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**A D D E N D U M**

**covering**

**CHANGE IN SPECIFICATIONS AND/OR SCOPE OF SERVICES**

Date Issued: October 5, 2010

Addendum No.: 1

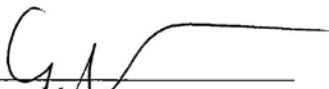
RFQ Number: 11-31-031-00 (SR-91 Corridor Improvements Project in Riverside County)

Procurement Officer: Gregory Moore, Procurement and Assets Manager

INTENT

1. Issuance of this addendum is intended to modify Request for Qualifications (RFQ) No. 11-31-031-00, issued September 2, 2010. Acknowledgment of this addendum shall be made in the Proposer's Transmittal Letter, see RFQ Appendix 'C', Form A (Rev.1), insofar as each Proposer is required to list on Form A all addenda to the RFQ, and sets of questions and answers issued by RCTC, by dates and/or set numbers.
2. RFQ No. 11-31-031-00 is hereby modified as detailed in RFQ No. 11-31-031-00 (Rev. 1). For your convenience, attached please find both a "red-lined" and "conformed" version of the revised RFQ. Under the red-lined version of RFQ No. 11-31-031-00 (Rev. 1), underline denotes an addition and strikethrough denotes a deletion. In the conformed version, the red-lined changes have been accepted and incorporated into RFQ No. 11-31-031-00 (Rev. 1). Appendix 'C' has also been provided under this addendum in order to facilitate completion of the revised forms included under RFQ No. 11-31-031-00 (Rev. 1).
3. The SOQ submittal deadline remains Thursday, October 21, 2010 at 3:00 p.m. Pacific Time.
4. All other terms and conditions of the RFQ shall remain the same.

Issued by:

  
\_\_\_\_\_  
Gregory Moore  
Procurement and Assets Manager

Attachment(s): RFQ No. 11-31-031-00 (Rev. 1) – *Red-lined Version (All/.pdf)*  
RFQ No. 11-31-031-00 (Rev. 1) – *Conformed Version (All/.pdf)*  
Appendix 'C': FORMS (Rev. 1) – *(Forms Only/MSWord)*

RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
REQUEST FOR QUALIFICATIONS (RFQ)

RFQ Number: 11-31-031-00 ([Rev. 1](#))

To Design and Construct the State Route 91 Corridor Improvements Project

Through a Design-Build Contract

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

4080 Lemon Street, 3<sup>rd</sup> floor  
Riverside, CA 92501  
Mailing address: P.O. Box 12008  
Riverside, CA 92502-2208

Key RFQ Dates:

Issue RFQ	September 2, 2010
Final Date for Receipt of Proposers' Questions	September 21, 2010
SOQ Due Date	October 21, 2010

[Addendum 1 – Dated October 5, 2010](#)

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**APPENDIX A: PROJECT DESCRIPTION, DESIGN-BUILDER RESPONSIBILITIES, AND PROJECT STATUS**

**APPENDIX B: FORMAT AND ORGANIZATION OF STATEMENT OF QUALIFICATIONS**

**APPENDIX C: FORMS**

**APPENDIX D: DRAFT COOPERATIVE AGREEMENT FOR DESIGN-BUILD OF THE STATE ROUTE 91 TOLL FACILITIES AND CORRIDOR IMPROVEMENTS PROJECT**

**APPENDIX E: DRAFT COOPERATIVE AGREEMENT FOR STATE ROUTE 91 EXPRESS LANES AND CORRIDOR IMPROVEMENTS BETWEEN RIVERSIDE COUNTY TRANSPORTATION COMMISSION AND ORANGE COUNTY TRANSPORTATION AUTHORITY**

**ATTACHMENT 1: RCTC CONFLICT OF INTEREST POLICY**

**ATTACHMENT 2: SCORING FORM**

**SUBJECT: NOTICE OF REQUEST FOR QUALIFICATIONS  
FOR A DESIGN-BUILD CONTRACT  
FOR THE STATE ROUTE 91 CORRIDOR IMPROVEMENTS PROJECT**

Gentlemen/Ladies:

The Riverside County Transportation Commission ("RCTC") invites Statements of Qualifications ("SOQs") from entities ("Proposers") wishing to submit proposals to design and construct the State Route 91 Corridor Improvements Project ("Project") through a design-build contract. RCTC is issuing this Request for Qualifications ("RFQ") pursuant to Public Contract Code section 6800 *et seq.* RCTC plans to request proposals from pre-qualified firms to perform design-build services. Pre-qualification will be based on the SOQs provided by responding firms, as set forth herein.

Proposers are advised that the Design-Builder will be required to hold a State of California contractor's license.

SOQs must be submitted no later than 3:00 p.m. Pacific Time on October 21, 2010. The Proposer's SOQ will be limited to 60 pages with certain page limitations. See the attached Request for Qualifications package Appendix B for further details regarding submission of SOQs.

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SOQs delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

Riverside County Transportation Commission  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501  
Attention: Mr. Greg Moore  
Procurement and Assets Manager

SOQs delivered using the U.S. Postal Service shall be addressed as follows:

Riverside County Transportation Commission  
P. O. Box 12008  
Riverside, CA 92502-2208  
Attention: Mr. Greg Moore  
Procurement and Assets Manager

SOQs and amendments to the SOQs received after the date and time specified above will be returned to the Proposers unopened. Faxed or electronically submitted SOQs will not be accepted.

It is RCTC's intent that all firms obtain the full content of this Request for Qualifications, Attachments, Appendices, [Response to Questions](#), and all Addenda via RCTC's website located at [www.rctc.org/rfps.asp](http://www.rctc.org/rfps.asp). The RFQ contains specific protocols relating to discussion and other communications regarding this RFQ. Any violation of these provisions may result in immediate disqualification of a Proposer's SOQ.

Prospective firms are encouraged to promptly notify RCTC of any apparent major inconsistencies, problems, or ambiguities in the RFQ.

# 1 INTRODUCTION AND GENERAL INSTRUCTIONS

Riverside County Transportation Commission ("RCTC") hereby requests Statements of Qualifications ("SOQs") from entities ("Proposers") interested in submitting proposals for the design and construction of the State Route (SR) 91 Corridor Improvements Project ("Project") through a design-build contract. The Project, further defined in [Appendix A](#), is intended to address much-needed congestion relief in the region, and RCTC is using the design-build methodology to reduce cost and expedite completion of the Project.

RCTC is issuing this Request for Qualifications ("RFQ") pursuant to Public Contract Code section 6800 *et seq.* The Project will consist of reconstruction, as further defined in [Appendix A](#), that will be funded with Federal-aid dollars, thereby requiring that the successful Proposer adhere to all pertinent Federal requirements.

The purpose of this document is to solicit information, in the form of SOQs, that RCTC will evaluate to pre-qualify the Proposers.

**ONLY THE PRE-QUALIFIED PROPOSERS WILL BE ELIGIBLE TO SUBMIT PROPOSALS FOR THE DESIGN-BUILD SERVICES FOR THE PROJECT.**

## 1.1 Abbreviations

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

Caltrans	California Department of Transportation
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
FHWA	Federal Highway Administration
IQA	Independent Quality Assurance
OJT	On the Job Training
QA	Quality Assurance
QC	Quality Control
RCTC	Riverside County Transportation Commission
RFP	Request for Proposals
RFQ	Request for Qualifications
SOQ	Statement of Qualifications
TRC	Technical Review Committee

## 1.2 Definitions

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

Term	Definition
Addenda/Addendum	Supplemental additions, deletions, and modifications to the provisions of the RFQ issued after the advertisement date of the RFQ.
<a href="#">Affiliate</a>	<a href="#">Includes parent companies, subsidiary companies and partners (in the reporting entity), and other financially liable parties for that entity.</a>
Contract	The written agreement between RCTC and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment.
Design-Builder	The team, if any, that is selected pursuant to the RFP <a href="#">and that enters into the Contract with</a> RCTC to design and construct the Project.

Term	Definition
Designer	The <b>Principal-Major</b> 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. "Firm" shall mean the firm that employs the Design Manager.
Disadvantaged Business Enterprise (DBE)	A for-profit small business concern as defined in 49 CFR Part 26.
Final Acceptance	Written confirmation by RCTC that the Project has been completed in accordance with the Contract, with the exception of latent defects and warranty obligations, if any, and has been accepted.
Independent Quality Assurance	Activities that are an unbiased and independent evaluation of all the sampling and testing procedures and equipment calibration. The Independent Quality Assurance for the Project will be performed by RCTC or RCTC's representative.
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> of the RFQ. Additional key personnel positions for the Project may be identified in the RFP.
Major Participant	Each of the following entities on the Proposer's team: <ul style="list-style-type: none"> <li>- All partners or joint venture members;</li> <li>- All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 15% or greater equity interest in the Proposer;</li> <li>- The bridge, grading, and paving contractor; and/or</li> <li>- The lead engineering/design firm(s) (firms, partnerships, or joint venture members) and each engineering/design sub-consultant that will perform 20% or more of the design work.</li> </ul>
Principal Participant	Any of the following entities: <ul style="list-style-type: none"> <li>- The Proposer;</li> <li>- If the Proposer is a joint venture, partnership, limited liability company, or other form of association, any joint venturer, partner, or member; and/or</li> <li>- Any person holding (directly or indirectly) a 15% or greater equity interest in the Proposer.</li> </ul>
Project	The SR-91 Corridor Improvements Project.
Proposal	The proposal submitted by the Proposer in response to the RFP, including any revisions thereto.
Proposer	<del>A team</del> <u>The entity</u> , comprised of an individual, person, proprietorship, firm, partnership, limited liability partnership, professional corporation, limited liability company, business association, corporation, joint venture, combination thereof, or other legal entity however organized, <u>participating in the procurement process for the Project and participating in the procurement process for that, if successful, will enter into the Contract with RCTC to design and construct</u> the Project.
Quality Assurance (QA)	All systematic monitoring and evaluation of various aspects of the Project to ensure that standards of quality are being met, thereby providing confidence that all Work complies with the Contract and that all materials incorporated in the Work, all equipment, and all elements of the Work will perform satisfactorily for the purpose intended.

Term	Definition
Quality Control (QC)	The total of all activities that are performed by the Design-Builder, Designer, subcontractor, producer, or manufacturer to ensure that a product meets Contract requirements.
Quality Program	The overall QC, QA, and associated activities performed by the Design-Builder and RCTC and their interrelationships to ensure that all Work complies with the Contract.
Request for Proposals	A written solicitation issued by RCTC seeking Proposals to undertake the Project to be used to identify the Proposer offering the best value to RCTC. The RFP will be issued only to pre-qualified Proposers.
Request for Qualifications (RFQ)	The written solicitation issued by RCTC to identify pre-qualified Proposers eligible to receive the RFP for the Project.
Statement of Qualifications (SOQ)	The information prepared and submitted by a Proposer in response to this RFQ.
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 Goals

RCTC's goals for the Project are:

- A) Successfully deliver the Project no later than July 2016;
- B) Implement an effective safety program;
- C) Construct a high-quality Project with improved roadway safety to accommodate traffic volumes as defined within the Project scope;
- D) Minimize impact on the public during Project construction; and
- E) Maintain good public relations during construction through an effective public information program and efficient maintenance of traffic.

### 1.4 Role of RCTC

In the context of the Project, RCTC is responsible for:

- A) Serving as Project sponsor and lead agency in charge of overall program administration;
- B) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of pre-qualified Proposers, and selection of Design-Builder;
- C) Contract procurement, award, and administration;
- D) Providing due diligence information and data included in the RFP;
- E) Acquisition of rights-of-way and permanent easements identified in the RFP;
- F) Utility, railroad, and other agreements;
- G) Preliminary surveying;
- H) Owner acceptance, inspection, and testing;
- I) Final acceptance of the Work and payment for Work performed; and
- J) Relations with media, public, and public officials.

At RCTC's sole discretion, it may use its consultants in fulfilling the responsibilities noted in this [Section 1.4](#).

## 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 RCTC and could be changed, modified, reduced, or expanded with the release of the RFP.

## 1.6 Role of Caltrans

The State of California Department of Transportation (Caltrans) is a public agency authorized under sections 90, 100.1, 116, and 143 of the Streets and Highways Code; sections 130050, 130058, 130240, *et seq.* and section 240202 of the Public Utilities Code; and section 6800 *et seq.* of the Public Contracts Code and other relevant statutes to take steps to relieve congestion on California transportation systems through design-build delivery for specified facilities approved by California Transportation Commission (CTC). On April 7, 2010, the CTC authorized RCTC to use the design-build delivery method for the State Route 91 corridor in Riverside County.

Caltrans and RCTC have developed an agreement to cooperate in the design-build of the SR-91 Corridor Improvements Project (Project). A draft of the agreement commonly known as the "COOPERATIVE AGREEMENT FOR DESIGN-BUILD OF THE STATE ROUTE 91 TOLL FACILITIES AND CORRIDOR IMPROVEMENTS PROJECT" has been approved by the RCTC Commission and can be found in [Appendix D](#). The final form of the Agreement will be included in the RFP for distribution to the pre-qualified Proposers.

## 1.7 Role of Orange County Transportation Authority

Orange County Transportation Authority (OCTA) is a public sector multi-modal regional transportation agency serving Orange County, California. OCTA was formed under State law in 1991, combining seven separate Orange County agencies that managed transportation planning within the county. OCTA is the region's transportation planning and mass transit provider providing county-wide bus and para-transit service; Metrolink rail service; freeway, street, and road improvements; motorist aid services; and regulation of taxi operations. OCTA also manages and operates the existing 91 Express Lanes toll facility under a franchise agreement with the State of California.

The 91 Express Lanes is a four-lane, 10-mile, electronically tolled expressway constructed in the median of State Route 91 running from State Route 55 in Anaheim, CA to the Orange/Riverside County Line. Toll operations for the facility are operated by Cofiroute USA under an agreement with OCTA.

The SR-91 Corridor Improvements Project includes certain roadway improvements west of the Orange/Riverside County Line to facilitate the construction and seamless operation of the OCTA/RCTC 91 Express Lanes. These improvements will involve OCTA in specific activities in the development and implementation of the Project, including the tie-in activities of the Project to the existing 91 Express Lanes.

OCTA's involvement in the Project is presently being defined under a cooperative agreement with RCTC with respect to the cooperation, roles, and responsibilities of the two parties in relation to the work performed in Orange County. A draft of this agreement, referenced as "COOPERATIVE AGREEMENT FOR STATE ROUTE 91 EXPRESS LANES AND CORRIDOR IMPROVEMENTS BETWEEN RIVERSIDE COUNTY TRANSPORTATION COMMISSION AND ORANGE COUNTY TRANSPORTATION AUTHORITY," has been approved by the RCTC Commission and can be found in [Appendix E](#). The final Agreement will be included in the RFP for distribution to the pre-qualified Proposers.

## 1.8 Federal Requirements

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

## 1.9 Overall Procurement Process

The procurement process for the Project consists of three steps. Step one starts with issuance of this RFQ and will result in the pre-qualification of potential Proposers eligible to receive the RFP. The second step includes issuance of an RFP to the pre-qualified Proposers requesting submittal of Proposals for a design-build contract for the Project and RCTC's receipt and evaluation of Proposals. The third step will commence with RCTC's selection of the apparent "best value" Proposer for limited negotiations and will conclude with RCTC approval and award of a Contract to the Proposer that submitted the best value proposal, or with termination of the procurement. If negotiations with the originally selected firm are not successful, RCTC may suspend or terminate such negotiations and proceed to negotiations with the next highest rated firm. Specific details concerning the RFP phase of the procurement and any modifications to the above shall be set forth in the RFP. RCTC, in its sole discretion, reserves the right, among others, to suspend, modify, or terminate this procurement at any time.

## 1.10 Contract Type

The Contract will be a fixed-price, lump-sum, design-build contract.

## 1.11 Addenda

RCTC reserves the right to revise this RFQ by issuing addenda to this RFQ at any time before the SOQ due date specified in [Section 2.2](#). RCTC will post any addenda to this RFQ on the following website: [www.rctc.org/rfps.asp](http://www.rctc.org/rfps.asp).

Proposers are responsible for monitoring the website identified above for information concerning this procurement as teams responding to this RFQ will be required to acknowledge in the transmittal letter ([Appendix C, Form A](#)) that they have reviewed all materials posted thereon.

## 1.12 Questions and Clarifications

RCTC will consider questions regarding the RFQ submitted by Proposers in writing, including requests for clarification and requests to correct errors. All such requests must be submitted in writing in the format shown on [Appendix C, Form RFQ-C](#) to the RCTC Procurement and Assets Manager identified in [Section 1.13](#). Only written requests will be considered. No oral requests or questions by phone will be accepted or considered. No requests for additional information or clarification to any other RCTC office, consultant, employee, or the FHWA or other agency will be considered.

Include an electronic copy of the questions on [Appendix C, Form RFQ-C](#) on compact disk (CD) or by electronic mail (e-mail) with the written request.

Questions must include the requestor's name, address, e-mail address, telephone and fax numbers, and the Proposer he/she represents.

Proposers are responsible for ensuring that any written communications clearly indicate on the first page or in the subject line, as applicable, that the material relates to the Project. RCTC will provide responses to Proposer clarification requests within a reasonable time following receipt, subject to the cut-off dates set forth in [Section 2.2](#). RCTC will post responses to those questions of general application and requests for clarifications that RCTC deems to be material and that are not adequately addressed in previously provided documents on the following website: [www.rctc.org/rfps.asp](http://www.rctc.org/rfps.asp).

## 1.13 Rules of Contact

The following rules of contact shall apply during the procurement for the Project. These rules are designed to promote a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, facsimile, e-mail, or formal written communication.

RCTC's Greg Moore will serve as the primary point of contact during the RFQ procurement phase of the Project. Mr. Moore will be supported by a core team of engineering, operations, contracts, and public relations staff members and advisors, including those groups listed in [Section 2.3](#) below. As the RCTC point of contact, Mr. Moore is RCTC's sole contact person and addressee for receiving all communications about the Project during the RFQ procurement process, and Proposers are prohibited from contacting any RCTC 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 fax, e-mail, or letter. Only written inquiries will be accepted:

Mail: Mr. Greg Moore  
RCTC: Procurement and Assets Manager  
P.O. Box 12008  
Riverside, California 92502-2208

Fax: 951/787-7906

E-mail: [SR91DesignBuild@rctc.org](mailto:SR91DesignBuild@rctc.org)

Mr. Moore is the only individual allowed to discuss this RFQ with any interested parties, including Proposers. Any information from other sources may not be accurate, and use of such information is at the sole risk of the Proposer(s).

### 1.13.1 Communication Process

RCTC is the single source of information regarding the Contract procurement. The procurement process begins on the date of issuance of this RFQ, and is anticipated to be completed with the award of the Contract. The following rules of contact are now in effect:

- A) After submittal of SOQs, no Proposer or 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, except that a Proposer may communicate with a subcontractor that is on both its team and another Proposer's team, so long as those Proposers establish a protocol to ensure that the subcontractor will not act as a conduit of information between the teams (communications among Proposers and team members is allowed during RCTC sponsored workshops and meetings);
- B) Contact between the Proposers and RCTC (questions and responses to questions) shall only be through RCTC's and Proposer's designated representative. RCTC's designated representative is identified in [Section 1.13](#);
- C) The Proposers shall not contact RCTC employees or advisors, including members of the evaluation committee(s) and any official who will evaluate SOQs, regarding the Project;
- D) The Proposers shall not contact employees of OCTA, Caltrans, the City of Corona, Riverside County, and those parties identified under [Section 2.3](#) who are directly involved with the Project;
- E) Any contact determined to be improper, at the sole discretion of RCTC, may result in disqualification;
- F) Any official contact regarding the Project will be disseminated in writing from RCTC on RCTC letterhead and signed by RCTC's primary point of contact identified in [Section 1.13](#); and
- G) RCTC will not be responsible for any oral communication or any other information or contact that occurs outside the official communication process specified herein.

### 1.14 Pre-Contractual Expenses and Stipend

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

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

### 1.15 Conflict of Interest

RCTC has developed a project-specific Conflict of Interest policy for the Project. A copy of the current policy is enclosed as [Attachment 1](#) to this RFQ.

### 1.16 Proposer Requirements

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

**Organizational and Personnel Changes:** Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after they have been pre-qualified, their organization, including all Principal Participants, Major Participants, specialty subcontractors, and key management personnel identified in the SOQ, must remain intact for the duration of the procurement process and thereafter throughout the term of the Contract. A Proposer may propose substitutions for participants after the SOQ submittal; however, such changes will require prior written approval by RCTC, which may be granted or withheld in RCTC's sole discretion. Requests for changes must be made in writing no later than 30 days prior to the due date for submittal of Proposals.

The Proposer should carefully consider the make-up of its team prior to submittal of the SOQ. Changes to the Proposer's organization will be justification for RCTC to revoke a previous determination pre-qualifying a Proposer.

**Minimum Requirements:** In order to be pre-qualified, the Proposer must meet all SOQ responsiveness as set forth in [Section 4.3.1](#), meet the minimum passing criteria for legal, financial, and safety requirements as set forth in [Section 4.3.2](#) for non-scored elements of the SOQ, and obtain a passing score on each of the scored elements of the SOQ as set forth in [Section 4.3.3](#).

**Non-Disclosure Requirement:** The Proposer may be given access to records, which are confidential under State laws, solely for the purpose of performing the required services under the Contract. The Proposer shall be required to sign a non-disclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of the Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents.

### 1.17 Equal Employment Opportunity

In connection with this RFQ and the Contract, Proposers shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, marital status, or being physically challenged. Proposers shall take affirmative action to ensure that all applicants are treated during employment without regard to their race, color, religion, sex, national origin, age, marital status, or being physically challenged. Such action shall include, but not be limited to, the following: layoff or termination; rates of pay or other forms of compensation; employment; job assignment; upgrading; demotion; transfer recruitment/recruitment advertising; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training. Davis-Bacon wage rates are required.

### 1.18 DBE Goal

**Policy:** RCTC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of 49 CFR Part 26. For Federal-aid contracts, projects are subject to U.S. DOT DBE Design-Build provisions as set forth under Title 49 CFR Part 26 and subsequent publication of the Federal Register dated June 16, 2003 (Volume 68, Number 115). The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this Project.

As a part of the SOQ submission, Proposers responding to this RFQ must include with their submission a signed affidavit acknowledging the Firm's commitment to comply fully with U.S. DOT DBE Design-Build provisions as set forth under Title 49 CFR Part 26 and subsequent publication of the Federal Register dated June 16, 2003 (Volume 68, Number 115) and the Overall Project DBE Goal requirements as further defined in the RFP, when issued. Proposers shall complete and return [Appendix C, Form T](#) as part of the SOQ.

**DBE Participation Goal:** The "Provisional" Overall Project DBE Goal has been established at **10.51%**. RCTC is currently in the process of securing required approvals of the proposed Overall Project DBE goal from U.S. Department of Transportation (U.S. DOT).

### 1.19 Labor Policies

**Prevailing Wages:** State prevailing wages will apply to this contract. For Federal-aid contracts, Federal prevailing wages will also apply. The applicable prevailing wages will be specified in the RFP.

**On the Job Training (OJT) Policy:** For Federal-aid contracts, projects are subject to Federal OJT participation provisions as set forth under the Caltrans Local Assistance Procedures Manual, Title 23 CFR Part 230, and FHWA-1273 Required Contract Provisions Federal-Aid Construction Contracts. Firms responding to this RFQ acknowledge such requirements and commit to fully comply with the Design-Build program provisions and Federal OJT trainee participation goal.

**OJT Participation Goal:** The Federal OJT participation goal for this Design-Build project is **103** Trainees.

**Labor Compliance Program:** RCTC is in the process of developing a labor compliance program. The Design-Builder will need to comply with applicable requirements of the program. Further information regarding the labor compliance program will be included in the RFP.

### 1.20 Insurance, Bonds, and Guarantees

**Bond Requirements:** It is currently anticipated that the selected Proposer will be required to submit payment and performance bonds upon execution of the Contract, each in the amount of \$250 million. Proposers will be required to demonstrate their capacity to obtain the required bonds.

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

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

**Insurance Requirements:** Proposers shall provide evidence of capability to provide insurance as provided in [Section 3.3 \(ED\)](#). In addition, the selected Design-Builder will be required to indemnify RCTC, RCTC's Consultants and others with respect to claims arising out of the Contract or Work.

**Guarantees:** Proposers are advised that if any Major Participant of the selected Proposer's team does not have audited financial statements as described in [Section 3.3](#), 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, RCTC may require the Proposer to provide a guarantee covering performance and financial obligations by a separate entity acceptable to RCTC. Proposers shall also note that RCTC may, in its discretion based upon the review of the information provided under [Section 3.3](#), also specify that an acceptable guarantor is required as a condition of a determination of pre-qualification. Requirements for additional financial security will be included in the RFP.

## 2 BACKGROUND INFORMATION

### 2.1 Project Description

The majority of the Project is located in Riverside County, California, while a small portion of the Project is located in Orange County, California. A general description of the Project is contained in [Appendix A](#).

The estimated cost of this Design-Build project (in 2009 U.S. dollars) is **\$664,000,000**.

### 2.2 Procurement Schedule

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

Issue RFQ	September 2, 2010
Final Date for Receipt of Proposers' Questions	September 21, 2010
SOQ Due Date	October 21, 2010
Anticipated Pre-qualification Determination	December 2010
<a href="#">Anticipated Issuance of Draft RFP</a>	<a href="#">January 2011</a>
Anticipated Issuance of <a href="#">the Final RFP</a>	First Quarter of 2011
Anticipated Proposal Due Date	Third Quarter of 2011
Anticipated Award	Fourth Quarter 2011
Anticipated Notice to Proceed	First Quarter 2012

### 2.3 RCTC Advisors/Consultant Support

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

The advisory team consists of the following:

- Parsons Brinckerhoff, Inc.
- Bechtel Corporation
- Parsons Transportation Group [Inc.](#)
- HDR, Inc.
- KPMG LLP

- Nossaman LLP
- Best Best & Krieger LLP
- Fieldman Rolapp & Associates
- The Goldman Sachs Group, Inc.
- Bank of America Corporation
- Merrill Lynch & Co., Inc.
- Cofiroute USA, LLC

### 3 CONTENT OF STATEMENT OF QUALIFICATIONS

This section describes specific information that must be included in the SOQ. SOQs must follow the outline of [Section 5](#). Proposers shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ.

#### 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, limited liability companies, or other associations, authorized representatives of all equity members of the Proposer shall sign the letter.

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

#### 3.2 Legal Structure

**Objective:** To select Proposers whose organization, legal structure, team members, and history demonstrate the Proposer ability to remain stable and viable for the duration of the Project, and be contractually bound to RCTC.

**Submittal Requirements:** Proposers shall address the following and submit it under Section 1 of the SOQ:

- Legal structure of the Proposer and its organization. If the Proposer organization has already been formed, provide complete copies of the organizational documents that allow, or would allow by the time of Contract award, the Principal/Major Participants to conduct business in the State of California. If the Proposer organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements. In the event that final agreements between Principal/Major Participants have not been finalized at the time of the SOQ submittal, Principal/Major Participants shall submit letters of agreement signed by an authorized officer of each Principal/Major Participant noting the type of relationship to be entered into prior to the Proposal (i.e., joint venture, subcontract), and the commitment of the parties to finalize the organizational documents prior to the Proposal submittal. If Proposer is a partnership, joint venture, or other association, the SOQ must identify the percentage equity interest of each member;
- If the Proposer is a partnership, limited partnership, joint venture, or other association, all members of the Proposer must agree to be fully liable for the performance under the design-build Contract by executing the transmittal letter appearing in [Appendix C, Form A](#);
- Name and describe all Principal/Major Participants as defined in this RFQ;
- 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 1.15](#));
- In cases where Principal/Major Participants on different Proposer organizations belong to the same parent company, each Proposer must describe how conflicts of interest would be avoided by the participants through the qualification and proposal phases of the Project. RCTC may disqualify a Proposer if any of its Principal/Major Participants belong to more than one Proposer organization;
- [Principal Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall complete Form Complete and execute Form-D found in Appendix C;](#)
- [Principal Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer and the Designer shall Complete Forms L-1 and L-2 found in Appendix C; and](#)

- H) [Principal Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall complete Form T found in Appendix C.](#)

### 3.2.1 Minimum Requirement for Legal Structure

A Proposer must demonstrate the following:

- A) The Proposer has the legal capability to carry out the Project responsibilities potentially allocated to it, as demonstrated by the materials provided in Section 1 of the SOQ;
- B) Each of the equity members of the Proposer have agreed to be fully and jointly and severally liable for performance under the Contract, as reflected in the executed Transmittal Letter, [Appendix C, Form A](#);
- C) The Proposer has agreed to adhere to the Project's DBE requirements as provided in [Appendix C, Form T](#); and
- D) The information disclosed in the SOQ (including [Forms D, L-1, and L-2](#)) does not materially adversely affect the Proposer's ability to carry out the Project responsibilities potentially allocated to it.

### 3.3 Financial Capacity

**Objective:** To select Proposers whose team members possess the financial capacity to enter into a contract with RCTC and the resources to successfully complete the Project.

**Submittal Requirements:** Proposer shall address the following and submit it under Section 2 of the SOQ:

- A) Provide a letter or other written documentation from a surety or insurance company stating that the Proposer is capable of obtaining a Performance Bond and Payment Bond (refer to [Section 1.20](#) for bond amounts) covering the Project ~~and any warranty periods~~. Letters indicating "unlimited" bonding capability are not acceptable;
- B) [Principal Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall provide audited financial statements for the past three3 years](#)~~Principal Participants shall provide audited financial statements for the past three years;~~
- C) ~~A) Principal Participants or if Proposer is a partnership, joint venture, or other association, all equity members of Proposer shall complete Form B (Backlog and Financial Information) found in Appendix C~~~~Principal Participants shall complete Form B (Backlog and Financial Information) found in Appendix C;~~
- D) ~~C) Principal Participants shall complete Form R (Past Revenue) found in Appendix C;~~ and
- E) ~~D) Proposers shall provide insurance certifications, either a certificate of insurance evidencing current policies of, or written evidence from an insurance company or broker indicating that the Proposer is capable of obtaining the following types of insurance: Commercial General Liability, Errors and Omissions, Auto Liability, Workers' Compensation/ Employers Liability, Pollution Liability, and Professional Liability insurance. Policy limit requirements will be specified in the RFP.~~

#### 3.3.1 Minimum Requirement for Financial Capacity

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

- A) The surety or insurance company shall be admitted to do business in the State of California;
- B) The surety or insurance company must be rated in the top two categories by two nationally recognized rating agencies, or have a "Best's Credit Rating" of at least "A minus" and "Class VIII" or better by A.M. Best Company;
- C) Proposer shall demonstrate its ability to comply with the Project's bonding requirements, as provided in [Section 1.20](#);
- D) Proposer's Principal/Major Participants shall provide evidence of capability to provide insurance as provided in [Section 3.3 \(E\)](#); and
- E) Proposer shall demonstrate its financial capability to perform and complete the Project by either: (i) providing evidence of a financial Z-Score that meets or exceeds 2.60 to be calculated as described below; or (ii) providing other evidence of financial capability that RCTC determines, in its sole discretion, to be sufficient. For single member entities, the Proposer's Z-Score will be based on the following calculation:

$$Z = 6.56(X1) + 3.26(X2) + 6.72(X3) + 1.05(X4)$$

where:

- X1 = Proposer's Working Capital / Proposer's Total Assets (as provided by the Proposer in [Appendix C, Form B](#))
- X2 = Proposer's Retained Earnings / Proposer's Total Assets (as provided by the Proposer in [Appendix C, Form B](#))
- X3 = Proposer's Earnings before Interest and Taxes / Proposer's Total Assets (as provided by the Proposer in [Appendix C, Form B](#))
- X4 = Proposer's Market Value Equity / Proposer's Book Value of Total Debt (as provided by the Proposer in [Appendix C, Form B](#)). Where the value of X4 shall not exceed 1.0.

For Proposers comprised of multiple equity members, the Proposal Z-Score shall be weighted according to each equity member's percent of equity interest in the Proposer entity. A Z-Score for each equity member shall be calculated (using the formula above), then weighted against its percentage of equity interest in the Proposer entity. The Proposer's Z-score will be the sum of the weighted scores of all equity members, calculated as follows:

$$Z = \text{Sum of (Individual Equity Member's Z-Score x Equity Member's Percent of Interest in Proposer entity)}$$

### 3.4 Safety Program

**Objective:** To identify those Proposers that can demonstrate the ability to develop and implement an effective safety program.

**Submittal Requirements:** Proposer shall address the following and submit it under Section 3 of the SOQ:

- A) Complete [Form S](#) found in [Appendix C for each Principal Participant](#).

#### 3.4.1 Minimum Requirement for Safety Program

- A) Satisfactory safety records. Proposer's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury/illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standard for its business category.
- B) Proposer demonstrates an understanding of an effective safety program.

### 3.5 Firm Experience and Past Performance

**Objective:** To identify design and construction firms with demonstrated design-build experience, expertise, competence, capability, and capacity in, and record of producing quality work on projects similar to the SR-91 Corridor Improvements Project.

**Successful Proposers will have:**

- ~~A) Experience in successfully managing, designing, and constructing projects of the size and complexity of this Project;~~
- ~~B) A record of completing contracts on time and within the fixed price;~~
- ~~C) Experience in successfully constructing major highways in sensitive environmental areas and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, and implementing community relations and outreach programs of projects of the size and complexity of this Project;~~
- ~~D) A record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;~~
- ~~E) The technical and management experience and expertise to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project;~~
- ~~F) The ability to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with RCTC in a cohesive and seamless manner; and~~
- ~~G) A design firm that has completed one or more contracts for construction of transportation facilities comparable to the Project.~~

**Requirements and Information:** The following shall be submitted under Section 4 of the SOQ:

A) Provide a brief narrative summary of the capability and capacity of each Principal/Major Participant and the environmental compliance firm. Summaries shall be a maximum of two pages for each firm; the format is at the discretion of the Proposer.

A)B) Proposer shall use and complete Forms PP-1 and PP-2 found in Appendix C for each Principal/Major Participant, based on experience over the past 5 years.

B)C) Firm Experience: Using Appendix C, Form E-1 (Project Description), show the firm's experience by providing no more than four project descriptions for each Principal/Major Participant. Highlight experience in the past 15 years on completed projects having a scope comparable to that anticipated for the Project. Describe, for each Principal/Major Participant, at least one but a maximum of four design-build projects of similar complexity and size as the Project that each Principal/Major Participant has managed, designed, and/or constructed. The Designer is considered a key part of the Design-Builder's organization, and the Designer's experience must be identified in the SOQ. If Designer is a joint venture or partnership, each member or partner shall submit an independent Form E-1. For the projects in which several of the proposed Principal/Major Participants were involved, Proposers may provide a single project description. Descriptions of design-build projects should highlight experience relevant to this Project that Principal/Major Participants have gained in the last 15 years. Describe design-build projects with levels of scope comparable to that anticipated for this Project. Describe the experiences that Principal/Major Participants could apply to this Project. In particular, demonstrate design-build experiences in each of the following areas:

- Designer's transportation facility experience;
- Highway and highway structures;
- Urban freeway reconstruction under traffic;
- Construction/reconstruction using innovative designs, methods, and materials;
- Construction in environmentally sensitive areas;
- Warranties;
- Design and construction activity interaction or integration;
- Community relations (including website development and maintenance); and
- Coordination with toll systems and ITS systems procurement, installation, and integration.

Each project description must include the following information as appropriate:

- Name of the project and the owner's contract number;
- Owner's name, address, contact person, and current telephone and fax numbers;
- Dates of design, construction, management, and/or warranty periods;
- Description of the work or services provided and percentage of the overall project actually performed by (each of) the Principal/Major Participant(s);
- 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;

• Initial construction bid price and final construction contract price for the project, including the quantity and dollar value of contract modifications and claims, and an explanation of the causes for construction contract change(s), whether upward or downward; and

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- Record of cost and schedule growth or reduction, including experience with techniques to achieve goals of avoiding delays and minimizing claims.

D) Penalties, Claims/Litigation, and Termination: Proposer shall use and complete Form PP-1 found in Appendix C for each Principal/Major Participant to address the following issues as appropriate for the past 5 years.

- Describe any project that resulted in assessment of liquidated damages against any Principal/Major Participant within the last five-5 years. Describe the delays and the amounts assessed.
- Describe any outstanding damage claims for projects in which any of the Principal/Major Participants were involved within the last five-5 years.
- Describe the conditions surrounding any contract (or portion thereof) entered into by any Principal/Major Participant within the last five-5 years that has been terminated for cause or that required completion by another party. Describe the reasons for termination and the amounts involved.
- For each instance of litigation, liquidated damages, or termination for cause, identify the project owner's representative and his or her current phone number.
- History of claims and litigation regarding design and/or construction defects.

D) Organizational Structure: Provisions governing organizational changes to the Proposer's SOQ after submittal are set forth in Section 3.6.2.

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- Provide a separate summary of the background and experience of each Principal/Major Participant, the Designer, and the environmental compliance firm. Summaries shall be a maximum of two pages for each firm; the format is at the discretion of the Proposer.
- Using Appendix C, Form E-1 (Project Description), show the firm's experience by providing no more than two project descriptions for each Principal/Major Participant and the Designer. Highlight experience in the past 15 years on projects having a scope comparable to that anticipated for the Project. Attach Appendix C, Form E-1 to the respective firm's background and experience summary.

### 3.5.1 Firm Experience and Past Performance Evaluation Criteria

Successful Proposers will have demonstrated design-build experience in the following:

- A) Experience in successfully managing, designing, and constructing projects of the size and complexity of this Project;
- B) A record of completing contracts on time and within the fixed price;
- C) Experience in successfully constructing major highways in sensitive environmental areas and community areas, managing the maintenance of traffic, roadway design and construction, bridge design and construction, environmental permitting, and implementing community relations and outreach programs of projects of the size and complexity of this Project;
- D) A record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;
- E) The technical and management experience and expertise to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project;
- F) The ability to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with RCTC in a cohesive and seamless manner; and
- G) A design firm that has completed one or more contracts for design of transportation facilities comparable to the Project.

### 3.6 Proposer Organization and Key Personnel

**Objectives:** To 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.

**Requirements and Information:** The following information shall be submitted under Section 5 of the SOQ:

- A) **Organizational Chart(s):** Provide an organizational chart(s) showing the "chain of command," with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships, in managing, designing, and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Key Personnel by name. Key Personnel will be committed to the Project. Identify all Principal/Major Participants in the chart(s). Identify the critical support elements and relationships of Project management, Project administration, construction management, quality control, safety, environmental compliance, and subcontractor administration. For each organizational chart, provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team. Changes to the Proposer's SOQ organization chart shall abide by the requirements identified in Sections 1.16 and 3.6.2.
- B) **Key Personnel:** Using Appendix C, Form E-3 (Proposed Key Personnel Information), list appropriate information on each Key Personnel position described in Section 3.6.1.
- C) **Required Resumes:** Resumes of Key Personnel, limited to two pages each, will not be counted towards the overall SOQ page limit. The listing below describes the minimum Key Personnel for the Project. Personnel to staff these key functions, listed below in Section 3.6.1, shall be identified in the required Organizational Chart.
- D) **Required Licenses:** Evidence that the Proposer and all Major Participants have, or at the time of Contract award will have, all licenses, registration, and credentials required to design and construct the Project. Such information shall include any information on the revocation or suspension of any license, credential, or registration. At the time the Contract is awarded, the Design-Builder shall be properly licensed in accordance with the laws of this State. The first payment for work or material under any contract shall not be made unless and until the Registrar of Contractors verifies to the agency that the records of the Contractors' State License Board indicate that the Design-Builder was properly

licensed at the time the contract was awarded. Any contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractors' State License Board. Failure of the Proposer to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the Contract and shall result in the forfeiture of the security of the Proposer; and

- E) **Subcontractor Information:** Using Appendix C, Form E-2 (Subcontractor Information), identify subcontractors, except for the designated Designer (which is included on Appendix C, Forms L-1 and L-2), that the Proposer plans to use, including Major Participants, specialty subcontractors, and consultants. Indicate what portion of the Work each subcontractor is anticipated to undertake. Submit maximum one-page summaries of experience for each listed subcontractor.

### 3.6.1 Preferred Requirements-Qualifications of Key Personnel

The following provides a brief job description and duties of the Key Personnel assigned to the Project. All Key Personnel will be required to be on-site 100% of the time during activities that involve their areas of responsibility. The Proposer shall provide three references for each of the Key Personnel positions identified in this RFQ. The number of years of experience listed for each Key Personnel represents a target goal for evaluation purpose and should not be considered as a mandatory minimum requirement for that position.

- A) Project Manager:
- The Project Manager shall be the individual responsible for the overall design, construction, quality, and contract administration for the Project. The Project Manager shall be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Twenty (20) years of experience managing complex infrastructure projects.
  - Ten (10) years experience managing the design and construction of major urban freeway systems.
  - Five (5) years of major design-build project management of major urban freeway systems.
- B) Construction Manager:
- Fifteen (15) years of experience managing complex infrastructure projects. The Construction Manager will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Ten (10) years of experience managing the construction of major urban freeway systems.
  - Five (5) years of major design-build construction management of major urban freeways.
- C) Design Manager:
- The Design Manager will be assigned full time and will work directly for the Design-Builder under the direct supervision of the Project Manager. The Design Manager will be the individual responsible for coordinating the design of the individual design disciplines and will be responsible for ensuring that the overall Project design is completed and design criteria requirements are met. The Design Manager will be on-site full time until the design is 100% complete and as required during the construction phase of the Project. The Design Manager will be responsible for design quality management. The Design Manager is the Engineer of Record who will have primary responsibility for design work under the contract.
  - Fifteen (15) years of experience managing complex infrastructure projects.
  - Must be a registered professional engineer in the State of California now or by the time the initial notice to proceed is issued.
  - Ten (10) years of experience in managing the design of major urban freeways.
  - Five (5) years of major design-build project management of major urban freeway systems.
- D) Quality Manager:
- ~~Must be a registered professional engineer in the State of California now or by the time the initial notice to proceed is issued.~~
  - Fifteen (15) years of experience managing complex infrastructure projects.
  - Five (5) years of major design-build construction management of major urban freeways.
  - The Quality Manager will work directly for the Design-Builder under the direct supervision of the Project Manager. The Quality Manager will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - The Quality Manager must not be assigned any other duties or responsibilities on this Project or any other projects.

- The Quality Manager shall have the authority to stop any and all work, including construction that does not meet the standards, specifications, or criteria established for the Project.
- E) Safety Manager:
- Work directly for the Design-Builder and report directly to the Project Manager. The Safety Manager will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Fifteen (15) years of experience managing complex infrastructure projects.
  - Five (5) years of major design-build construction management of major urban freeways.
  - The Safety Manager must be familiar with FHWA work zone safety regulations and must have at least ~~ten~~ 10 years of experience working in roadway work zone safety and OSHA Regulations.
- F) Public Relations Officer:
- Work directly for the Design-Builder and report to the Project Manager. The Public Relations Officer will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Ten (10) years experience in managing community relations programs.
  - Five (5) years of community relations experience for major design-build infrastructure projects.
  - Principle function of the Public Relations Officer is to support the RCTC in its effort to involve the community in the Project.
- G) ROW, Utility, and Permitting Coordinator:
- Work directly for the Design-Builder and report to the Construction Manager. The ROW, Utility, and Permitting Coordinator will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Ten (10) years of managing complex infrastructure projects.
  - Five (5) years of major design-build construction management of major urban freeways.
  - Principle responsibility is to coordinate the ROW, utility, and permitting requirements of the Design-Builder and to ensure that the ROW, utility, and permitting issues are resolved before the construction work begins.
  - At the discretion of the Design-Builder, the Design-Builder may assign separate individuals to serve as the ROW, Utility, and Permitting Coordinator for the Design-Builder's organization. A maximum of three individuals may be used for this Key Personnel position within the Design-Builder's organization.
- H) Project Scheduler:
- Work directly for the Design-Builder. The Project Scheduler will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Fifteen (15) years of experience in scheduling complex infrastructure projects.
  - Five (5) years of major design-build construction schedule management of major urban freeways.
- I) Toll Systems Coordinator:
- Work directly for the Design-Builder. The Toll Systems Coordinator will be assigned to the Project full time and will be required to be on-site for the duration of the Project.
  - Ten (10) years of experience in performing or coordinating toll system integration in complex infrastructure projects.
  - Eight (8) years of major design-build construction toll system coordination or integration experience.

### 3.6.2 Changes in Proposer Organization and Key Personnel

RCTC 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, RCTC 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 1.16](#), following submittal of the SOQs, the following actions may not be undertaken without RCTC'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 RFO and [Appendix C, Form E-3](#) of its SOQ;
- Deletion or substitution of an equity owner of Proposer or Principal Participant, or any other entity that will bear financial responsibility or liability for the performance of the Proposer; and

- Other changes in the equity ownership or team membership of a Proposer.

Should a Proposer wish to make such a change, they shall notify and request RCTC'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 RCTC with information establishing that the Proposer remains qualified as contemplated under this RFQ. Failure to secure the consent of RCTC may, at RCTC's sole discretion, result in the Proposer being disqualified.

### 3.7 Project Understanding and Approach

**Objective:** To identify those Proposers that demonstrate the following: (i) an understanding of and approach to the management, technical aspects, and maintenance of traffic issues and risks associated with the Project; (ii) an understanding of and approach to how the design-build process and the Proposer's organization will contribute to the success of the Project and meet RCTC's Project goals; and (iii) an understanding of the risk sharing and the teaming relationship between the Design-Builder and RCTC.

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

- Narrative description of the Design-Builder's management and organizational approach for accomplishing the design-build Project. The narrative should describe the methodology for integrating the design-build entity and the different areas of expertise within the team into an efficient and effective organization. The management approach must reflect an understanding of the use of the design-build project delivery methodology for transportation projects. The narrative shall also provide a brief description of the significant functional relationships among participants outlined in the organization chart as described in [Section 3.6](#), ~~and~~ how the proposed organization will function as an integrated design-build entity, and how it will work effectively with RCTC;
- Brief description of the Proposer's approach for ~~integration-coordinating their toll system activities for the Project with the integration activities of the Toll Systems Integrator for the two facilities (OCTA and RCTC) of the Project's toll systems with the existing OCTA facilities, as well as the integrated traffic systems (ITS) with those of Caltrans~~. The narrative should also describe the methodology for system planning, design, procurement, construction, installation, integration, testing, interim maintenance, and system acceptance of the ITS elements and related equipment for the Project;
- Brief description of how the Proposer will use its organization and the design-build process to ensure a successful Project, considering RCTC's Project goals listed in [Section 1.3](#); and
- Demonstration of skilled labor force availability. Skilled labor force availability shall be determined by the existence of an agreement with a registered apprenticeship program, approved by the California Apprenticeship Council, that has graduated at least one apprentice in each of the preceding ~~five~~ 5 years. This graduation requirement shall not apply to programs providing apprenticeship training for any craft that was first deemed by the Department of Labor and the Department of Industrial Relations to be an apprenticeable craft in the past ~~five~~ 5 years.

### 3.8 Quality Management Program

**Objective:** To identify those Proposers that can demonstrate the best approach in implementing a Quality Management Program under a design-build project in which RCTC will manage and perform construction QA and design QA functions, while the Proposer is responsible for construction QC and design QC plans and functions.

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

- Quality assurance/control during design;
- Quality assurance/control during construction;
- Coordination between RCTC and the Design-Builder organization; and
- Coordination with other agencies.

A preliminary plan is not required under the RFQ submittal process but will be a requirement of the pre-qualified Proposers during the RFP phase.

## 4 EVALUATION PROCESS

Section 4 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.

### 4.1 SOQ Evaluation

**Evaluation Process:** RCTC will evaluate the SOQs based on the rating and scoring information outlined in this Section 4. As a result, each Proposer submitting a responsive SOQ will be eligible to receive an overall rating of either "pre-qualified" or "not pre-qualified." In order to be pre-qualified, the Proposer must meet or exceed the evaluation and scoring criteria as established in Section 4.4. A "fail" or "not pre-qualified" rating in any of the categories identified in Section 4.3 will result in an overall rating of not pre-qualified. Only those Proposers that receive an overall rating of pre-qualified will be allowed to participate in the RFP procurement process.

**Interviews:** RCTC reserves the right to conduct oral interviews with all potential Proposers prior to pre-qualification determination. These interviews may be completed by the Technical Review Committee (TRC) as part of its evaluation during the overall SOQ submittal process and scoring. The exact schedule for oral interviews, if elected by RCTC, will be determined by the chairperson following receipt of the SOQs.

### 4.2 Evaluation Objective

The objective of the RFQ step of the procurement is to pre-qualify Proposers with the legal, technical, financial, and management capability, capacity, and experience necessary to successfully undertake and complete the Work. The Design-Builder will have primary responsibility to plan, design, manage, and control the Project and to complete the Project on or ahead of schedule. RCTC 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.

### 4.3 SOQ Evaluation Factors

The information submitted in accordance with Section 3 will be evaluated by the TRC in accordance with the initial responsiveness review as defined in Section 4.3.1, the non-scored categories listed in Section 4.3.2, and the scored categories as set forth in Section 4.3.3.

#### 4.3.1 Initial Responsiveness Review

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

#### 4.3.2 Non-Scored SOQ Categories

Each non-scored category of a responsive SOQ will be evaluated on a non-scored pass/fail basis. For an SOQ to achieve a passing rating, each of the following categories shall meet the minimum requirements as set forth below:

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

#### 4.3.3 Scored SOQ Categories

Each scored category of a responsive SOQ will be evaluated and scored by the TRC according to the following, using the scoring form provided in Attachment 2:

- A) *Proposer Organization and Key Personnel and Firm Experience and Past Performance.* The SOQ will be evaluated and a single score will be established for this category by combining the following elements:
  - 1) *Firm Experience and Past Performance:* The SOQ will be evaluated against the criteria established under Section 3.5.1.
  - 2) *Proposer Organization and Key Personnel:* The SOQ will be evaluated against the criteria established under Section 3.6.1.

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- B) *Project Understanding and Approach and Quality Management Program*. The SOQ will be evaluated and a single score will be established for this category by combining the following elements:
- 1) *Project Understanding and Approach*: As defined under [Section 3.7](#), the SOQ demonstrates sound understanding and approach.
  - 2) *Quality Management Program*: As defined under [Section 3.8](#), the SOQ demonstrates a sound approach to implementing a Quality Management Program.

#### 4.4 Evaluation and Scoring Process

The TRC will evaluate the non-scored SOQ categories as defined under [Section 4.3.2](#). The TRC will evaluate the scored categories as defined under [Section 4.3.3](#) based on the scoring outline in [Attachment 2](#). The overall score for each scored element will be the average of the individual scores given by the TRC Members.

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

- A) For each of the non-scored SOQ categories, meets or exceeds the minimum passing requirements as set forth under [Section 4.3.2](#); and
- B) For each of the scored SOQ categories, obtains a passing grade based on the following minimum scoring criteria:
  - 1) For the *Proposer Organization and Key Personnel* and *Firm Experience and Past Performance* categories, achieves a passing score of 39 or greater. The maximum score under this category is 60.
  - 2) For the *Project Understanding and Approach and Quality Management Program* categories, achieves a passing score of 26 or greater. The maximum score under this category is 40.

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

#### 4.5 Notification of Pre-Qualification Listing

Upon completion of the SOQ evaluation and scoring process, RCTC will notify each Proposer in writing whether or not it has gained pre-qualification status. RCTC will also publish the list of Proposers obtaining pre-qualification status on its design-build website: [www.rctc.org/rfps.asp](http://www.rctc.org/rfps.asp).

Announcement of pre-qualification listing may be expected not later than the date specified in [Section 2.2](#).

### 5 SOQ SUBMITTAL REQUIREMENTS

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

#### 5.1 General Requirements

Required forms for the SOQ are contained in [Appendix C](#). Any material modification to the forms may result in the SOQ being declared non-responsive.

Proposers shall provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in [Section 4.3](#). Lengthy narratives containing extraneous information are discouraged.

If the Proposer submits information in its SOQ that it believes to be protected records under the Public Records Act and that it wishes to protect from disclosure, the Proposer shall mark such information as provided in [Section 6.2](#).

#### 5.2 Due Date, Time, and Location

All SOQs must be received by 3:00 pm Pacific Time on the day specified in [Section 2.2](#) and delivered to the following:

SOQs delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

Riverside County Transportation Commission  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501  
Attention: Mr. Greg Moore - Procurement and Assets Manager

SOQs delivered using the U.S. Postal Service shall be addressed as follows:

Riverside County Transportation Commission  
P. O. Box 12008  
Riverside, CA 92502-2208  
Attention: Mr. Greg Moore - Procurement and Assets Manager

Any SOQ that fails to meet the deadline will be rejected without opening, consideration, or evaluation and will be returned, unopened, to the sender.

### 5.3 Format Requirements

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

The front cover of each SOQ must be labeled with "SR-91 Corridor Improvements Project," "Statement of Qualifications," and the date of submittal.

### 5.4 Quantities

Each Proposer must provide RCTC with one original and the number of 10 SOQ copies as identified in [Appendix B](#). Each copy must be identified on its front cover, in the upper right-hand corner, as "Copy \_\_\_ Of 10 Copies."

All ~~10-11~~ binders (original and 10 copies) must be packed together in one sealed package. The outside of the sealed package must be clearly identified, labeled, and addressed as follows:

- A) Return address: Proposer's name, contact person's name, mailing address;
- B) Date of submittal; and
- C) Contents labeled as "SR-91 Corridor Improvements Project" and "Statement of Qualifications."

### 5.5 Challenges

The decision of RCTC as to Proposer pre-qualification and the subsequent award of the Contract shall be final and shall not be appealable, reviewable, or reopened in any way, except as provided in [Section 6](#). Parties participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and the other requirements of this RFQ.

## 6 PROTEST PROCEDURES AND PUBLIC RECORDS ACT

### 6.1 RFQ Protest

[Section 6.1](#) 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, expressly waives all other rights and remedies, and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless wholly arbitrary. These provisions are included in this RFQ expressly as consideration for such waiver and agreement by the Proposers. If a Proposer disregards, disputes, or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend, and hold harmless RCTC, its directors, officers, officials, employees, agents, representatives, and consultants from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result of such Proposer's actions. The submission of an SOQ by a Proposer shall be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

#### 6.1.1 Written Protest Only

All protests must be in writing. Protests shall be submitted to:

Mail:	Mr. Greg Moore RCTC: Procurement and Assets Manager P.O. Box 12008 Riverside, California 92502-2208
Fax:	951/787-7906

E-mail: [SR91DesignBuild@rctc.org](mailto:SR91DesignBuild@rctc.org)

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with RCTC in an effort to remove the grounds for protest.

Mr. Moore may, in his discretion, discuss the protest with the protestor prior to issuance of RCTC's written decision. The protestor 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 Mr. Moore or his designee, whose decision shall be final and conclusive. Mr. Moore or his designee shall issue a written decision regarding any protest to each Proposer.

### 6.1.2 Protest Contents

- A) All protests must include the following:
  - 1) The name and address of the Proposer;
  - 2) The Project name and Contract number;
  - 3) A detailed statement of the nature of the protest and the grounds on which the protest is made; and
  - 4) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury.
- B) The protestor must demonstrate or establish a clear violation of a specific law or regulation.
- C) RCTC will not be obligated to postpone the SOQ due date specified in [Section 2.2](#) or pre-qualification announcement in order to allow a protestor an opportunity to correct a deficient protest or appeal, unless otherwise required by law or regulation.
- D) If the protest is denied, the protestor shall be liable for RCTC's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs and any unavoidable damages sustained by RCTC as a consequence of the protest. If the protest is granted, RCTC shall not be liable for payment of the protestor's costs.

### 6.1.3 Protest Regarding RFQ or Procurement Process

- A) All protests regarding this RFQ or the related procurement process shall be filed with RCTC not less than seven calendar days prior to the SOQ due date specified in [Section 2.2](#).
- B) RCTC will promptly make a determination in writing regarding the validity of the protest and whether or not the RFQ process should be delayed beyond the scheduled SOQ due date specified in [Section 2.2](#).
- C) If RCTC determines that the scheduled SOQ due date specified in [Section 2.2](#) should be delayed, all Proposers will be notified by written addendum of the delay and the reason thereof.
- D) If all or any portion of the protest is determined to be valid, Mr. Moore will respond in writing to each material issue determined to be valid raised in the protest in a timely manner prior to RCTC proceeding further with the RFQ.
- E) The failure of a Proposer to file a basis for a protest regarding this RFQ shall preclude consideration of that ground in any protest regarding the pre-qualification determination, 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.

### 6.1.4 Protest Regarding Pre-Qualification Decision

- A) If the pre-qualification decision is being protested, a protestor shall protest in writing to Mr. Moore as soon as practical, but not later than seven calendar days after the protestor knew or should have known it had not obtained pre-qualification status. If the protest has been filed in a timely manner, Mr. Moore will promptly make a determination in writing regarding the validity of the protest and whether or not the procurement should be delayed, or the pre-qualification status should be considered for revision.
- B) If the procurement is delayed, all Proposers will be notified of the delay. Mr. Moore will respond in writing to each material issue raised in the protest in a timely manner prior to proceeding further with the procurement.
- C) Should a protestor wish to appeal the decision of Mr. Moore concerning pre-qualification decision, a protestor shall follow the procedures in [Section 6.1.5](#).

### 6.1.5 Right of Appeal

- A) In the event that a protestor receives an unfavorable decision from Mr. Moore to its protest, the protestor shall have the right to appeal the decision of Mr. Moore by submitting a written appeal to RCTC's Executive Director within seven calendar days after receipt of the decision of Mr. Moore.
- B) The Executive Director will notify the protestor in writing in a prompt manner of its decision regarding the protest and the appeal. The decision of the Executive Director shall be final and not appealable.

### 6.2 Public Records Act

All written correspondence, exhibits, photographs, reports, printed material, tapes, electronic disks, and other graphic and visual aids submitted to RCTC during this procurement pre-qualification process, including as part of the response to this RFQ, are, upon their receipt by RCTC, the property of RCTC and are subject to the California Public Records Act (Chapter 3.5, commencing with section 6250, of Division 7 of Title I of the Government Code) and Public Contract Code §6805(c). None of the aforementioned materials will be returned to the submitting parties. Proposers should familiarize themselves with the provisions of the California Public Records Act. In no event shall RCTC, or any of its agents, representatives, consultants, directors, officers, or employees be liable to a Proposer for the disclosure of all or a portion of an SOQ submitted under this RFQ.

If a Proposer has special concerns about information that it desires to make available to RCTC but which it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such Proposer should specifically and conspicuously designate that information as "TRADE SECRET" or "CONFIDENTIAL" in its filed response to this RFQ. Blanket, all-inclusive identifications by designation of whole pages or sections as containing proprietary information, trade secrets, or confidential commercial or financial information shall not be permitted and shall be deemed invalid. The specific proprietary information, trade secrets, or confidential commercial and financial information must be clearly identified as such. RCTC will endeavor to advise the Proposer of any request pursuant to the California Public Records Act and any other applicable laws for the disclosure of any material properly labeled as proprietary, trade secret, or confidential so as to allow the Proposer the opportunity to seek a court order to protect such materials from disclosure. Under no circumstances, however, will RCTC be responsible or liable to the Proposer or any other party for the disclosure of any such labeled materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake, or negligence on the part of RCTC or its officers, employees, contractors, or consultants.

RCTC will not advise a submitting party as to the nature or content of documents entitled to protection from disclosure under the California Public Records Act or other applicable laws, as to the interpretation of the California Public Records Act or as to the definition of trade secret. The submitting party shall be solely responsible for all determinations made by it under applicable laws and for clearly and prominently marking each and every page or sheet of materials with "TRADE SECRET" or "CONFIDENTIAL" as it determines to be appropriate. Each submitting party is advised to contact its own legal counsel concerning the California Public Records Act and other applicable laws and their application to the submitting party's own circumstances.

In the event of litigation concerning the disclosure of any material submitted by the submitting party, RCTC's sole involvement will be as a stakeholder retaining the material until otherwise ordered by a court, and the submitting party shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk. The submitting party shall reimburse RCTC for any expenses it incurs in connection with any such litigation.

## 7 DEBRIEFING MEETINGS

Once RCTC awards the Contract to a Design-Builder, RCTC will arrange meetings with each of the Proposer organizations if requested by a Proposer. These debriefing meetings give Proposers and RCTC an informal setting to discuss the RFQ and RFP procurement process.

## 8 RCTC RESERVED RIGHTS

RCTC may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. RCTC reserves the right, in its sole and absolute discretion, to:

- A) Accept or reject any and all submittals, responses and proposals, or any parts thereof, received at any time.

- B) Waive any informalities, irregularities, and omissions in the information contained in the SOQs, or permit corrections to data submitted with any response to this RFQ until such time as RCTC declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.
- C) Modify all dates set or projected in this RFQ.
- D) Terminate evaluations of responses received at any time.
- E) Withdraw or cancel this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by RCTC of a design-build contract, without incurring any cost obligations or liabilities.
- F) Permit submittal of addenda and supplements to data previously provided with any response to this RFQ until such time as RCTC declares in writing that a particular stage or phase of its review of the responses to this RFQ has been completed and closed.
- G) Adjust, increase, limit, suspend, or rescind the pre-qualification rating based on subsequently learned information.
- H) Permit Design-Build Entities to add or delete firms and/or key personnel until such time as RCTC declares in writing that a particular stage or phase of its review has been completed and closed.
- I) Add or delete Design-Builder responsibilities from the information contained in this RFQ or the subsequent RFP.
- J) Waive deficiencies in an SOQ, accept and review a non-conforming SOQ, or seek clarifications or supplements to an SOQ.
- K) Disqualify any Design-Builder that changes its submittal without RCTC approval.
- L) Add or modify its reserved rights in the subsequent RFP.
- M) Make all final determinations.
- N) Appoint a selection committee and evaluation teams to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation.
- O) Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs.
- P) Hold meetings and conduct discussions and correspondence with one or more of the Design-Builders responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ.
- Q) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
- R) Disqualify any team that changes its SOQ without RCTC written approval.

The RFQ does not commit RCTC to enter into a Contract, nor does it obligate RCTC to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP is contingent on sufficient appropriations and authorizations being made by the Legislature of California, or the Congress of the United States, if Federal funds are involved, for performance of a Contract between the successful Proposer and RCTC.

In no event shall RCTC be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to RCTC, has been executed and authorized by RCTC and approved by all required parties, and then only to the extent set forth therein.

## 8.1 RCTC Disclaimers

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

- A) Any obligation to award or execute a Contract pursuant to this RFQ or the RFP or to issue an RFP; and
- B) Subject to [Section 1.14](#), 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.

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**APPENDIX A:**  
**PROJECT DESCRIPTION, DESIGN-BUILDER  
RESPONSIBILITIES, AND PROJECT STATUS**

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## Appendix A – Table of Contents

- 1 Project Description
- 2 Design and Construction Requirements
- 3 Design-Build Responsibility
- 4 Project Status
- 5 Additional Project Documentation

## 1 Project Description

The proposed State Route (SR) 91 Corridor Improvements Project (Project) will increase the capacity of the severely congested SR-91 corridor by extending the existing Orange County Transportation Authority (OCTA) SR-91 Express Lanes to the east by 8 miles to Interstate 15 (I-15) in Riverside County. The Project also includes improvements to I-15 in Riverside County between the Ontario Avenue interchange and SR-91, and direct connectors from SR-91 to the south I-15 that would connect with potential future High-Occupancy Vehicle (HOV) or Express Lanes on I-15. The Project is sponsored by the Riverside County Transportation Commission (RCTC), in cooperation with and approved by the California Department of Transportation (Caltrans), and is in conformity with the charter of Measure A (Riverside County). The scope of the Project may be revised during the development of the Request for Proposals (RFP) but is anticipated to include the following:

- A) Maintenance of traffic during construction;
- B) Provide positive drainage via accepted methods (i.e., curb and gutter, storm drain, ditches, culverts, and detention ponds);
- C) Install the automated traffic management system (ATMS) conduit as specified in the RFP;
- D) Provide construction surveying;
- E) Coordinate with other construction projects within the corridor to increase mobility;
- F) Coordinate with the local cities;
- G) Coordinate with RCTC's public involvement management team, including:
  - Development and implementation of a public information plan as part of the construction phase of this Project, and
  - Participation in any Community Coordination Team representing the Design-Builder;
- H) Obtain necessary environmental permits and authorizations, including noise permits from local agencies (if necessary), National Pollutant Discharge Elimination System (NPDES) permit, etc.;
- I) Maintain the roadway during construction; and
- J) Coordinate with the ~~Toll System~~ Integrator ~~installing the toll system~~ for the Project. At this time, it is not anticipated that the toll system integration will be part of the Design-Builder scope, and Proposers should not include a ~~Toll System~~ Integrator on their team. Additional details and any changes will be included in the ~~final~~ RFP.

## 2 Design and Construction Requirements

**Design:** The Project shall be designed to current Caltrans and AASHTO standards. The Design-Builder will have as much flexibility in the design of the Project as applicable standards and environmental requirements allow.

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

## 3 Design-Builder Responsibilities

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

- A) Design and construction of all Project components;
- B) Management of the project, design, and construction;
- C) Project-related public involvement activities;
- D) Coordination with Project stakeholders, other contractors, and utility owners;
- E) Design quality;
- F) Construction quality;
- G) Environmental mitigation and compliance monitoring;
- H) Environmental permitting;
- I) Additional environmental investigations, monitoring, and investigation associated with or resulting from Design-Builder's activities;
- J) Maintenance and protection of traffic, including both temporary and permanent access to properties;

- K) Project safety and security;
- L) Preliminary engineering, such as surveys and geotechnical investigations;
- M) Remediation of harmful and hazardous materials caused by the Design-Builder during design and construction;
- N) Drainage and erosion control;
- O) Construction waste disposal and handling;
- P) Required clearances, licenses, construction easements, and permits for Design-Builder Work, Work sites, storage areas, etc., both on- and off-site;
- Q) Ancillary works, such as temporary fencing, relocation of drainage, Work sites, and temporary works;
- R) Material location, acquisition, permits, and transportation;
- S) Utility coordination and (as required) relocation, and protection of existing utilities;
- T) Site clearance; and
- U) Maintenance of the Project during the Contract period.

#### 4 Project Status

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

**Survey:** A preliminary topographic survey of the Project corridor is being performed by RCTC. The RFP will include survey information collected by RCTC in an electronic format. Additional miscellaneous survey information may also be provided in the RFP.

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

**Utilities:** A preliminary Subsurface Utilities Engineering (SUE) analysis is currently underway by RCTC. The RFP will include copies of SUE information collected by RCTC, along with established constraints and responsibilities for impacted utilities.

**Environmental:** The Project is currently undergoing California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) environmental review by RCTC and Caltrans. It is important for Proposers to note, at this time, that the proposed Project remains in the environmental process and that a record of decision (ROD) has not been obtained. Additional alternatives, including a no-build alternative, are being considered in the environmental process, and it is possible that the Project scope may be modified through the environmental process or that a no-build alternative may be adopted. Nothing contained in this RFQ is intended to modify, limit, or otherwise constrain the environmental process or commit RCTC or any other entity to undertake any action with respect to the Project, including any procurement or the final design and construction of the proposed Project.

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

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

- Utilities
- Growth Inducement/Cumulative Impacts

The Draft EIR/EIS is expected to be available for public review in Fall 2010. The Final EIR/EIS and Notice of Determination/Record of Decision is expected to be approved in Fall 2011.

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

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

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

### Anticipated Permits and Approvals Needed

Agency	Permit/Approval	Status
<b>Federal Agencies</b>		
United States Fish and Wildlife Service (USFWS)	Section 7 Consultation for Threatened and Endangered Species	A Biological Opinion (BO) will be issued prior to approval of the environmental document.
United States Army Corps of Engineers (Corps)	Section 404 Individual Permit for filling or dredging waters of the United States.	The application will be prepared and submitted prior to approval of the environmental document.
	Encroachment Permit	These permits will be obtained after approval of the environmental document.
<b>State Agencies</b>		
California Department of Fish and Game (CDFG)	Section 1602 Agreement for Streambed Alteration	The application will be prepared and submitted prior to approval of the environmental document.
	Section 2080.1 Agreement for Threatened and Endangered Species	The Section 2080.1 agreement will be started prior to approval of the final EIR/EIS.
State Water Resources Control Board (SWRCB)	Section 402 National Pollutant Discharge Elimination System (NPDES) (Construction Activity)	The application for coverage under Order No. 2009-009-DWQ, NPDES No. CAS000002 will be prepared after approval of the environmental document.
Santa Ana Regional Water Quality Control Board (RWQCB)	Section 402 NPDES (Groundwater Dewatering)	The application for coverage under Order No. R8-2009-0003, NPDES No. CAG998001 will be prepared after approval of the environmental document.
	Section 401 Water Quality Certification	The application will be prepared and submitted prior to approval of the environmental document.
California Department of Parks/Caltrans	Encroachment Permits	These permits will be obtained after approval of the environmental document.
California Public Utilities Commission	Authority to Construct	This permit will be obtained after approval of the environmental document.
<b>Regional and Local Agencies</b>		
Cities of Anaheim, Corona, Riverside, and Norco, and Riverside and Orange Counties	Freeway Agreements	Freeway agreements regarding the SR-91 Corridor Improvements Project will be finalized after completion of the environmental process and identification of the selected alternative.
	Encroachment Permits	These permits will be obtained after approval of the environmental document.

Agency	Permit/Approval	Status
Orange County and Riverside County Flood Control	Encroachment Permits	These permits will be obtained after approval of the environmental document.
Burlington Northern-Santa Fe Railway	Encroachment Permits	These permits will be obtained after approval of the environmental document.
Southern California Air Quality Management District	Rule 1403	The application and fees will be submitted after approval of the environmental document.

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

## 5 Additional Project Documentation

To provide additional information pertaining to Project development by RCTC, the following documents are being made available to potential Proposers. These documents can be found on RCTC's design-build website: [www.rctc.org/rfps.asp](http://www.rctc.org/rfps.asp).

- TIGER II Application
- TIFIA Letter of Interest Application
- CTC Design-Build Application
- Section 129 Executed Agreement between Caltrans, RCTC, and FHWA (Federal Tolling Authority)
- 2010 SR-91 Implementation Plan

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**APPENDIX B:**  
**FORMAT AND ORGANIZATION OF**  
**STATEMENT OF QUALIFICATIONS**

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## Appendix B – Table of Contents

- 1 Organization
- 2 Pages and Binders
- 3 Page Format
- 4 Clarity and Conciseness
- 5 Reproducibility
- 6 Submittal

## 1 Organization

The SOQ shall be organized as follows and as depicted in [Table B-1](#) below:

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

## 2 Pages and Binders

The sections and appendix shall consist of loose-leaf pages that are 8 ½" by 11" and white, except for charts, exhibits, and other illustrative and graphical information, which may be submitted on 11" by 17" paper and folded to 8 ½" by 11". [11" by 17" pages will count as one page.](#) There is a [maximum](#) limit of [69-20 pages](#) ~~entotal 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. The page limits for certain sections](#) are defined in [Table B-1 and Section 3](#) of this appendix. The cover letter and each section shall be combined in one three-ring binder, and the complete appendices shall be placed together in a separate three-ring binder. The sections (and, optionally, subsections) shall be separated with lettered or numbered dividers. Color photographs, renderings, and brochures, [if any](#), shall be adequately bound and suitably protected for handling and circulation during review and evaluation.

## 3 Page Format

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

## 4 Clarity and Conciseness

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

## 5 Reproducibility

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

## 6 Submittal

One original and ten copies of the SOQs and appendices shall be provided.

Table B-1: Specifications for SOQs

SOQ Section	Section Title and Required Information	RFQ Reference
	<p><b>Transmittal Letter and Proposer SOQ Certification</b> <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Form A</a>, Transmittal Letter (to be signed by duly authorized representatives of all equity members of the Proposer's team); and</li> <li>• <a href="#">Form U</a>, Proposer SOQ Certification (to be provided by all equity members of Proposer).</li> </ul>	3.1
Section 1	<p><b>Legal Structure</b> <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> <li>• Legal structure and supporting documents or description of proposed legal structure;</li> <li>• Identification of Principal/Major Participants;</li> <li>• Conflict of Interest Statement;</li> <li>• <a href="#">Response to Section 3.2 (E) if required</a>;</li> <li>• <a href="#">Form D</a>, Disclosure for Proposer;</li> <li>• <a href="#">Form L-1</a>, Proposer's Organization Information;</li> <li>• <a href="#">Form L-2</a>, Principal Participant and Designer Certification; and</li> <li>• <a href="#">Form T</a>, Proposer's Provisional Overall DBE Project Goal Declaration Affidavit.</li> </ul>	3.2
Section 2	<p><b>Financial Capacity</b> <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> <li>• Verification of Proposer's ability to secure Performance Bond and Payment Bond;</li> <li>• Proposer's audited financial statements for the past <del>three</del> <b>3</b> years;</li> <li>• <a href="#">Form B</a>, Backlog Information; <b>and</b></li> <li>• <del><a href="#">Form R</a>, Past Revenue; and</del></li> <li>• Verification of Proposer's ability to secure insurance.</li> </ul>	3.3
Section 3	<p><b>Safety Program</b> <i>(no overall page limitation for this sections):</i></p> <p><a href="#">Form S</a>, Safety Questionnaire.</p>	3.4
Section 4	<p><b>Firm Experience and Past Performance</b> <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> <li>• <a href="#">A brief narrative summary of each firm's capability and capacity, a maximum of two pages for each firm is permitted</a>;</li> <li>• <a href="#">Form E-1</a>, Project Description (maximum of <del>four</del> <b>four</b> <a href="#">Form E-1s per each Principal/Major Participant are permitted</a> <del>40</del> <b>pages</b>), <del>each Form E-1 shall not exceed 3</del> <b>three</b> <del>pages in length</del>;</li> <li>• <a href="#">Form PP-1</a>, Past Performance (<del>maximum of 3</del> <b>pages</b>), with information regarding: <ul style="list-style-type: none"> <li>o Awards, citations, and/or commendations,</li> <li>o Litigation, claims, dispute proceedings, and arbitration,</li> <li>o Liquidated damages during the last <del>five</del> <b>5</b> years,</li> <li>o Termination for cause,</li> <li>o Disciplinary actions, and</li> <li>o Contacts (for the above <a href="#">Form PP-1</a>); and</li> </ul> </li> <li>• <a href="#">Form PP-2</a>, Environmental Past Performance.</li> </ul>	3.5
Section 5	<p><b>Proposer Organization and Key Personnel</b> <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Brief narrative of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team, a maximum of four pages will be permitted</a>;</li> <li>• Organization Chart(s) (11" by 17");</li> <li>• Evidence of Proposer's ability to meet license requirements;</li> <li>• <a href="#">Form E-2</a>, Subcontractor Information <b>and a maximum one-page summary of subcontractor experience for each subcontractor listed, including consultants, is permitted</b>; and</li> <li>• <a href="#">Form E-3</a>, Proposed Key Personnel Information.</li> </ul>	3.6

SOQ Section	Section Title and Required Information	RFQ Reference
Section 6	<p><b>Project Understanding and Approach</b> <i>(a maximum of 20 pages total for Sections 6 and 7 are permitted):</i></p> <ul style="list-style-type: none"> <li>Proposed management approach and project understanding;</li> <li>Proposed approach to <u>integrate with OCTA and Caltrans systems coordinate with Toll System Integrator and provide the ITS System;</u></li> <li>Keys to ensuring a successful project; and</li> <li>Skilled labor availability information.</li> </ul>	3.7
Section 7	<p><b>Quality Management Program</b> <i>(a maximum of 20 pages total for Sections 6 and 7 are permitted):</i></p> <ul style="list-style-type: none"> <li>Proposed approach for <u>development of a Quality Management Program (QPM) quality assurance/control during design; and</u></li> <li><u>Proposed approach for quality assurance/control during construction;</u></li> <li><u>Proposed approach for coordination between RCTC and the Design-Builder's organization; and</u></li> <li><u>Keys Proposed approach for coordination to ensuring a successful project with other agencies.</u></li> </ul>	3.8
App. A	<p><b>Resumes</b> <i>(no overall page limitation for this section):</i> Key Personnel Resumes, <u>a limit of two pages for each resume will be permitted.</u></p>	3.6 (C), 3.6.1
App. B	<p><b>Legal Documents</b> <i>(no overall page limitation for this section):</i></p> <ul style="list-style-type: none"> <li>Powers of attorney; and</li> <li><u>Memorandum of agreement (if required) Organization documents, letters of agreement, and other documents identified in RFQ Section 3.2 or addressed in Section 1 of the Proposer's SOQ.</u></li> </ul>	3.2

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# APPENDIX C: FORMS

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## Appendix C – List of Forms

Form A	Transmittal Letter
Form B	Backlog <u>and Financial</u> Information
Form D	Disclosure for Proposer
Form E-1	Project Description
Form E-2	Subcontractor Information
Form E-3	Proposed Key Personnel Information
Form L-1	Proposer's Organization Information
Form L-2	Principal Participant and Designer Certification
Form PP-1	Past Performance
Form PP-2	Environmental Past Performance
<del>Form R</del>	<del>Past Revenue</del>
Form RFQ-C	Proposer's Clarification Request
Form S	Safety Questionnaire
Form T	Proposer's Provisional Overall DBE Project Goal Declaration Affidavit
Form U	Proposer SOQ Certification

Form A  
TRANSMITTAL LETTER

PROPOSER: \_\_\_\_\_

SOQ Date: [Insert Date]

Riverside County Transportation Commission  
P.O. Box 12008  
Riverside, California 92502-2208

Attn: Mr. Greg Moore

The undersigned (“Proposer”) submits this proposal and statement of qualification submittal (this “SOQ”) in response to that certain Request for Qualifications dated as of September 2, 2010 (as amended, the “RFQ”), issued by Riverside County Transportation Commission (“RCTC”) to design and construct the related facilities within the State Route 91 Corridor, 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 U, Proposer’s SOQ Certification
- Section 1: Legal Structure
- Section 2: Financial Capacity
- Section 3: Safety Program
- Section 4: Firm Experience and Past Performance
- Section 5: Proposer Organization and Key Personnel
- Section 6: Project Understanding and Approach
- Section 7: Quality Management Program
- Appendices A & B (Resumes and Legal Documents)

Proposer acknowledges receipt, understanding, and full consideration of all materials posted on RCTC’s website ([www.rctc.org/rfps.asp](http://www.rctc.org/rfps.asp)) as set forth in Section 1.8, and the following addenda and sets of questions and answers to the RFQ:

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

Form A  
TRANSMITTAL LETTER

Proposer represents and warrants that it has read the RFQ and agrees to abide by the contents and terms of the RFQ and the SOQ.

If the Proposer consists of more than one entity, all members of the Proposer entity agree to accept joint and several liability for performance under the Contract.

Proposer understands that RCTC is not bound to pre-qualify any Proposer and may reject each SOQ RCTC may receive.

Proposer further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process will be borne solely by the Proposer, except, to the extent of any payment made by RCTC following pre-qualification determination, as described in Section 1.15 of the RFQ.

Proposer agrees that RCTC will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in this SOQ.

This SOQ shall be governed by and construed in all respects according to the laws of the State of California.

Proposer's business address:

_____			
(No.)	(Street)	(Floor or Suite)	
_____			
(City)	(State or Province)	(ZIP or Postal Code)	(Country)

State or Country of Incorporation/Formation/Organization: \_\_\_\_\_

*[insert appropriate signature block from following pages]*

Form A  
TRANSMITTAL LETTER

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

*[Insert Proposer's name]*

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. Sample signature block for partnership or joint venture:

*[Insert Proposer's name]*

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

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

3. Sample signature block for attorney in fact:

*[Insert Proposer's name]*

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Attorney in Fact



Form B  
BACKLOG AND FINANCIAL INFORMATION

**Form B**  
**BACKLOG AND FINANCIAL INFORMATION**

Name of Proposer: \_\_\_\_\_

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

Firm Name	Proposals / Bids Outstanding (Number)	Total Potential Value (US\$ millions)
<u>Principal/Major Participant</u> <del>Principal Participant(s):</del>		
<b>Designer:</b>		
<u>Other Firms:</u>		

Financial Health Factors	
Please fill in the following blanks based on the Proposer's financial health. If Proposer is composed of multiple equity members, the values listed below shall be provided for each equity member.	
<u>X1</u>	Working Capital / Total Assets
<u>X2</u>	Retained Earning / Total Assets

Form B  
BACKLOG AND FINANCIAL INFORMATION

<a href="#">X3</a>	Earnings before Interest and Taxes / Total Assets	
<a href="#">X4</a> <sup>1</sup>	Market Value Equity / Book Value of Total Debt	

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<sup>1</sup> [The X4 factor shall not exceed a value of 1.0.](#)

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Form D  
DISCLOSURE FOR PROPOSER

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS TO  
COMMISSIONERS**

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Government Code Section 84308, 2 California Code of Regulations 18438.1, *Et Seq.*

No Commissioner of the Riverside County Transportation Commission shall receive or solicit a campaign contribution of more than \$250 from Bidder, or Bidder's agent, during the time of: 1) Bid solicitation; 2) Consideration of Bids received; and 3) Awarding of a contract based on a Bid (collectively referred to as the "Proceeding"), and for 3 months following the conclusion of the Proceeding. This prohibition does not apply to the awarding of contracts that are competitively bid. In addition, Commissioners cannot participate in any such matters if they have received more than \$250 in campaign contributions within the last year from anyone financially interested in the Proceeding, such as Bidder and/or Bidder's agent.

Pursuant to these requirements, Proposer shall disclose any campaign contribution in an amount of more than \$250 made by Proposer, and/or Proposer's agent, to any Commissioner within 12 months from the date of these Bid Documents/Request For Proposals (as applicable). For the purposes of this disclosure obligation, contributions made by Proposer within the preceding 12 months shall be aggregated with those made by Proposer's agent within the preceding 12 months or the period of the agency relationship between Proposer and Proposer's agent, whichever is shorter. In addition, Proposer and/or Proposer's agent shall not make a contribution of more than \$250 to a Commissioner during the Proceeding and for 3 months following the conclusion of the Proceeding.

The disclosure by Proposer, as set forth herein, shall be incorporated into the written record of the Proceeding and shall be made available to the public for inspection and copying.

The following is a list of the Commissioners of the Riverside County Transportation Commission:

Bob Buster, County of Riverside  
John F. Tavaglione, County of Riverside  
Jeff Stone, County of Riverside  
John J. Benoit, County of Riverside  
Marion Ashley, County of Riverside  
Bob Bolts / Don Robinson, City of Banning  
Roger Berg / Jeff Fox, City of Beaumont  
Joseph DeConinck / To Be Appointed, City of Blythe  
Ray Quinto / Jim Hyatt, City of Calimesa  
Mary Craton / Jordan Ehrenkranz, City of Canyon Lake  
Greg Pettis / Kathleen DeRosa, City of Cathedral City  
Eduardo Garcia / Steven Hernandez, City of Coachella  
Karen Spiegel / Steve Nolan, City of Corona  
Scott Matas / Russell Betts, City of Desert Hot Springs  
Robin Lowe / Eric McBride, City of Hemet  
Patrick J. Mullany / Larry Spicer, City of Indian Wells  
Glenn Miller / Ben Godfrey, City of Indio

**Form D**  
**DISCLOSURE FOR PROPOSER**

Terry Henderson / Don Adolph, City of La Quinta  
 Bob Magee / Melissa Melendez, City of Lake Elsinore  
 Wallace Edgerton / Darcy Kuenzi, City of Menifee  
 Bonnie Flickinger / Jesse Molina, City of Moreno Valley  
 Rick Gibbs / Randon Lane, City of Murrieta  
 Malcolm Miller / Kathy Azevedo, City of Norco  
 To Be Appointed / Jim Ferguson, City of Palm Desert  
 Steve Pougnet / Ginny Foat, City of Palm Springs  
 Daryl Busch / Al Landers, City of Perris  
 Ron Meepos / Scott Hines, City of Rancho Mirage  
 Steve Adams / Andy Melendrez, City of Riverside  
 Steve Di Memmo / Vacant, City of San Jacinto  
 Ron Roberts / Jeff Comerchero, City of Temecula  
 Scott Farnam / Bridgette Moore, City of Wildomar  
 Raymond Wolfe, Governor's Appointee

I/We hereby disclose the following political contributions of more than \$250 made within the preceding 12 months and for 3 months following the conclusion of the Proceeding to any Commissioner:

<u>Date of Contribution</u>	<u>Amount of Contribution</u>	<u>Recipient</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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(Attach Additional Sheet, If Necessary)

Date of Disclosure (Same As Bid Date) \_\_\_\_\_

PROPOSER:

\_\_\_\_\_  
 Signature of Proposer

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Company

Form E-1  
PROJECT DESCRIPTION

Name of Proposer: \_\_\_\_\_

Instructions for Form completion: Form E-1 is limited to a maximum of 3 pages for each completed project.

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



Form E-3  
**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, Proposers are advised to increase the number of lines within the table as appropriate. Form E-3 has no SOO page limitation.

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Position	Name	Years of Experience	Education and Registrations	Parent Firm Name	Reference Name and Telephone & Fax Numbers <sup>2</sup>
Project Manager					
Construction Manager					
Design Manager					
Quality Manager					

<sup>2</sup> Provide three references for each position identified on Form E-3.

Form E-3  
PROPOSED KEY PERSONNEL INFORMATION

Safety Manager					
Public Relation Officer					
ROW, Utility, and Permitting Coordinator <sup>3</sup>					
Project Scheduler					
Toll Systems Coordinator					

<sup>3</sup> If more than one person is identified for this key position by the Proposer, the Proposer shall provide the necessary requested information on each person.

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Form L-1  
**PROPOSER'S ORGANIZATION INFORMATION**

Name of Proposer: \_\_\_\_\_

Instructions for Form completion: Responses to each subject area shall be addressed within the table below. S should additional space be needed. Proposers are advised to increase space following question as appropriate. Form L-1 shall have no SOQ page limitation.

<b>Proposer (Individual Firm / Joint Venture / Partnership / LLC)</b>				
Name of Entity: _____				
Address: _____ _____				
Contact Name: _____ Title: _____				
Telephone No.: _____ Fax No.: _____ E-mail: _____				
<b>Local / Regional Contact</b>				
Name: _____				
Address: _____ _____				
Telephone No.: _____ Fax No.: _____ E-mail: _____				
<b>Name(s) of Proposer Entity(ies)</b>				
Company Name	Address and Telephone & Fax Numbers	State of Incorporation:	Lead Participant?	
			Yes	No
Principal Participant(s)				
Designer				
Other Firm(s)				

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Form L-2  
PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

Name of Proposer:

---

Firm Name:

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Instructions for Form completion: Responses to each question shall be addressed within the table below. ~~Sr~~ should additional space be needed, Proposers are advised to increase space following question. Form L-2 shall have no SOQ page limitation.

Complete for each Principal Participant and the Designer: Proposers are advised that responses to questions contained within Form L-2 shall be governed by past performance conducted within the United States.

1. Has the firm<sup>1</sup> or its owners, officers, or managing employees ever failed to complete any work it agreed to perform, or had a contract terminated because it was in default? If yes, describe.

2. Has the firm<sup>1</sup> or any officer thereof been indicted or convicted of bid or other contract-related crimes or violations or any felony or misdemeanor related to performance under a contract within the past ~~five~~5 years? If yes, describe.

3. Has the firm<sup>1</sup> ever sought protection under any provision of any bankruptcy act or been subject to a receivership or involuntary bankruptcy proceeding? ~~-~~If yes, describe and provide information concerning any work completed by a surety as a result of the bankruptcy or receivership.

4. Has the firm<sup>1</sup> ever been debarred, disqualified, removed, or suspended from performing work for the Federal government or any State or local government in the last ~~five~~5 years? If yes, describe.

5. Has 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), settled against the ~~firm~~firm? If yes, describe.

---

<sup>1</sup> Note: "Firm" includes any Affiliate.

Form L-2  
PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

6. Has the firm<sup>1</sup>, or its owners, officers, or managing employees, submitted a bid on a public works project and found to be nonresponsive, or found by an awarding body not to be a responsible bidder in the last ~~five~~ 5 years? If yes, describe.

7. Has any violation 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 the firm<sup>1</sup>? If yes, describe.

8. Have any adverse claims, disputes, or lawsuits between the owner of a public works project and the firm<sup>1</sup>, in which the claim, settlement, or judgment exceeds \$50,000, settled during the past ~~five~~ 5 years? If yes, describe. Provide any information concerning any work completed by a surety during the past ~~five~~ 5 years.

9. Has the California Labor Commissioner found the firm<sup>1</sup> to be in willful violation of California Labor Code section 1777.1 or 1777.7? If yes, describe.

10. Has the firm<sup>1</sup> been convicted of violating a State or Federal law relating to the employment of undocumented aliens in the past ~~five~~ 5 years? If yes, describe.

11. Has the firm<sup>1</sup> or its agent made any contribution of more than \$250 to any officer/commission member of RCTC within the preceding 12 months? If yes, describe. Note that California Government Code (§ 84303(d)) provides that no proposer, or his or her agent, shall make a contribution of more than \$250 to any officer/commission member of the RCTC during the procurement and for three months following the date that a final decision is rendered by the RCTC with respect to the procurement.

12. List ~~(on a separate page)~~ up to five financial institutions with which the firm<sup>1</sup> has done the most business during the past ~~five~~ 5 years and identify the individual at each institution who was in charge of the firm's<sup>1</sup> accounts. Indicate the address, telephone, and fax numbers of each individual.

Form L-2  
PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

13. In the last <del>five</del> <u>5</u> years, has your firm <sup>1</sup> been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?
14. At any time in the last <del>five</del> <u>5</u> years has your firm <sup>1</sup> been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?
15. Has a surety firm <sup>1</sup> completed a contract on your behalf or paid for completion because your firm <sup>1</sup> was in default or terminated by the project owner within the last <del>five</del> <u>5</u> years?

(Must be signed by an officer of the firm)

Firm: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Name of Proposer: \_\_\_\_\_

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Form PP-1  
PAST PERFORMANCE

Name of Proposer:

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Name of Principal/Major Participant Firm Name:

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Instructions for Form completion: Should additional lines be needed by Proposers to address subject areas identified in the table below, Proposer shall add additional lines within each subject area as appropriate. Form PP-1 has no SOQ page limitation.

Awards, Citations, and/or Commendations:

Name of Award, etc.	Year Received	Project and Location	Work for Which Award, etc. Was Received

Litigation, Claims, Dispute Proceedings, and Arbitration:

Project/Issue	Owner/Agency That Initiated Action	Resolution/Outcome	Is Unresolved or Action Outstanding?	Current Owner Contact Name and Telephone & Fax Numbers.

Form PP-1  
PAST PERFORMANCE

Liquidated Damages:

Project Name	Cause of Delay(s)	Amount Assessed	Describe Outstanding Damage Claims by Any Owner	Current Owner Contact Name, and Telephone & Fax Nos.

Termination for Cause:

Project Name	Describe Reason for Termination	\$ Amount Involved	Current Owner Contact Name, Telephone & Fax Nos.

Disciplinary Action:

Project Name	Describe Action Taken	Current Owner Contact Name, Telephone & Fax Nos.

Form PP-2  
ENVIRONMENTAL PAST PERFORMANCE

Name of Proposer:

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Name of [Principal/Major Participant](#) Firm:

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[Instructions for Form completion:](#) Should additional lines be needed by Proposers to address subject areas identified in the table below, Proposer shall add additional lines within each subject area as appropriate. Form PP-2 has no SOQ page limitation.

Environmental Awards and/or Commendations:

Name of Award	Year Received	Project and Location	Work for Which Award Received

Environmental Citations:

Name of Citations	Year Received	Project and Location	Work for Which Citation Received

**Form R**  
**PAST REVENUE**

**Name of Proposer:**

Firm Name (Proposer Entities)	Total Revenue (\$US in Millions)		
	2007	2008	2009
<b>Principal Participant(s):</b>			
<b>Designer:</b>			
<b>Major Participants:</b>			
<b>Other:</b>			

Form R has been removed and is not part of this RFQ.

Form RFQ-C  
Proposer's Clarification Request

Proposer/Firm Name: \_\_\_\_\_

RFQ Section No. or Appendix	Question	Reserved for Department Response

**Form S**  
**SAFETY QUESTIONNAIRE**

Name of Proposer: \_\_\_\_\_

Name of Principal/Major Participant Firm Name: \_\_\_\_\_

Instructions for Form completion: Should additional lines or space be needed by Proposers to address subject areas identified in the tables and questions below, Proposer shall add additional lines within each subject area as appropriate. Form S has no SOQ page limitation.

1. Provide the following information for the past ~~three~~ 3 years:

Item	2007	2008	2009
Experience Modification Rate			
Lost Work Rate			
Employee hours worked (Do not include non-work time, even though paid)			
Number of lost workday cases			
Number of restricted workday cases			
Number of cases with medical attention only			
Number of fatalities			

2. Are internal accident reports and report summaries sent to management? To what levels and how often?

Position	No	Yes	Monthly	Quarterly	Annually

3. Do you hold site meetings for supervisors? Yes \_\_\_\_\_ No \_\_\_\_\_  
How Often? Weekly\_\_\_ Biweekly\_\_\_ Monthly\_\_\_ Less often, as needed\_\_\_

4. Do you conduct Project Safety Inspections? Yes \_\_\_\_\_ No \_\_\_\_\_  
By Whom? \_\_\_\_\_  
\_\_\_\_\_

How Often? Weekly\_\_\_ Biweekly\_\_\_ Monthly\_\_\_

5. Does the firm have a written Safety Program? Yes \_\_\_\_\_ No \_\_\_\_\_

**Form S**  
**SAFETY QUESTIONNAIRE**

6. Does the firm have an orientation program for new hires? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what safety items are included? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Does the firm have a program for newly hired or promoted foremen?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, does it include instruction of the following?

Topic	Yes	No
Safety Work Practices		
Safety Supervision		
On-site Meetings		
Emergency Procedures		
Accident Investigation		
Fire Protection and Prevention		
New Worker Orientation		

8. Does the firm hold safety meetings which extend to the laborer level?

Yes \_\_\_\_\_ No \_\_\_\_\_

How often? Daily \_\_\_ Weekly \_\_\_ Bi-Weekly \_\_\_ Less often, as needed \_\_\_

9. (For Proposer only) Indicate the safety record on the last Project to which the indicated key personnel were assigned:

Key Person	Total Hours Worked by All Employees on Project	Number of Lost Workday Cases on Project	Number of Restricted Workday Cases on Project	Number of Cases with Medical Attention Only on Project	Number of Fatalities on Project
Principal in Charge					
Project Manager					
Construction Manager					

Form S  
SAFETY QUESTIONNAIRE

10. Has Cal OSHA cited and assessed penalties against your firm for any "serious," "willful," or "repeat" violations of its safety or health regulations in the past five-5 years?

Yes \_\_\_\_\_ No \_\_\_\_\_

(If yes, attach a separate signed page describing the citations, including information about the dates of the citations, nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.)

11. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five-5 years?

Yes \_\_\_\_\_ No \_\_\_\_\_

(If yes, attach a separate signed page describing each citation.)

Form T  
PROPOSER'S PROVISIONAL OVERALL 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 Riverside County Transportation Commission (RCTC) has established a proposed Overall Project DBE goal of **10.51%** based on the total project value for this Design-Build Project. This affidavit further serves to confirm that ***(INSERT PROPOSER NAME HERE)*** will aggressively exercise good faith efforts to the satisfaction of RCTC to meet the proposed Overall Project DBE goal in accordance with DBE Design-Build Program requirements defined in the Request for Proposal (RFP) documents, when issued. The proposed Overall Project DBE goal is considered "Provisional" at this time, as RCTC is currently in the process of securing required approvals of the proposed Overall Project DBE goal from U.S. Department of Transportation (U.S. DOT).

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





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**APPENDIX D:**  
**DRAFT COOPERATIVE AGREEMENT FOR**  
**DESIGN-BUILD OF THE STATE ROUTE 91**  
**TOLL FACILITIES AND CORRIDOR**  
**IMPROVEMENTS PROJECT**

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**APPENDIX E:**  
**DRAFT COOPERATIVE AGREEMENT FOR  
STATE ROUTE 91 EXPRESS LANES AND  
CORRIDOR IMPROVEMENTS BETWEEN  
RIVERSIDE COUNTY TRANSPORTATION  
COMMISSION AND ORANGE COUNTY  
TRANSPORTATION AUTHORITY**

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**ATTACHMENT 1:**  
**RCTC CONFLICT OF INTEREST POLICY**

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## ATTACHMENT 2: SCORING FORM

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## SCORING FORM

### Organization and Key Managers and Experience of the Firms

Section	Requirement	Score
3.5	<i>Firm Experience and Past Performance</i>	
3.5.1 (A) and 3.5.1 (B)	<del>Firm Experience</del> Past Performance (maximum 5 pts.)	
3.5.1 (C)	<del>Firm Experience, Penalties, Claims/Litigation and Termination</del> (maximum 5 pts.)	
3.5.1 (D)	<del>Penalties, Claims/Litigation, and Termination</del> Organizational Structure (maximum 5 pts.)	
3.6	<i>Proposer's Organization and Key Personnel</i>	
3.6.1 (A)	Qualifications of the proposed Project Manager (maximum 7 pts.)	
3.6.1 (B)	Qualifications of the proposed Construction Manager (maximum 6 pts.)	
3.6.1 (C)	Qualifications of the proposed Design Manager (maximum 6 pts.)	
3.6.1 (D)	Qualifications of the proposed Quality Manager (maximum 5 pts.)	
3.6.1 (E)	Qualifications of the proposed Safety Manager (maximum 5 pts.)	
3.6.1 (F)	Qualifications of the proposed Public Relations Officer (maximum 5 pts.)	
3.6.1 (G)	Qualifications of the proposed ROW, Utility, and Permitting Coordinator (maximum 5 pts.)	
3.6.1 (H)	Qualifications of the proposed Project Scheduler (maximum 3 pts.)	
3.6.1 (I)	Qualifications of the proposed Toll Systems Coordinator (maximum 3 pts.)	
<b>Total Score for Proposer Organization and Key Personnel and Firm Experience and Past Performance</b> (total score for these categories cannot exceed 60)		

## SCORING FORM

### Project Understanding and Approach and Quality Management Program

Section	Requirement	Score
3.7	<i><u>Project Understanding and Approach</u></i>	
3.7 (A) and 3.7 (B)	Management and Organizational Approach <a href="#">coordination with Toll System Integrator, and ITS implementation</a> (maximum 6 pts.)	
3.7 (C)	Proposer's organization and the design-build process to ensure a successful Project, considering RCTC's Project goals listed in <a href="#">Section 1.3</a> (maximum 6 pts.)	
3.7 (D)	Skilled Labor Force <a href="#">Ability-Availability</a> (maximum 4 pts.)	
3.8	<i><u>Quality Management Program</u></i>	
3.8 (A)	Quality assurance/control during design (maximum 8 pts.)	
3.8 (B)	Quality assurance/control during construction (maximum 8 pts.)	
3.8 (C)	Coordination between RCTC and the Design-Builder organization (maximum 4 pts.)	
3.8 (D)	Coordination with other agencies (maximum 4 pts.)	
<b>Total Score for Project Understanding and Approach and Quality Management Program</b> (total score for these categories cannot exceed 40)		