>Proposer Organization and Key Personnel (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • Brief narrative of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team, a maximum of four (4) pages is permitted. • Organization Chart (one (1) at 11-by-17-inch, folded to 8 ½-by-11-inch). • Evidence of Proposer’s ability to meet license requirements. • <u>Form C</u>: Subcontractor Information and a maximum one-page summary of Subcontractor experience for each Subcontractor listed, including consultants, is permitted. • <u>Form D</u>: Proposed Key Personnel Information. 	3.6
Section 6	<p>Project Understanding and Approach (a maximum of twenty (20) pages total for Sections 6 and 7 are permitted):</p> <ul style="list-style-type: none"> • Proposed management approach and Project understanding. • Keys to ensuring a successful Project. • Skilled labor availability information. 	3.7
Section 7	<p>Quality Management Program (a maximum of twenty (20) pages total for Sections 6 and 7 are permitted):</p> <ul style="list-style-type: none"> • Proposed approach for Quality Control/Quality Validation during design. • Proposed approach for Quality Control/Quality Validation during construction. • Proposed approach for coordination between ICTC and the Design-Builder’s organization and with other agencies. 	3.8
App. A	<p>Resumes (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • Key Personnel Resumes, a limit of three (3) pages for the Project Manager and two (2) pages for all other Key Personnel will be permitted. 	3.6 (c), 3.6.1
App. B	<p>Legal Documents (no overall page limitation for this section):</p> <ul style="list-style-type: none"> • Powers of attorney. • Organization documents, letters of agreement, and other documents identified in <u>Section 3.2</u> or addressed in Appendix A of the Proposer’s SOQ. 	3.2

APPENDIX C: 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 DBE Project Goal Declaration Affidavit**
- Form G Proposer SOQ Certification**

FORM A
TRANSMITTAL LETTER

PROPOSER: _____

SOQ Date: [Note to Drafter: Insert Date]

Imperial County Transportation Commission
1503 North Imperial Avenue; Suite 104
El Centro, California 92243

Attn: Mr. Mark Baza, Executive Director

The undersigned (Proposer) submits this Statement of Qualification (SOQ) submittal in response to that certain Request for Qualifications (RFQ) dated as of [Note to Drafter: Insert Date] (as amended), issued by the Imperial County Transportation Commission (ICTC) to design and construct the related facilities adjacent to State Route 7 for the Calexico East Port of Entry Project, 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: Proposer Experience and Past Performance
- Section 5: Proposer Organization and Key Personnel
- Section 6: Project Understanding and Approach
- Section 7: Quality Management Program
- Appendices A and B (Resumes and Legal Documents)

The Proposer acknowledges receipt, understanding, and full consideration of all materials posted on the ICTC Project website at: <http://www.imperialctc.org/> as set forth in the RFQ, Section 1.3, "Project Materials: RFQ and Addenda", 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 before 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 submitted in response to the RFQ.

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 ICTC are not bound to short-list any Proposer and may reject each SOQ that ICTC may receive.

Proposer further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process shall be borne solely by the Proposer, as described in Section 1.8, "Precontractual Expenses" of the RFQ.

Proposer agrees that ICTC 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: _____

[Proposer – insert appropriate signature block from following page]

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

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, (here insert name and title of the officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within the instrument and acknowledged to me that he/she/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.

WITNESS my hand and official seal.

Notary Public Signature

Notary Public Seal

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Imperial County Transportation Commission (ICTC) at (760) 592-4494, or write to ICTC 1503 North Imperial Avenue, Suite 104, El Centro, CA 92243

FORM B
PROJECT DESCRIPTION

Name of Proposer: _____

Instructions for Form completion: Form B is limited to a maximum of two (2) pages for each completed project.

Name of Firm: _____	
Project Role: _____	
Principal Participant: _____	Designer: _____
Other (Describe): _____	
Years of Experience (provide length of activity as it relates to the following three elements):	
Roads/Streets: _____	Bridges/Structures: _____ Utility Relocations: _____
Project Name, Location, and Nature of Work for Which Company Was Responsible:	

<i>(Use additional lines within this section as necessary to response to this question)</i>	
Provide Project Description and Describe Site Conditions:	

<i>(Use additional lines within this section as necessary to describe project and site conditions)</i>	
List claims history, numbers, dollars submitted and final results. Discuss Dispute Review Board history, including subjects and outcomes:	

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.: _____	e-mail: _____
Contract Value (US\$): _____	Final Value (US\$): _____
Percent of Total Work Performed by Company: _____	Start 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 Primary Contact Person Name and Title	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 and Contact Information
Project Manager				
Quality Manager				
Design Manager				
Construction Manager				
Design Lead Engineer – Roadway (Engineer of Record)				
Design Lead Engineer – Structures (Engineer of Record)				

Position	Name	Years of Experience	Education and Registrations	Parent Firm Name and Contact Information
Geotechnical Engineer				

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 the 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 DBE 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 ICTC will establish a proposed Project DBE goal based on the total Project value for this Design-Build Project. This affidavit further serves to confirm that [Insert Proposer Name] will aggressively exercise Good Faith Efforts to the satisfaction of ICTC to meet the proposed Project DBE goal in accordance with DBE design-build program requirements defined in the Request for Proposals (RFP) documents, when issued.

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

STATE OF _____)
)
COUNTY OF _____)

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

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

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

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

The Proposer hereby affirms that it shall either meet the DBE goals described in this solicitation or exercise and provide demonstrable evidence to the satisfaction of the ICTC 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 declaration 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 SHALL BE COMPLETED AND SIGNED BY PROPOSER AND, IF A PROPOSER IS A PARTNERSHIP, LIMITED PARTNERSHIP, JOINT VENTURE OR OTHER ASSOCIATION, THEN A SEPARATE CERTIFICATION SHALL 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 (RFQ) issued by ICTC for the Calexico East Port of Entry Bridge Widening 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 shall result in denial of prequalification status.

(Signature)

(Name Printed)

ACKNOWLEDGMENT

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

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

Witness my hand and official seal.

Notary Public in and for
said County and State

[Seal]

My commission expires: _____

NOTICE TO APPLICANTS:

A materially 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)

APPENDIX D: ICTC CONFLICT OF INTEREST POLICY

ICTC USE OF THE CALTRANS CONFLICT-OF-INTEREST POLICY COVERING THE DESIGN-BUILD PROGRAM

The purpose of this document is to clarify ICTC's position on potential conflicts of interest which may arise when consultants or contractors (Proposers) perform work for local transportation entities or ICTC 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 ICTC; the Proposer's objectivity in performing the 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 RFQ or RFP documents and 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 ICTC. 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 shall still be disclosed.

After review of the checklist, the Proposers shall 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 shall disclose the potential conflict of interest to ICTC; however, such a disclosure will not necessarily disqualify a Proposer from being awarded the 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 Evaluation Team. The ICTC'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 ICTC's contract management personnel may consult with its Legal Counsel. Resolution of the conflict of interest issues is ultimately at the sole discretion of ICTC. ICTC 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 shall make an immediate and full written disclosure to ICTC 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 before award of the Contract and did not disclose the conflict, ICTC may terminate for default. If the Proposer is terminated, ICTC assumes no obligations, responsibilities, or liabilities to reimburse all or part of the costs incurred or alleged to have been incurred by the Proposer.

ICTC recognizes that the Proposers must maintain business relations with other public and private sector entities in order to continue as viable businesses. ICTC will take this reality into account as it evaluates the appropriateness of proposed measures to mitigate potential conflicts. It is not the intent of ICTC 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 ICTC. ICTC will 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-or local agency-developed organizational conflict of interest standards are more stringent those contained in the federal regulations, the State or local agency 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.

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

- a) Firms will NOT be allowed to participate as a Proposer or to join a Proposer team if, including:
 - i. The firm is the ICTC'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 Proposer team.
 - ii. The firm has assisted ICTC in managing or assisting in the management of this Project, including the preparation of RFP language or evaluation criteria.
 - iii. The firm has conducted preliminary design services for the Project such as geometric layouts, bridge-type selection, preliminary bridge design, or preliminary drainage design.
 - iv. The firm performed design work related to the Project for other stakeholders.
 - v. The firm has performed work on a previous contract that specifically excludes them from participating as a Proposer or joining a Proposer team.
 - vi. The firm is under contract with any other entity or stakeholder to perform oversight on the Project after letting.
 - vii. The firm 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 the Consultants of any entity who have provided technical support on the Project or design-build program.
- b) Firms 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 Proposer team shall:
 - i. Conform to federal and State conflict of interest rules and regulations.
 - ii. 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 ICTC.
 - iii. Disclose in the response documents to a design-build RFQ and RFP, all of the Work performed in relation to the design-build program and Project.
 - iv. Provide all records of such work performed for ICTC so that all information can be evaluated and made available to all potential Proposer teams, if necessary.

- v. Ensure that the Consultant's contract with any related entity to perform services related to the Project or program has expired or has been terminated.
- vi. In cases where Consultants on different Consultant teams belong to the same parent company, each Consultant describe how the Subconsultants and or Subcontractors shall avoid conflicts through the qualification bid phases of the Project.

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

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 Proposer team. ICTC will then determine if a conflict of interest exists.

The successful Proposer or firms affiliated with this Proposer are prohibited from competing on any agreement to provide construction inspection services for the 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 Project shall be eligible to compete for any agreement to provide construction inspection services for the Project.

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

Unless otherwise stated, "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

1. **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 ICTC.
2. **Definition of “Proposer”:** As used herein, the word “Proposer” includes both the prime contractor and all proposed Subcontractors/Subconsultants.
3. **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 shall still be disclosed.
4. **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, the Proposer shall disclose the potential conflict of interest to ICTC; however, such a disclosure will not necessarily disqualify a Proposer from being awarded the 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 Evaluation Team. The ICTC’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 ICTC’s contract management personnel may consult with its Legal Counsel. Resolution of the conflict of interest issues is ultimately at the sole discretion of ICTC.
5. **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. ICTC 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.
6. **Approach to Reviewing Potential Conflicts:** ICTC recognizes that the Proposers must maintain business relations with other public and private sector entities in order to continue as viable businesses. ICTC will take this reality into account as it evaluates the appropriateness of proposed measures to mitigate potential conflicts. It is not the intent of ICTC 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 ICTC. ICTC will seek to disqualify Proposers only in those cases where a potential conflict cannot be adequately mitigated.
7. **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 ICTC'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 an adjacent ICTC project if another entity has also retained the Proposer for the purposes of persuading ICTC to stop or alter the project plans.
- The Proposer is providing design services to a private entity, including 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 or 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 ICTC 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 ICTC 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 shall be disclosed, and all work products shall be provided.
- The Proposer has, in previous work for ICTC, 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 ICTC, managed or assisted in the management of the ICTC'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 ICTC.

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 and Title

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 ICTC contract personnel.

Name and Title

Phone

e-mail

APPENDIX E: PREQUALIFICATION QUESTIONNAIRE

**INSTRUCTIONS FOR COMPLETING THE PREQUALIFICATION
QUESTIONNAIRE**

ICTC CONTRACT NO. 20-101

11-IMP-007-PM0.0

Project ID 1118000265

Federal Aid Project BUILD L-6471 (017)

Name of Applicant: _____

Date Submitted: _____

Preparer's Name: _____

1. The Prequalification Questionnaire (Questionnaire) shall 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, shall sign the Prequalification Certification. This page shall be completed and included with the Questionnaire.
2. All questions shall be answered completely and any "Yes" answers shall be fully explained. Disclaimers, general statements with global qualifications, or notations of Not Applicable (N/A) are not acceptable. If "Yes" to any question in this Questionnaire, Applicant shall provide details, including a brief summary of causes of action; indicate if Applicant, Key Person, or Affiliate firms were plaintiffs or defendants; define charges explicitly, by what authority, court or jurisdiction, etc. Please note that a "Yes" answer to any question does not automatically result in denial of prequalification for a particular procurement. In the case of tax liens, please indicate whether the liens were resolved with the tax authorities. Please submit proof of payment or agreements to pay the liens. Complete details are required.
3. Applicant is defined as each Major Participant to the RFQ for this Project. If the Proposer is not yet a legal entity, each Major Participant and joint venture member shall complete the Questionnaire.
4. For purposes of prequalification a Key Person is:
 - a) Any person in Applicant firm who owns 10 percent 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.
5. See Section 4.0, "SOQ Submittal Requirements," of the RFQ for the Questionnaire submittal requirements.
6. ICTC 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 shall provide to ICTC if awarded a Contract.

PREQUALIFICATION QUESTIONNAIRE

SECTION I: IDENTIFICATION

Identification of Applicant

Name of Applicant

Address	City	State	Zip Code
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(Mailing Address, if different from above)

Tax ID or SSN: _____

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

Primary Company Telephone Number: () ___ - ____

Fax Number: () ___ - ____, if applicable

Applicant's Contact Person (see RFQ):

Print or Type Name	Position	e-mail	Telephone Number
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Has the Applicant changed its address or has the firm or its owner operated under any other names, including other DBAs in the past five years? If yes, explain fully on a separate sheet of paper.

__ No __ Yes

Type of business organization:

Year organization established: _____

Number of current employees: _____

Sole Proprietor Corporation:

Date and State of Incorporation: _____

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

Date and State of Partnership filing:

Other (describe):

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

Full Legal Name	Title	Ownership Percentage %

[Use additional sheets if necessary]

Related Entities (Affiliates/Subsidiaries/Joint Ventures)

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

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

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

SECTION II: OWNERSHIP/MANAGEMENT, PROJECT TEAM MEMBERS, AND RELATED ENTITIES			
	QUESTION	NO	YES
	At any time during the past five (5) years have any Owners or Key Persons of Applicant (if yes, explain fully):		
	Served as Key Person, Officer or Director, in any other firm not affiliated with Applicant? If so, please explain in a separate sheet.		
	Had any ownership interest in any other firm other than shares of publicly owned companies? If so, please explain in a separate sheet.		

SECTION III - CONTRACTING HISTORY

List the Applicant’s three (3) largest government contracts or subcontracts. If none, list the three (3) 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.)			

Any “Yes” answers to questions in Sections III, IV, V, VI or VII below shall be fully explained on a separate sheet of paper and attached to this application.

SECTION III: CONTRACTING HISTORY			
	QUESTION	NO	YES
	Is the Applicant currently certified as a Disadvantaged Business Entity?		
	Is the Applicant currently certified as a CA Small Business?		

SECTION III: CONTRACTING HISTORY			
	QUESTION	NO	YES
	Is the Applicant or any of its Affiliates, Key Persons or any other known Subcontractors that Applicant intends to use on the Project ineligible to bid or work on, or be awarded, a public works project pursuant to Labor Code §§ 1777.1 or 1777.7?		
	During the past five (5) years, has Applicant or any of its Key Persons had any certificates or certifications revoked or suspended, including Disadvantaged Business Certifications?		
	In the past five years has the Applicant or any Affiliate been suspended, debarred, disqualified, or otherwise declared ineligible to bid?		
	In the past five (5) years has the Applicant or any Affiliate failed to complete a contract?		
	In the past five (5) years has the Applicant or any Affiliate been denied a low-bid contract in spite of being the responsive low bidder?		
	In the past five (5) years has the Applicant or any Affiliate had a contract terminated for any reason, including default?		
	In the past five (5) years has the Applicant or any Affiliate had liquidated damages assessed against it during or after completion of a contract?		
SECTION IV: CIVIL ACTION			
	<p>Violations of Civil Law:</p> <p>In the past five (5) years has Applicant, any of its Key Persons, or any Affiliate been the subject of an investigation of any alleged violation of a civil antitrust law, or other federal, state or local civil law?</p>		
	<p>Lawsuits with Public Agencies:</p> <p>At the present time is, or during the past five (5) years has the Applicant, any of its Key Persons, or any Affiliate been a plaintiff or defendant in any lawsuit regarding services provided to a public agency?</p>		
	<p>Bankruptcy:</p> <p>During the past five (5) years, has the Applicant or any Affiliate filed for bankruptcy or reorganization under the bankruptcy laws?</p>		
	<p>Judgments, Liens and Claims:</p> <p>During the past five (5) years, has the Applicant been the subject of a judgment, lien or claim of \$25,000 or more by a subcontractor or supplier?</p>		

SECTION III: CONTRACTING HISTORY			
	QUESTION	NO	YES
	<p>Tax Liens:</p> <p>During the past five (5) years, has the Applicant been the subject of a tax lien by federal, state or any other tax authority?</p>		
SECTION V: COMPLIANCE WITH LAWS AND OTHER REGULATIONS			
<i>Criminal</i>	In the past five (5) years has the Applicant, any of its principals, officers, or Affiliates been convicted or currently charged with any of the following:		
	Fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement or transaction?		
	Federal or state antitrust statutes, including price fixing collusion and bid rigging?		
	Embezzlement, theft, forgery, bribery, making false statements, submitting false information, receiving stolen property, or making false claims to any public agency?		
	Misrepresenting minority or Disadvantaged Business Entity status with regard to itself or one of its subconsultants and/or subcontractors?		
	Non-compliance with the prevailing wage requirements of California or similar laws of any other state?		
	Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement?		
	Falsification, concealment, withholding or destruction of records relating to a public agreement or transaction?		
	Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction?		
	Do any Key Persons employed with the Applicant have any felony charges pending against them that were filed either before, during, or after their employment with the Applicant?		
<i>Regulatory Compliance</i>	In the past five (5) years, has Applicant, any of its Key Persons, or Affiliates:		
	Been cited for a violation of any labor law or regulation, including, 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?		

SECTION III: CONTRACTING HISTORY			
	QUESTION	NO	YES
	Been cited for a violation of federal, state or local environmental laws or regulations?		
	Been cited for an OSHA or Cal/OSHA "serious violation"?		
	Failed to comply with California corporate registration, federal, state or local licensing requirements?		
	Had its corporate status, business entity's license or any professional certification, suspended, revoked, or had otherwise been prohibited from doing business in the State of California, in the last three (3) years?		
SECTION VI: ETHICS POLITICAL, CHARITABLE, AND OTHER CONTRIBUTIONS			
Political, Charitable, and Other Contributions	Has the Applicant, any of its Key Persons, or Affiliates ever, regardless of amount? IF YES TO ANY OF THE BELOW, SUBMIT LIST OF CONTRIBUTIONS AND FULL DETAILS		
	Given (directly or indirectly), or offered to give on behalf of another or through another person, money, contributions (including political contributions), or other benefits, to any current State Official?		
	Given or offered to give on behalf of another, money, contributions, or other benefits, directly or indirectly, to any current or former State employee?		
	Been directed by any State employee, State official, or contractor to offer or give money, contributions or other benefits, directly or indirectly, to any current or former State employee or official?		
	Directed any person, including employees or subconsultants or subcontractors, to give money, contributions or other benefits, directly or indirectly, to any current or former State employee or official, or to someone else in order to benefit a State employee or official?		
	Been solicited by any State employee or official to make a contribution to any charitable nonprofit organization?		

SECTION III: CONTRACTING HISTORY			
	QUESTION	NO	YES
SECTION VII: STATUTORY COMPLIANCE			
	<p>Has the Applicant, any of its Key Persons, subsidiaries or Affiliates ever been an “expatriate corporation” as that term is defined in Public Contract Code (PCC) §10286.1(b)?</p> <p>IF YES, provide the date such “expatriate corporation” was established: _____</p> <p>If YES, does the entity meet the requirements of PCC §10286.1(b)(2)(A) or (B)?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes, the entity meets the requirements of PCC §10286.1(b)(2)(A); OR</p> <p><input type="checkbox"/> Yes, the entity meets the requirements of PCC §10286.1(b)(2)(B).</p>		
	<p>Has the Applicant, any of its Key Persons, Affiliates, officers, or any employee who has a proprietary interest in the Applicant 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?</p>		
	<p>Has there been a settlement against any member of the Applicant 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)?</p>		
	<p>Has any member of the Applicant been debarred, disqualified, or removed from a federal, state, or local government public works project?</p>		
	<p>Has there been any instance where the Applicant, or its owners, officers, or managing employees submitted a bid on a public works project and were found to be non-responsive or were found by an awarding body not to be a responsible bidder?</p>		
	<p>Has there been any instance where the Applicant, or its owners, officers, or managing employees defaulted on a construction contract?</p>		
	<p>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?</p>		
	<p>Has there been any bankruptcy or receivership of any member of the Applicant, including information concerning any work completed by a surety?</p>		

SECTION III: CONTRACTING HISTORY			
	QUESTION	NO	YES
	Provide a list of contract disputes greater than \$50,000 on public works projects over the last five years that have been resolved or are in the process of being resolved through alternative dispute resolution (e.g., dispute review board), mediation, arbitration or litigation. Please include project owner, short project description, bid price, disputed amount, results of any resolved disputes and status of unresolved disputes.		
	Has any work been completed by a surety during the last five (5) years?		

SECTION VIII: ADDITIONAL DOCUMENTATION REQUIRED

Copies of all the following documents requested are to be submitted with this Questionnaire:

- a) Applicant’s Current Local Business Licenses, if required by city, county, or state.
- b) Applicant’s Financial Statements (see specific requirements below):
 - i. PUBLICLY TRADED COMPANIES: Financial information will be retrieved on-line. If additional information is needed, it will be specifically requested from the firm.
 - ii. 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 (3) years.
 - iii. 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, shall certify these financial statements.
 - iv. SOLE PROPRIETORSHIPS: If financial statements are not generated, please complete and sign the Financial Statement form, attached. Submit one (1) form for each of the most recent three (3) years.

SECTION IX: FINANCIAL STATEMENT

To be completed by Applicants who are Sole Proprietorships and do not produce company-generated financial statements (balance sheet, statement of earnings and retained income). Complete one (1) 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 (12) months	\$ _____
Notes Payable to Others	\$ _____
Taxes Payable	\$ _____
Long Term Liabilities (More than twelve [12] months)	\$ _____
Other Liabilities	\$ _____
Total Liabilities	\$ _____
Net Worth	\$ _____

INCOME FROM OPERATIONS

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

This information is provided for prequalification 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 prequalification and possible debarment for a period of five (5) years.

Signature of Owner or Officer

Date Signed

Company Name

For the Year Ended

Federal ID #

PREQUALIFICATION CERTIFICATION

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

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 the Design-Builder, 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 Questionnaire, and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this Questionnaire is complete, current, and true. I further acknowledge that any false, deceptive, or fraudulent statements on the Questionnaire will result in denial of prequalification.

I authorize ICTC 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 ICTC.

Signature of Certifying Individual

Date Signed

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California)

County of _____)

On _____ before me, (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within the instrument and acknowledged to me that he/she/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 forgoing paragraph is true and correct.

WITNESS my hand and official seal:

Notary Public Signature

Notary Public Seal

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Imperial County Transportation Commission (ICTC) at (760) 592-4994, or write to ICTC, 1503 North Imperial Avenue, Suite 104, El Centro, CA 92243.

NOTICE TO APPLICANTS

A materially false statement, omission or fraudulent inducement made in connection with this prequalification questionnaire is sufficient cause for denial of the questionnaire. 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 ICTC in connection with prequalification 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.

APPENDIX F: CRITERIA WEIGHTING FORM

CRITERIA WEIGHTING FORM

Section	Requirement	Score
3.5	<u>Proposer Experience and Past Performance</u>	
3.5.1(a)	Experience in managing, designing, and constructing projects of the size and complexity of this Project. (maximum 15 pts.)	
3.5.1(b)	Experience in designing and constructing highway improvements and bridge widenings in secure and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, maintaining site security during design and construction, and implementing community and stakeholder relations and outreach programs of projects of the size and complexity of this Project. (maximum 15 pts.)	
3.5.1(c)	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 ICTC and in a cohesive and seamless manner. (maximum 5 pts.)	
3.5.1(d)	A design firm that has completed contracts for design of transportation facilities comparable to the Project. (maximum 10 pts.)	
3.5.1 (e)	Experience with working with multiple governmental agencies such as ICTC, Caltrans, CBP, IID, and GSA and understanding their various Project roles. (maximum 5 pts.)	
3.6	<u>Proposer's Organization and Key Personnel</u>	
3.6 (a)	Efficient and concise organization chart indicating clear lines of responsibility and communication between the Proposer's management, quality control, and design and construction delivery teams. (maximum 5 pts.)	
3.6.1 (a)	Qualifications of the proposed Project Manager. (maximum 20 pts.)	
3.6.1 (b)	Qualifications of the proposed Quality Manager. (maximum 15 pts.)	
3.6.1 (c)	Qualifications of the proposed Design Manager. (maximum 15 pts.)	
3.6.1 (d)	Qualifications of the proposed Construction Manager. (maximum 10 pts.)	
3.6.1 (e)	Qualifications of the proposed Design Lead Engineer – Roadway (Engineer of Record). (maximum 10 pts.)	
3.6.1 (f)	Qualifications of the proposed Design Lead Engineer – Structures (Engineer of Record). (maximum 20 pts.)	
3.6.1 (g)	Qualifications of the proposed Geotechnical Engineer. (maximum 5 pts.)	
Total Score for Proposer Organization and Key Personnel and Proposer Experience and Past Performance (Total score for these categories cannot exceed 150)		

CRITERIA WEIGHTING FORM

Section	Requirement	Score
3.7	<u>Project Understanding and Approach</u>	
3.7.1 (a)	Identification of Project elements, Project’s local and regional significance, and the relationships of the Project elements and constraints and their effect on the Project Schedule. (maximum 10 pts.)	
3.7.1 (b)	Proposed methodology for integrating the design-build entity and associated Key Personnel into an efficient and effective organization in cooperation with the ICTC’s Project team and approach reflects an understanding of design-build methodology for transportation projects. (maximum 10 pts.)	
3.7.1 (c)	Proposer’s organization and approach align with and support the design-build process to ensure a successful Project, considering ICTC’s Project goals listed in <u>Section 1.4</u> and a feasible approach to achieving the planned schedule. (maximum 10 pts.)	
3.7.1 (d)	That the Proposer has carefully considered anticipated top priority construction, design, traffic management, Right of Way, site security, environmental, and stakeholder risks of the Project in terms of Project constraints and lays out feasible proposed solutions or mitigation measures to identified risks. (maximum 5 pts.)	
3.7.1 (e)	That the Proposer has addressed its plan and approach to complying with the GSA requirements listed in <u>Section 3.7</u> of this RFQ. (maximum 5 pts.)	
3.7.1 (f)	An approach to ensure availability of skilled labor for the Project, providing the necessary security clearance requirements for site Work. (maximum 5 pts.)	
3.8	<u>Quality Management Program</u>	
3.8.1 (a)	Ensuring quality during both design and construction. (maximum 5 pts.)	
3.8.1 (b)	Coordination between ICTC and the Design-Builder organization and with other agencies. (maximum 5 pts.)	
3.8.1 (c)	Coordination of quality efforts with other agencies, including Caltrans, IID, and USBR. (maximum 5 pts.)	
Total Score for Project Understanding and Approach and Quality Management Program (Total score for these categories cannot exceed 60)		