



VICTOR VALLEY TRANSIT AUTHORITY

*Representing the communities of Adelanto, Apple Valley, Barstow, Hesperia,
Victorville, and San Bernardino County.*

**RFQ 2020-10
HESPERIA HYDROGEN FUEL STATION**

July 5, 2022

Legal Notice VVTA RFQ 2020-10
Notice Inviting Letters of Interest

Victor Valley Transit Authority
17150 Smoke Tree Street
Hesperia, CA 92345

Request for Letters of Interest and Notice of Availability of a Request for Qualifications for a Design-Build Contract for the Hesperia Hydrogen Fueling Station for a design build, turnkey Hydrogen fueling solution for Victor Valley Transit Authority (VVTA). The project will consist of one station located in Hesperia CA. The station will be equipped with two dispensers, a private 350 BAR (H35) dispenser for VVTA's fleet, and a 350 BAR (H35)/700 BAR (H70) dispenser for light duty and heavy-duty applications with the ability to fuel 60 buses and more than 20 passenger cars per day. The station will include a liquid hydrogen storage tank; liquid hydrogen will be delivered on an as needed basis.

Victor Valley Transit Authority (VVTA) hereby solicits Letters of Interest from contractor teams (Teams) interested in completing the design and constructing of Hydrogen Fueling Station located in Hesperia, CA, on a fixed price/fixed term basis. The Project is being procured in accordance with a two-part, best-value Design-Build procurement process authorized under CA P.C.C. Division 2, Part 3, Chapter 4 [22160-22169] and 49 U.S.C. § 5325(d)(2).

This Project is being funded by Federal Transit Authority (FTA) funds. Contractor teams are advised to carefully review all contract requirements and to keep complete and accurate records of all spending in the event of contract award. The successful Team and any of its subcontractors shall be responsible for complying with the applicable provisions of FTA grant funding which are incorporated herein by reference and all federal and state laws applicable to federally funded projects. The Project's cost is estimated at \$6,721,180 and will include the obligation to provide a five-year warranty for certain elements of the completed work.

Letters of Interest from teams interested in receiving a Request for Qualifications (RFQ) for the Project will be received by **VVTA until 3:00 PM (Pacific Time) on Thursday, June 30, 2022.** Letters of Interest must be addressed to:

Christine Plasting, Procurement Manager
17150 Smoke Tree Street
Hesperia, CA 92345
Cplasting@vvta.org

After delivery of the Letter of Interest, the RFQ's will be sent via email to the participating teams. Please note that teams must submit Letters of Interest in order to become part of the procurement process for the Project. Statements of Qualifications (SOQ's) will NOT be accepted from any party not submitting a Letter of Interest by the specified date. Letters of Interest must provide a mailing address, telephone number, email address and fax number for each Team's designated contact in order to ensure that any addenda that may be issued to the RFQ will be received by the interested Team. RFQ Addenda will be issued electronically, only.

SOQ's will be evaluated by a selection committee established by VVTA, using the following general criteria:

- Demonstrated experience in complex projects, including experience in design-build and experience in design and construction of Hydrogen Fueling Stations, and history of claims and record of safety;
- Understanding of the work, including approach to integration of design and construction, quality assurance and maintenance of schedule;
- Experience and availability of key personnel to be assigned the project;
- Experience of other personnel; and
- General quality of the SOQ submission.

Teams shall affirmatively ensure that in regard to any contract entered into pursuant this solicitation, minority and female construction contractors will be afforded full opportunity to submit proposals and will not be discriminated against on the grounds of race, color, religion, sex, age, or national origin in consideration for award. Teams will also be required to comply with Federal Equal Employment Opportunity Regulations.

Teams will also be required to comply as part of their proposals that they are able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work. The contract will be subject to Build America, Buy America provisions and to minimum wage rates in accordance with the Davis-Bacon Act, as well as other applicable labor laws and FTA contract requirements. Each Team that is chosen to submit a proposal will be required to provide a Bid Guarantee in the amount of ten (10%) of the value of the bid, in the form of a bid bond. The successful proposer will also be required to furnish a performance bond and a labor and materials payment bond, each for the full amount of the contract price.

Complete Instructions for the submission of Statements of Qualifications shall be set forth in the RFQ. VVTA reserves the right to reject any or all SOQ's, proposals, to waive informalities, to advertise for new proposals or proceed to do the work otherwise, as may be deemed in the best interest of VVTA.

VVTA is an equal opportunity employer.

The successful Respondent will be required to comply with all applicable Equal Opportunity Laws and Regulations.

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FORM A - TRANSMITTAL COVER PAGE
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SECTION 1. INSTRUCTIONS TO RESPONDENTS

A. RFQ TIMELINE

| | |
|--|---|
| Date of RFQ | July 5, 2022 |
| Agency: | VICTOR VALLEY TRANSIT AUTHORITY |
| Address of Agency: | 17150 SMOKE TREE ST., HESPERIA, CA 92345-8305 |
| Contracting Officer: | Christine Plasting, CPPB, Procurement Manager |
| Telephone No: | (760) 948-4021, Ext. 152 |
| FAX No: | (760) 948-1380 |
| Email Address: | cplasting@vvta.org |
| Deadline for Letters of Interest | 5:00 PM. (PST). Thursday, June 30, 2022 |
| Last Day for Questions | 5:00 p.m. (PST) Friday, July 22, 2022 |
| Addenda and Answers to questions | 2:00 p.m.(PST), Thursday, August 4, 2022 |
| SOQ's Due Date | 3:00 p.m.(PST), Thursday, August 11, 2022 |
| Anticipated Short list RFP release date: | Monday, September 12, 2022 |

B. PROJECT BACKGROUND

VVTA is seeking statements of qualifications for a Design-Build Contract for the Hesperia Hydrogen Fueling Station. The project is a design build, turnkey Hydrogen fueling solution for Victor Valley Transit Authority (VVTA). The project will consist of one station located in Hesperia CA. The station will be equipped with three (3) dispensers, two (2) private 350 BAR (H35) dispensers for VVTA's fleet, and a 350 BAR (H35)/700 BAR (H70) dispenser for light duty and heavy-duty applications with the ability to fuel 60 buses and more than 20 passenger cars per day. The station will include an 18,000-25,000-gallon liquid hydrogen storage tank, and all necessary equipment to operate the station to meet the needs of the agency; liquid hydrogen will be delivered on an as needed basis.

The facility is to be constructed on the southern portion of VVTA's property located at the corners of E Avenue and Live Oak Street, just north of the VVTA Hesperia Maintenance and Operations Facility located at 17150 Smoke Tree St. Hesperia, CA 92345.

The Project will be a start to finish design-build project. It will be the responsibility of the selected Design Build Team to produce and present a complete design of the facility during the subsequent RFP process.

C. ENVIRONMENTAL REVIEW

VVTA has contracted with a third-party consultant to assist the with NEPA and CEQA processes required for this facility. The studies associated with this project are available and will be provided to the proposers selected to participate in the RFP.

D. BACKGROUND

1. VVTA is a Joint Powers Authority (JPA) created in 1992 to provide comprehensive public transit services to six incorporated towns and a number of unincorporated communities (represented by the San Bernardino County Board of Supervisors) – all member jurisdictions are located in San Bernardino County, a region that covers an area of approximately 950 square miles.
2. VVTA serves the Victor Valley, a sub region of Southern California north of the Cajon Pass, east of the Los Angeles County line, incorporating much of the Northern portion of the Mojave Desert in San Bernardino County. Victor Valley is part of the Inland Empire, a sub region of the Greater Los Angeles Area.
3. In addition to fixed route, rural routes, and complementary paratransit service, VVTA operates its BV Link – which provides intercity service from Barstow to Victorville and down into the San Bernardino Valley; its NTC Commuter service which operates from Victorville and Barstow to the National Training Center at Fort Irwin; and a turnkey vanpool operation.
4. VVTA was recently designated as a Consolidated Transportation Services Agency (CTSA) for the North Desert Region of San Bernardino County - a large geographic area including responsibility for volunteer driver transportation services in Trona and Big River.

E. PROJECT FUNDING AND BUDGET

This Project is being funded by Federal Transit Authority (FTA) funds. Contractor teams are advised to carefully review all contract requirements and to keep complete and accurate records of all spending in the event of contract award. The successful Team and any of its subcontractors shall be responsible for complying with the applicable provisions of FTA grant funding which are incorporated herein by reference and all federal and state laws applicable to federally funded projects. The Project's cost is estimated at \$6,800,000 and will include the obligation to provide a five-year warranty for certain elements of the completed work.

There will not be a DBE goal for this project, however, there will be additional points awarded during the RFQ and RFP process to firms who are certified DBE's or include DBEs as subcontractors.

Davis-Bacon minimum wage laws will apply.

Federal Build America/Buy America (BABA) provisions will also apply to all structural steel and manufactured items in accordance with 49 CFR 661.

F. PROJECT SCHEDULE

The actual construction effort is intended to start in January 2023 and provide for a duration of no more than 18 months.

G. DEFINITIONS

“Design-Build” means a project delivery process in which both the design and construction of a project are procured from a single entity.

“Design-Build Entity” or (DB Entity) for “Design-Builder or (DB) means a corporation, limited liability company, partnership, joint venture or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a Design-Build contract.

“Design-Build Team” or (Team) means the Design-Build Entity itself and the individuals and other entities identified by the Design-Build Entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.

“Respondent” means the individual or firm submitting the Qualifications Statement in response to this solicitation.

H. OBTAINING RFQ DOCUMENT

Request for Qualification (RFQ) documents will be sent via email to the participating teams. RFQ’s requested by courier or via USPS mail shall be packaged and sent only at the Respondents’ expense.

I. PROCUREMENT PROCESS DURING THE RFQ

The Statements of Qualification (SOQ’s) will be reviewed and evaluated by a VVTA Evaluation Team, selected by the VVTA Executive Director, or his designee. The team may consist of VVTA Staff, Contractor Staff, and possibly representatives from other area jurisdictions who have a vested interest in this project. The SOQ evaluation criteria are described in Section Z of this RFQ.

Responses to any VVTA-issued Requests for Proposal (RFP) will only be accepted from the qualified short-listed Respondents.

It is anticipated that the RFP will not limit the number of services and work that the Team can propose to self-perform.

It is anticipated that VVTA will require the Team to conduct a competitive bidding process for all elements of the construction work.

VVTA will require all Subcontractors providing construction work in excess of \$250,000.00, to have a prior working relationship with the DB within the past five (5) years.

The RFQ requires the DB to identify and supply information regarding the Design-Build Entity (which is the entity that will execute the Design-Build contract,) the General Contractor, the principal engineering firm, other design firms (if any,) and any subcontractors already contracted by the Design Build Entity.

J. COMMUNICATIONS DURING THE RFQ PROCESS

1. All questions, requests for information or objections to this RFQ process must be submitted in writing and be as specific as possible. Submittals shall be directed to the VVTA Procurement Manager, Christine Plasting, via email at cplasting@vvta.org no later than the date indicated in the proposed timeline, section A.
2. No contract with any other VVTA staff concerning this project during the RFQ process is allowed. A violation of this provision may result in disqualification of Respondent. No oral communication from the VVTA contact or any other VVTA staff is binding.
3. All communications regarding this procurement, including addenda, will be issued only to registered participants via email per Section 1, and as appropriate, posted on the VVTA website.

K. ADDENDA TO RFQ

VVTA reserves the right to amend the RFQ at any time. Any addenda to or interpretations of the RFQ shall be described in written addendum. VVTA shall provide copies of Addenda to all prospective Respondents whose Letters of Intent we received by VVTA prior to the deadline for the Letters (September 21, 2017.) Notification of the addendum will be electronically delivered to all such prospective Respondents. All addenda issued shall become part of the RFQ. Prospective Respondents shall acknowledge the receipt of each individual addendum and all prior addenda in their SOQ's. Failure to acknowledge in their SOQ's receipt of addendum may, at VVTA's sole option, disqualify the SOQ.

If VVTA determines that the addendum may require significant changes in the preparation of SOQ's, the deadline for submitting the SOQ's may be postponed by the number of days that VVTA determines will allow Respondents sufficient time to revise their SOQ's. Any new Due Date shall be included in the addendum.

L. RESERVATION OF RIGHTS OF VVTA

In connection with this solicitation, VVTA reserves to itself all rights (which rights shall be exercised by VVTA in its sole discretion) to:

1. Issue addenda, supplements, and modifications to this RFQ;
2. Add or delete Design-Building Entity responsibilities from the information stated in this RFQ or the subsequent RFP;
3. Withdraw or cancel this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by VVTA of a Design-Build contract, without incurring any cost obligations or liabilities to any party;

4. Revise and modify at any time, factors VVTA will consider in evaluating responses to this RFQ and the subsequent RFP and to otherwise revise its evaluation methodology;
5. Modify all dates set or projected in this RFQ;
6. Waive minor defects or irregularities in the SOQ's or non-material deviations from the requirements set forth in this RFQ;
7. Request supplemental information, hold meetings, conduct discussions and exchange correspondence with one or more of the Design-Build Entities responding to the RFQ to seek an improved understanding and evaluation of the responses to this RFQ;
8. Examine any of the facilities referenced in each SOQ and to observe and investigate the operations of such facilities;
9. Conduct investigations of the Design-Build Entities and their SOQ's (including, but not limited to, contacting referenced) to clarify the information provided pursuant to this RFQ, and to require additional evidence to support the information included in any SOQ;
10. Adjust, increase, limit, suspend or rescind the SOQ rating base on subsequently learned information;
11. Add the next highest scoring Design-Build Entity to the short list at any time during the procurement process if a short-listed Design-Build Entity withdraws from the procurement process; and
12. Add or modify its reserved rights in the subsequent RFP; and make all final determinations.

SECTION 2 – INTENDED PROJECT SCOPE OF WORK

1. DESIGN-BUILD ROLES AND RESPONSIBILITIES

The Design-Builder will cooperate with VVTA and will provide in a timely manner the work and services necessary to complete the Project. Design-Builder responsibilities may include:

- Once awarded, provide the plans and specifications needed to begin construction by the Team. Then, complete the final design and construction documents.
- Provide pre-construction services including cost estimating, procurement planning, constructability and value-engineering services.
- Procure all permits, licenses, and approvals required for the construction processes including, but not limited to, building permits, public right-of-way encroachment permits, transportation permits, and demolition permits.
- Provide construction services, supervising Design-Builder personnel and subcontractors.
- Establish and implement quality-management procedures, including Project health and safety practices.
- Provide Project notification and neighborhood outreach and response efforts during design and construction.
- Construct the Project and meet specified construction milestones and the Project in-service due date.
- Procure and provide Project equipment.
- Conduct performance testing, startup, and commissioning.
- Provide as-built record drawings and specifications.
- Provide initial operations support and process optimization services for a set period as determined by VVTA.
- Provide warranty coverage.
- Provide a detailed facility maintenance plan acceptable to VVTA.
- Provide Hydrogen Fuel upon completion of the design build project, for the contracted period, at the contracted price.
- Provide maintenance after completion of property for the contracted period.

2. VVTA ROLES AND RESPONSIBILITIES

VVTA will cooperate with the Design-Builder and will fulfill its responsibilities in a timely manner to facilitate the Design-Builder's timely and efficient performance of work and services. VVTA responsibilities may include:

- Review submissions and provide comments to design-Builder.
- Provide VVTA requirements and preferences including, but not limited to, performance requirements, operations and maintenance preferences, equipment requirements, and single-source equipment preferences.
- Furnish existing studies and provide complete, accurate and reliable data and information regarding the Project, including preliminary studies and environmental studies.
- Provide information and provide (or engage Design-Builder to perform) additional studies that may be necessary to complete the Project.
- Provide access to the Project site.
- Obtain the governmental approval and permits VVTA is responsible for and assist Design-

- Builder in obtaining governmental approvals and permits for which it is responsible.
- Provide necessary operational data.
- Provide timely and adequate funding.

SECTION 3 – PREPARATION AND SUBMITTAL OF SOQ

A. SUBMISSION OF SOQ's

Respondents must provide a complete, responsive SOQ package with all required forms, information, attachments, appendices, and any other supplemental information. Submission of an incomplete and/or unclear SOQ may be considered nonresponsive.

1. Please note that **all addenda** must be acknowledged. Respondent is instructed to use FORM C– Acknowledgement of Addenda – to acknowledge all addenda released during this solicitation.
2. **Sealed original and copies of SOQ**, must be received at the address shown in “Proposal Schedule” (Section A) not later than **3:00 PM (PST) on Thursday, August 11, 2022.**
3. Failure to deliver a responsive submittal package by the date and time specified above will preclude the Design-Builder from subsequent participation in the bidder process for this project.
4. Each SOQ shall include a table of contents referencing each Section in the submittal, and pages shall be numbered sequentially through the document.
5. Any unrequested documentation such as corporate brochures, publications, marketing DVDs, and the like will not be considered in VVTA's evaluation and shall not be included in the submittal.
6. A complete submittal consists of the following:
 - One (1) unbound original wet signed SOQ; and
 - One (1) PDF copy of the SOQ on a USB flash drive.

B. FORMAT OF SOQ's

The Design-Build Entity is the entity that will execute the Design-Build contract. If the legal entity constituting the Design-Build Entity has not yet been formed, questions referring to the Design-Build Entity should be answered as if the Design-Build Entity has been formed.

Inquiries are separated by Division with titles describing the focus area of each Division. Each Division has fill-in and supplemental information required. A separate tab shall be used to separate the Divisions in the Respondents submittal.

As explanation of each Division is provided below with instructions included in the section of each Division. All supplemental documentation provided, and forms completed shall be filed under the Division tab containing the requirement.

C. SOQ REQUIRED CONTENT

DIVISION 1 – DESIGN-BUILD ENTITY INFORMATION AND CERTIFICATION

Division 1 seeks information about the makeup of the Design-Build Entity and is for identification purposes only. There is no evaluative scoring for Division 1.

The Design-Build Entity must complete *Form A Transmittal Cover Page*. The signatory to the Transmittal Cover Page is certifying that the statements and information contained in the Statement of Qualifications are complete and accurate and that the submittal contains no false or deliberately misleading information. By signing the Transmittal Cover Page, the Design-Build Entity acknowledges that receipt of this submittal by VVTA does not constitute either a direct or implied guarantee to the Design-Build Entity that it will be short listed. By signing the Transmittal Cover Page and submitting the SOQ, the Design-Build Entity further agrees to be bound by the procedures and conditions as described in this RFQ.

Submit notarized affidavit as indicated for *Form A: Transmittal Cover Page*.

Provide organizational documentation if the Design-Build Entity is a privately held corporation, Limited Liability Company, Partnership, Joint Venture, or other legal entity. Provide a copy of the organizational documents or agreement committing to form the Design-Build Entity. Indicate all shareholders, partners or members who will perform work on this project.

The Design-Build Entity must complete *Form B: Contact Information*. The Design-Build Entity must list primary and secondary contact persons, who will be the key contact for all communications related to this RFQ and subsequent RFP.

The Design-Build Entity must complete *Form C: Addenda Acknowledgement* and transmit the completed form with the Division 1 requirements and include the form in the Division 1 tab.

DIVISION 2 – PROJECT TEAM INFORMATION

Division 2 seeks information about the makeup of the Design-Build team members and is for identification purposes only. There is no evaluative scoring value for Division 2.

The Design-Build Entity must complete *Form D: Project Team Information*. The Design-Build Entity should provide information for the members with significant roles on the Design-Build team. At a minimum, provide information for the general contractor, principal engineering firm, and design firm(s.) The contacts(s) do not need to be an Owner or Officer. Add additional contacts as needed to describe key participants in the Design-Build Team.

Provide any explanations or documentation to “yes” answers as indicated. These documents will need to be included in the Division 2 tab.

DIVISION 3 – DESIGN-BUILD ENTITY MINIMUM QUALIFICATION – PASS/FAIL

Division 3 seeks information about various members of the Design-Build Entity to assess if

they meet the minimum qualification to work on the Project. Firms intending to prepare an SOQ are encouraged to self-evaluate their responses on *Form E: Design-Build Entity Minimum Qualifications* to determine if they meet minimum qualifications required to submit an SOQ.

Evaluation of the responses on Form E is the first step in qualifying potential Design-Build firms for the Project. A Design-Build Entity that “fails” any one of the questions 1 thru 20 listed on form E is automatically disqualified from further evaluation and selection (except with respect to Question 20 to the extent the Design-Build Entity is a party to an alternative dispute resolution system as identified in Question 20.)

The Design-Build Entity must complete Form E. Provide any documentation and explanations or documentation to “Yes” answers as indicated. Documentation shall be included in the Division 3 tab.

DIVISION 4 – GENERAL CONTRACTOR AND PRINCIPAL ENGINEERING FIRM MINIMUM QUALIFICATIONS – SCORED

Division 4 seeks information about qualifications of the general contractor and the principal engineering firm to assess if they meet the minimum qualifications to work on the Project. It is important to note that the Design-Build Entity is responsible for submitting a fully qualified team. Unqualified individual team members will disqualify the Design-Build Entity.

Evaluation of the responses on *Form F: General Contractor Scored Questions* and *Form G: Principal Engineer Scored Questions* are the second steps in qualifying potential Design-Build firms for the Project. A Design-Build Entity that “fails” any one of the questions 2 thru 14 on form F will be disqualified. Failure to provide an explanation for a “yes” answer to questions 4 thru 6 on Form G may result in Design-Build Entity disqualification.

The Design-Build Entity must complete Form F and Form G. Provide any documentation and explanations or documentation to “Yes” answers as indicated. Documentation must be included in the Division 4 tab.

The Design-Build Entity must complete *Form H: Score Sheet for General Contractor Minimum Qualifications*. Scoring for this form is based on the answers prepared on Form F. A minimum score of 105 or more must be attained on this score sheet to rate the general contractor as qualified. A contractor score of 104 or less will rate the general contractor as unqualified which in turn disqualified the Design-Build Entity.

The Design-Build Entity must complete *Form I: Score Sheet for Principal Engineer Minimum Qualifications*. Scoring for each of these forms is based on the answers prepared on Form G.

DIVISION 5 – REFERENCE PROJECTS DEMONSTRATING DESIGN-BUILD ENTITY AND DESIGN-BUILD TEAM EXPERIENCE

Division 5 seeks information for evaluation of the Design-Build Entity’s and Team’s experience completing projects similar to this Project. The Design-Build Entity shall submit complete project experience information in accordance with the instruction that follow. Failure to provide complete project experience information that demonstrates comparable experience required by the Project will deem the Design-Build Entity disqualified.

“Complete Project” as used in Division 5 means”

1. For the General Contractor, the construction work is 100% complete and the project has passed the start-up, testing, and commissioning for all facility system components; and
2. For the Principal Engineering Firm and Other Design Firms, the project design work is complete, and the construction is either in progress or completed.

“Project Value” as used in Division 5 represents the individual project cost, inclusive of engineering design costs, construction costs including start-up, testing and commissioning, and post construction tasks such as initial operation support services or process optimization services.

The Design-Build Entity will submit reference projects that demonstrate expert knowledge and experience in design and construction of public works facilities, preferably a transit facility. Direct design and/or construction experience with public transportation facilities is highly desirable. Experience with alternative project delivery methods (i.e., Design-Build, Progressive Design-Build, Design/Build-Operate, Construction Manager at Risk, etc.) is also highly desirable. In the reference projects, the Design-Build Entity must demonstrate qualifications and experience relevant to the design and construction of this Project.

Each of the reference projects must have been completed in the past seven (7) years immediately before the issuance of this RFQ. Projects must demonstrate the Design-Build Entity’s experience with design and construction of public works projects (new or retrofit) in the United States and be over \$6 million in Project Value in 2017 Dollars.

VVTA’s assessment of project experience will also include but are not limited to reference checks from project owners. For at least two (2) of the reference projects, VVTA may interview the Owner Reference identified on *Form J Reference Project Data Sheet* to verify the information provided. VVTA reserves the right to disqualify a project for consideration where the owner contact demonstrates a lack of knowledge regarding the specifics of the project in question and/or the Design-Build Entity’s performance on that project.

A. GENERAL CONTRACTOR’S CONSTRUCTION EXPERIENCE AND PRINCIPAL ENGINEERING FIRM’S DESIGN EXPERIENCE

The Design-Build Entity shall identify a minimum of six (6) and not more than eight (8) completed projects by the General Contractor and the Principal Engineering Firm. Any project beyond the eighth will not be read nor considered.

Submit a completed *Form J: Reference Project Data Sheet* for each of the reference projects. Of the projects submitted:

1. At least three (3) of those projects must be attributed to the Principal Engineering Firm of the Design-Build Team. However, only three (3) of these projects will be considered for SOQ evaluation and scoring purposes. Check the appropriate box on form J indicating which three (3) projects are attributable to the Principal Engineering Firm for evaluation and scoring by the Evaluation Committee.
2. At least three (3) of those projects must be attributed to the General Contractor of the Design-Build Team. However, only three (3) of these projects will be considered for SOQ evaluation and scoring purposes. Check the appropriate box on Form J indicating which three (3) projects are attributable to the General Contractor for evaluation and scoring by the Evaluation Committee.

3. Provide owner contact name, agency, address, phone number, and email address. The owner contact is the project manager or other person who is best qualified to answer project related questions.
4. All dollar amounts used on Form J shall be shown in 2017 dollars. Respondents shall reference http://www.bls.gov/data/inflation_calculator.htm to convert prior years' dollars to 2017 dollars.

Submit a project narrative following each project form. Identify the narrative with the project number and project name. The narrative is limited for four (4) pages per project.

Project Narrative requires the following information in the order listed:

Description of Project: Describe objective of the project, type of project, size and capacity, and major challenges during design and construction.

Relevancy to this Project: Describe how the project is applicable and relevant to this Project in terms of project scope and size, project delivery method, technical requirements, regulatory and environmental requirements, and operations and maintenance requirements.

Scope of Services: Describe scope of services and/or construction work relative to all phases of project delivery.

Responsible Firms Role: Describe specific roles of responsible firms in the design and/or construction of the project. Describe team structure and management.

Contract Amount, Change Orders: Explain if the project was completed within the original construction contract amount. Describe differences of final contract amount compared to award amount. Identify/describe the cause of the change such as owner-added scope, unforeseen conditions, design related issues, or other circumstances.

Contract Schedule: Provide current status of project completion per "Completed Project" definition above. Explain the project schedule and schedule challenges. Explain reason for actual or projected completion date that differs from original scheduled completion date including approved time extensions.

Claims and Liquidated Damages: For the reference project, describe history of claims, disputes and litigation over \$50,000.00 and how they were resolved. State if any liquidated damages were assessed; state if no liquidated damages were assessed.

Design-Build Entity Key Personnel: Indicate the involvement and responsibilities of the Key Personnel of the Design-Build Entity, highlighting project experience where the Key Personnel of the Design-Build Entity have previously worked together. Refer to *Form K: Personnel Experience* for a list of the Key Personnel proposed to be assigned to this Project.

Self-Performance and Participation by Design-Build Team Members: If applicable, identify how the Design-Build Entity held a prime role as the General Contractor, the Principal Engineering Firm, or both. Describe the extent of self-performance by the General Contractor and include a description of the work that was self-performed. Describe the

work that was subcontracted. In addition, describe participation by members of the Design-Build Teams' Key Personnel and respective role(s.)

Permitting and Compliance: Describe history of compliance with permit conditions.

Design and Construction Management Techniques: Explain design collaboration approach and project delivery strategy; provide overview of design and construction challenges and how those challenges were addressed; describe any innovative solutions employed.

B. OTHER DESIGN FIRM EXPERIENCE

For each of the Other Design Firms identified in Division 1, the Design-Build Entity shall identify a minimum of one (1) and no more than two (2) completed projects by each of the Design Firms. Only reference projects from a maximum two (2) Design Firms will be considered for evaluation and scoring purposes. If there are more than two (2) Design Firms listed in Division 1, Design-Build Entity must identify which two (2) Design Firms it wants to have their reference projects evaluated by the Evaluation Committee.

These reference projects shall demonstrate design experience applicable to the requirements for this Project. Design and/or construction experience with operational public works (preferably transit) facilities and structures.

Submit a completed Form J for each of the reference projects.

1. Provide owner contact name, agency, address, phone number, and email address. The owner contact is the project manager or other person who is best qualified to answer project related questions.
2. All dollar amounts used on Form J shall be shown in 2017 dollars. Respondents shall reference http://www.bls.gov/data/inflation_calculator.htm to convert prior years' dollars to 2017 dollars. Show any calculations used.

Submit a project narrative following each project form. Identify the narrative with the project number and project name. The narrative is limited for four (4) pages per project.

Project Narrative requires the following information in the order listed:

Description of Project: Describe objective of the project, type of project, size and capacity, and major challenges during design and construction.

Relevancy to this Project: Describe how the project is applicable and relevant to this Project in terms of project scope and size, project delivery method, technical requirements, regulatory and environmental requirements, and operations and maintenance requirements.

Scope of Services: Describe scope of services and/or design work relative to all phases of project delivery.

Responsible Firms Role: Describe specific roles of responsible firms in the design and/or construction of the project. Describe team structure and management.

Contract Amount, Change Orders: Explain if the project was completed within the original construction contract amount. Describe differences of final contract amount compared to award amount. Identify/describe the cause of the change such as owner-added scope, unforeseen conditions, design related issues, or other circumstances.

Contract Schedule: Project Data for Design Firms may leave schedule information blank.

Claims and Liquidated Damages: For the reference project, describe history of claims, disputes and litigation over \$50,000.00 and how they were resolved. State if any liquidated damages were assessed; state if no liquidated damages were assessed.

Design-Build Entity Key Personnel: Indicate the involvement and responsibilities of the Key Personnel of the Design-Build Entity, highlighting project experience where the Key Personnel of the Design-Build Entity have previously worked together. Refer to *Form K: Personnel Experience* for a list of the Key Personnel proposed to be assigned to this Project.

Self-Performance and Participation by Design-Build Team Members: If applicable, identify how the Design-Build Entity held a prime role as the General Contractor, the Principal Engineering Firm, or both. Describe the extent of self-performance by the General Contractor and include a description of the work that was self-performed. Describe the work that was subcontracted. In addition, describe participation by members of the Design-Build Teams' Key Personnel and respective role(s.)

Permitting and Compliance: Describe history of compliance with permit conditions.

Design and Construction Management Techniques: Explain design collaboration approach and project delivery strategy; provide overview of design and construction challenges and how those challenges were addressed; describe any innovative solutions employed.

DIVISION 6 – KEY PERSONNEL EXPERIENCE

Information will be gathered in Division 6 to determine the experience of the key personnel proposed on the Design-Build Team. VVTA may interview the owner contact or Key Personnel provided on Form K to verify the information provided for each of the Key Personnel listed.

VVTA considers Key Personnel substantial to the success of the construction of the project. Pre-qualified Design-Build Entities will be required to retain the Key Personnel as part of this RFQ process on their proposals. Should any changes to Key Personnel be required the Design-Build Entity will be required to resubmit all applicable qualification documents and will be subject to revised qualification score. The Design-Build contract will include a provision requiring the Design-Builder to assign to the Project the personnel identified in this RFQ.

The Design-Build Entity's proposed Project Manager, Principal Engineer, Lead Design Engineer, On-Site Project Manager, and Start-Up Manager for the Project must each have at least ten (10) years relevant professional experience and worked on a minimum of two (2) projects that are comparable to this Project, and in the same role as proposed for this Project. Failure to meet the above minimum requirements for Key Personnel experience will deem the Design-Build Entity as disqualified.

Key Personnel on the Project are:

1. Project Manager (having overall responsibilities for design and/or construction);
2. Principal Engineer (Engineer of Record, having primary responsibilities for Design Services under the Design-Build contract;
3. Lead Design Engineer or Manager (if different from Item 2);
4. Lead Electrical Engineer;
5. Lead Process Engineer;
6. Lead Mechanical Engineer;
7. On-Site Project Manager (having responsibilities to Project construction);
8. Project Superintendent (oversees day-to-day operations on the construction site); and
9. Start-Up Manager (plans, coordinates and manages the start-up, testing, and commissioning for all elements and facilities constructed as part of the Project.)

Submit Design-Build Entity's proposed project team on Form K describing all of the key personnel or equivalent positions listed above.

For each person on form K, indicate the role or responsibility this person will have on the Project. If any of the persons on Form K provided the same/similar role on a Reference Project submitted in Division 5, Form J, indicate the project number on Form K.

Provide resumes for each person listed on Form K.

If any of the key personnel listed on Form K did not participate in a reference project in Division 5, then additional project experience is required to be submitted. For Project Manager, Principal Engineer, Lead Design Engineer, On-Site Project Manager, and Start-Up Manager positions, submit three (3) projects using Form J. Provide one (1) project using Form J for each for all other remaining Key Personnel.

DIVISION 7: FINANCIAL CAPABILITY

The data provided in Division 7 will be used to determine the scores for the financial capability criterion. The financial information required will be considered confidential and not subject to the California Public Records Act.

The Design-Build Entity shall provide financial information for each of the following Design-Build Team members:

A. Design-Build Entity

1. A copy of the most recent Dunn and Bradstreet report. If such report is not available, please provide a statement to the effect in your response. The financial information must be for the company(s) that makes up the Design-Build Entity, not the parent company, unless the parent company is acting as the Guarantor.
2. A copy of the most recent long-term issuer credit rating report from Fitch, Moody's and/or S&P. If such report is not available, please provide a statement to that effect in your response.
3. A copy of the most recent audited financial statements for the past three (3) fiscal years

(U.S. GAAP basis), including the balance sheet, income statement, statement of cash flows, and notes to the financial statements.

B. General Contractor

1. A copy of the most recent Dunn and Bradstreet report. If such report is not available, please provide a statement to the effect in your response.
2. A copy of the most recent long-term issuer credit rating report from Fitch, Moody's and/or S&P. If such report is not available, please provide a statement to that effect in your response.
3. A copy of the most recent audited financial statements for the past three (3) fiscal years (U.S. GAAP basis), including the balance sheet, income statement, statement of cash flows, and notes to the financial statements.

C. Principal Engineering Firm

1. A copy of the most recent Dunn and Bradstreet report. If such report is not available, please provide a statement to the effect in your response.
2. A copy of the most recent long-term issuer credit rating report from Fitch, Moody's and/or S&P. If such report is not available, please provide a statement to that effect in your response.
3. A copy of the most recent audited financial statements for the past three (3) fiscal years (U.S. GAAP basis), including the balance sheet, income statement, statement of cash flows, and notes to the financial statements.

DIVISION 8: ORGANIZATIONAL AND MANAGEMENT APPROACH

The information provided in Division 8 will be used to facilitate understanding of the proposed Design-Build Entity and Team structure and the reporting relationships of individual Key Personnel within that structure. Although not scored separately, the information provided will be used to assess and inform the Evaluation Committee in scoring the Design-Build Team experience.

This description, along with organizational chart(s), shall be limited to no more than ten (10) pages.

A. Organizational Charts

1. Include organizational chart(s) showing the flow of the "chain of command" with lines identifying participants who are responsible for performing the major functions to be performed, and their reporting relationships, in managing, designing and constructing the Project.
2. Provide organizational charts showing the reporting relationships and responsibilities of the Design-Builder and any other firms and describe the Design-Builder's approach to the management of such firms.

3. Provide organizational charts showing the reporting relationships and responsibilities of all Key Personnel (along with their firm affiliations) and briefly describe on a separate sheet the Design-Builder's approach to the management of such Key Personnel.

B. Description of Design-Build Management Approach

1. Provide a narrative description of the Design-Builder's management and organizational approach for accomplishing the Project. The narrative description should describe the methodology for integrating the Design-Builder 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 progressive design-build project delivery methodology for projects with scope and complexity comparable to this Project.
2. The narrative description shall also provide a brief description of the significant functional relationships among participants outlined in the organization chart and how the proposed organization will function as an integrated Design-Build Team.

A COMPLETED SUBMISSION CONSISTS OF ALL COMPLETED DIVISIONS 1-8 INCLUDING ALL REQUESTED FORM AND ATTACHEMENTS AS REQUIRED.

SECTION 4 – EVALUATION AND RANKING OF SUBMISSIONS

1. EVALUATION OF MINIMUM REQUIREMENTS

The SOQs will be reviewed and evaluated by VVTA's Evaluation Committee according to the requirements and criteria outlined in this section

All SOQs will first be reviewed for their responsiveness, and inclusion of all required forms. Any SOQ that is incomplete in any material respect may be deemed nonresponsive and may be rejected in its entirety.

The initial evaluation of Design-Build Entities will be based on information provided in response to the minimum requirements set forth in Section 3, Division 3. If the Design-Build Entity "fails" any questions posed in Division 3 or does not obtain the minimum score in Division 4, they will be disqualified from further consideration.

Those Design-Build Entities that pass the minimum requirements set forth in Section 3, Division's 3 and 4, will be further evaluated on SOQ submittal information for Section 3, Divisions 5, 6 and 7. Ranking will be based on earning up to 100 points as follows:

- ✓ Design-Build Entity and Design-Build Team Experience: 40% of total score for all criteria,
- ✓ Key Personnel Experience: 40% of total score for all criteria, and
- ✓ Financial Capability: 20% of total score for all criteria.

A. DESIGN-BUILD ENTITY AND DESIGN-BUILD TEAM EXPERIENCE EVALUATION (40 POINTS OUT OF 100)

The information provided specified in Section 3, Division 5, Design-Build Entity and Design-Build Team Experience will be used to evaluate the Design-Build Entity's and Design-Build Team's experience based on the following criteria:

1. Experience of the Design-Build Entity and firms comprising the Design-Build Entity and Design-Build Team with alternative project delivery methods (i.e., Design-Build, Progressive Design-Build, Design-Build-Operate, Construction Manager at Risk, etc.). Specific experience with Design-Build project delivery method is highly desirable.
2. Prior working relationships of the firms comprising the Design-Build Entity and Design-Build Team.
3. Experience with planning and design of projects similar in size, scope and cost to this Project.
4. Experience with construction and construction management of projects similar in size, type and cost to this Project.

5. Experience with startup and commissioning of public works (preferably transit) projects.
6. Experience with providing post-construction services such as initial operations support and process optimization services for transit facilities.
7. Demonstrated experience in outreach efforts with the public; agencies having jurisdiction; other interested public, private agencies and parties during design as well as construction of similar projects.

B. KEY PERSONNEL EXPERIENCE EVALUATION (40 POINTS OUT OF 100)

The information provided in Section 3, Division 6: key personnel experience will be used to evaluate the Design-Build Entity's key personnel experience using the following criteria:

1. Key personnel's design and design management experience and past performance on projects of size, scope and cost comparable to this Project.
2. Key personnel's construction and construction management experience and past performance on projects of size, type and cost comparable to this Project.
3. Key personnel have had prior working relationships on referenced projects.
4. Key personnel's experience with alternative project delivery methods (Design-Build, Construction Manager at Risk, Design-Build Operate, etc.). Specific experience with design-build project delivery method is highly desirable.
5. Successful implementation of quality control management plans during project design.
6. Successful implementation of construction quality control management plans during project construction.
7. Key personnel's experience in planning, managing and performing project startup, commissioning and owner staff training.
8. Key personnel's experience in providing post-construction services such as initial operations support and process optimization support.

C. FINANCIAL CAPABILITY EVALUATION (20 POINTS OUT OF 100)

The information provided in Section 3, Division 7: Financial Capability will be used to evaluate the Design-Build Entity's financial capability using the following criteria:

1. Profitability and growth.

2. Solvency.
3. Financial efficiency.
4. Bond, credit, and other ratings.

D. EVALUATION OF GENERAL INFORMATION DIVISIONS

1. Division 1 and Division 2, seek information about the makeup of the Design-Build Entity and are for identification purposes only. There is no direct evaluative scoring value for these Divisions. However, this information is vital to fully assisting the Evaluation Committee in understanding the proposal.
2. The information provided in Division 8 will be used to facilitate understanding of the proposed Design-Build Entity and Team structure and the reporting relationships of individual Key Personnel within that structure. There is no direct evaluative scoring value for this Division. Although not scored separately, the information provided will be used to assess and inform the Evaluation Committee in scoring the Design-Build Team experience.

2. RANKING OF SOQS AND SHORT LIST

Design-Build Entities that pass the minimum requirements will continue to be evaluated on responses to Section 3, Divisions 5, 6, and 7, and ranked on the basis of their final evaluation score.

VVTA expects to short list the most qualified Design-Build Entities (up to six) based on the highest evaluation scores. Upon conclusion of the SOQ evaluation process, VVTA will notify all respondents on the results of the evaluation.

The short-listed Design-Build Entities will be issued the Request for Proposal on the Project.

SECTION 5 – GENERAL INSTRUCTIONS AND REQUIREMENTS

1. CONFLICT OF INTEREST

Each Design-Build Entity submitting a SOQ is responsible for determining whether or not its participation or the participation of other Design-Build Team members in the proposed Design-Build Contract constitutes a conflict of interest or a potential conflict of interest pursuant to California Government Code Sections 1090, 87100 *et seq.*, and other applicable law. Each Design-Build Entity must investigate and manage any potential conflict of interest as part of considering whether to submit a SOQ and when assembling its project team.

The existence of such a conflict of interest is a basis for VVTA to disqualify a Design-Build Entity's participation in this RFQ process. If VVTA determines that a Design-Build Entity is disqualified because of the existence of such a conflict of interest, VVTA will provide the Design-Build Entity with a written statement of the facts leading to that conclusion.

2. INSURANCE REQUIREMENTS

- A. The Design-Builder, at the Design-Builder's sole cost and expense and for the full term of the Design-Build contract or any extension thereof, will be required to obtain and maintain, at a minimum, all of the insurance requirements outlined in Exhibit A Insurance Requirements. Additional details will be provided during the RFP process.
- B. Certain certifications regarding insurance are required as a part of this RFQ process, as provided in Section 3, Division 3 Minimum Requirements for Qualification of the SOQ.
- C. Proposed Insurance Requirements are included at Attachment A.

3. BOND REQUIREMENTS

- A. During the RFP process, the Design-Build Entity will be required to provide a certified or cashier's check, or by a corporate surety bond on a form acceptable to VVTA. Said check or bidder's bond shall be in an amount not less than 10% of the estimated construction cost for this project value indicated in Section 1.E PROJECT FUNDING AND BUDGET.
- B. The Design-Builder who is awarded the contract after the RFP process will be required to deliver to VVTA performance and payment bonds on forms acceptable to VVTA in the full amount of the estimated construction costs to guarantee the faithful performance and payments. For the purposes of providing performance and payment bonds, the estimated construction cost for this Project is 100% of the Project Value indicated in Section 1.E PROJECT FUNDING AND BUDGET. VVTA reserves the right to reject any bond if, in the opinion of VVTA, the Surety's acknowledgment is not in the form as prescribed by law.
- C. Certain certifications regarding bonds are required as provided in Section 3, Division 3.

D. VVTA reserves the right to negotiate the bonding level requirements. However, other guarantees (such as bank letters of credit, etc.) will be allowed by VVTA in lieu of or in combination with the performance bond requirements.

4. CONFIDENTIALITY

All information submitted to VVTA under this RFQ process becomes the exclusive property of VVTA but, if not otherwise a public record under the California Public Records Act (California Government Code section 6250 et seq.), shall not be open to public inspection. All submissions and other correspondence will be subject to the following requirements:

- A. This RFQ is based on the model document developed by the California Department of Industrial Relations. Accordingly, pursuant to Public Contract Code Section 20101(a), it is VVTA's position that all SOQs and related information submitted in response to this RFQ "shall not be public records and shall not be open to public inspection." Barring a court order to the contrary, VVTA will treat all SOQs and related documents as confidential and will not disclose them.
- B. The California Public Records Act also recognizes an exception to disclosure of records which contain confidential trade secrets (see Government Code Section 6254(k) and Civil Code Section 3426.1.) VVTA is not in a position to determine what information in a submission, if any, may be subject to one of these exceptions. Accordingly, if a Design-Build Entity believes that any specific portion of its submission is exempt from disclosure under the Public Records Act, the Design-Build Entity must mark the portion of the submission as such and state the specific provision in the Act that provides the exemption and the factual basis for claiming the exemption. For example, if a Design-Build Entity believes a submission contains trade secret information, the Design-Build Entity must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Public Records Act which provides the exemption for such information and the factual basis for claiming the exemption.

5. OBLIGATION TO KEEP PROJECT TEAM INTACT

Respondents are advised that all firms and key personnel identified in the SOQ shall remain on the Project Team for the duration of the procurement process and execution of the Project. If extraordinary circumstances require a change, it must be submitted in writing to VVTA. VVTA, at its sole discretion, will determine whether to authorize a change, recognizing that certain circumstances (such as termination of employment) may occur that are beyond the Design-Builder's control. Unauthorized changes to the Project Team at any time during the procurement process may result in elimination of the Respondent from further consideration.

6. PRE-CONTRACTUAL EXPENSES

- 1. VVTA will not be liable for any pre-contractual expenses incurred by any Respondent in preparation of its SOQ. Respondent shall not include any such expenses as part of their response in the RFQ and subsequent RFP.
- 2. Pre-contractual expenses are defined as expenses incurred by the Respondent in:

- a. Preparing SOQs in response to this RFQ;
- b. Submitting SOQ to VVTA.
- c. Negotiating with VVTA any matter related to this solicitation; and
- d. Any other expenses incurred by Respondent prior to date of award, if any, and of the resulting Agreement, if any.

7. APPEAL PROCESS

The following procedures shall apply when a Respondent desires to dispute the results of the VVTA's SOQ evaluation:

- A. There is no right to dispute the RFQ process requirements and/or specifications if any objection thereto could have been addressed by submitting a question and/or objection in accordance with Section 1, J. COMMUNICATIONS DURING THE RFQ PROCESS. The appeal by the interested party shall be undertaken at the interested party's expense.
- B. Upon written request of the Respondent, VVTA will provide the Respondent with a written notification of the basis for VVTA's evaluation of their SOQ.
- C. To initiate an appeal, the Respondent must notify VVTA in writing that it is appealing the results of VVTA's evaluation of their SOQ. The appeal must be made no later than five (5) business days following the date of VVTA's written notification of the proposed short list.
- D. The Respondent initiates an appeal by delivering to VVTA, at the same location where the SOQs were submitted, a written notice setting forth the basis for the appeal, as well as all of the relevant facts.
- E. Failure to file a timely appeal waives any and all rights the Respondent has to challenge the decision of VVTA regarding the results of VVTA's evaluation, whether by administrative process, judicial process or any other legal process or proceeding.
- F. If the Respondent files a timely appeal, the VVTA Procurement Manager will:
 - 1. review all material submitted and will render a decision within thirty (30) days after the receipt of the protest; and
 - 2. consider only those specific issues addressed in the written appeal.
- G. The decision of the Procurement Manager will then be given to the Executive Director, or designee, for approval. The decision of the Executive Director is final.
- H. If the Respondent chooses not to avail themselves of this appeal process, the proposed short list will be finalized without further proceedings.

SECTION 6 – REQUIRED FORMS

Form A Transmittal Cover Page

Form B Contact Information

Form C Addenda Acknowledgement

Form D Project Team Information

Form E Design-Build Entity Minimum Qualifications

Form F General Contractor Scored Questions

Form G Principal Engineer Scored Questions

Form H Score Sheet for General Contractor Minimum Qualifications

Form I Score Sheet for Principal Engineering Minimum Qualifications

Form J Reference Project Data Sheet

Form K Key Personnel Experience

These required forms are available in MS Word. Upon request, all requested forms will be provided electronically to facilitate preparation of the Statement of Qualifications

FORM A - TRANSMITTAL COVER PAGE

Design-Build Entity Legal Name:

Principal Office Street Address:

City, ST, Zip

Phone Number

Design-Build Entity Legal Structure: ☐ Corporation ☐ Sole Proprietorship
☐ Partnership ☐ Joint Venture
☐ Other (Specify):

Date of Formation or Incorporation:

Under the Laws of Which State:

CA CSLB Contractor Number:

CA DIR Registration Number:

CERTIFICATION

The undersigned is/are a legally authorized representative(s) of the Design-Build Entity, and hereby certify that I am/we are submitting this Statement of Qualifications; I am/we are duly authorized to sign this Statement of Qualifications on behalf of the above-named firm; that the statement has been checked for errors and omissions; I/we have read all the answers herein and know all of their contents; and that all information set forth in this Statement of Qualifications and all attachments hereto are, to the best of my/our knowledge, true, accurate, current and complete as of its submission date.

I/We certify that this Design-Build Entity is NOT on the U.S. Comptroller General's list of ineligible firms for federally financed and assisted construction, materials, equipment contracts or services.

The undersigned certifies and declares under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed in

_____ County, California, on _____ (Date)

DESIGN-BUILD ENTITY SIGNATURE(S)

No Statement of Qualifications shall be accepted which has not been signed in ink in the appropriate space below. Select the appropriate legal structure for execution of the certification.

1. If Design-Build Entity is an **INDIVIDUAL**, sign here (include a notarized affidavit attesting to the authenticity of said signature):

Printed Name: _____ Title: _____

Signature: _____ Date : _____

FORM A - TRANSMITTAL COVER PAGE

2. If Design-Build Entity is a **PARTNERSHIP** or **JOINT VENTURE**, all general Partners or members shall sign here (include a notarized affidavit attesting to the authenticity of said signatures).

Partnership/Joint Venture Name: _____

Member/Partner Name: _____ Title: _____

Member/Partner Signature: _____

Date: _____

Member/Partner Name: _____ Title: _____

Member/Partner Signature: _____

Date: _____

Member/Partner Name: _____ Title: _____

Member/Partner Signature: _____

Date: _____

3. If Design-Build Entity is a **CORPORATION**, the duly authorized officer (s) shall sign as follows:

The undersigned certify that they are respectively _____ (Title) and _____ (Title) of the corporation named below; that they are designated to sign this SOQ Transmittal Cover Page by resolution (*attach a certified copy, with corporate seal, if applicable, notarized as to its authenticity or Secretary's certificate of authorization*) for and on behalf of the below named CORPORATION, and that they are authorized to execute same for and on behalf of said CORPORATION.

Corporation Name: _____

Printed Name: _____ Title: _____

Signature: _____ Date _____

Printed Name: _____ Title: _____

Signature: _____ Date _____

FORM A - TRANSMITTAL COVER PAGE

4. If Respondent is an **OTHER legal entity**, an authorized representative of the entity shall sign here (include a notarized affidavit attesting to the authenticity of said signatures).

Entity Name:

Printed Name:

Title:

Signature: _____ Date _____

5. If the Design-Build Entity is a **FIRM THAT HAS NOT YET BEEN FORMED**, all entities and other parties proposed to comprise such Design-Build Entity shall sign here (include a notarized affidavit attesting to the authenticity of said signatures), the individual signatories making the certification described above on behalf of such entities/parties:

Proposed Design-Build Entity Name:

On Behalf of Proposed Member/Partner Name:

Printed Name:

Title:

Signature: _____ Date _____

On Behalf of Proposed Member/Partner Name:

Printed Name:

Title:

Signature: _____ Date _____

On Behalf of Proposed Member/Partner Name:

Printed Name:

Title:

Signature: _____ Date _____

On Behalf of Proposed Member/Partner Name:

Printed Name:

Title:

Signature: _____ Date _____

FORM B - CONTACT INFORMATION

The Design-Build Entity must provide all of the following contact information for the Design-Build team. List the person(s) who will be the key contacts for the Design Team. Contact(s) do not need to be Owner or Officer.

CONTACT INFORMATION FOR DESIGN-BUILD ENTITY

The primary and secondary contacts for the Design-Build Entity will be the key contacts for all communications related to this RFQ and subsequent SOQ.

Firm Name:

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Secondary Representative Name:

Secondary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

CONTACT INFORMATION FOR GENERAL CONTRACTOR (if different from Design-Build Entity)

Firm Name:

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

FORM B - CONTACT INFORMATION

CONTACT INFORMATION FOR PRINCIPAL ENGINEERING FIRM (if different from Entity)

Firm Name:

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

CONTACT INFORMATION FOR DESIGN FIRM(S) (if different from Design-Build Entity)

Firm Name:

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

Work to be performed:

Firm Name:

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

Work to be performed:

Firm Name:

FORM B - CONTACT INFORMATION

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

Work to be performed:

Firm Name:

Primary Representative Name:

Primary Representative Title:

Telephone Number:

Email Address:

Is firm a qualified Design-Build Entity? ☐ No ☐ Yes, Qualifying Agency:

Work to be performed:

NOTE: Attach additional pages for additional Design-Build team members as necessary.

FORM C - ADDENDA ACKNOWLEDGMENT

CONTRACTOR NAME:

CONTRACTOR hereby acknowledges that it has received and read the following Addenda:

Addendum # Signature _____

Addendum # Signature _____

Addendum # Signature _____

Addendum # Signature _____

Addendum # Signature _____

FORM D - PROJECT TEAM INFORMATION

1. GENERAL CONTRACTOR INFORMATION

General Contractor Legal Name

Principal Office Street Address

City, ST, Zip

Phone Number

General Contractor Legal Structure: ☐ Corporation ☐ Partnership
☐ Joint Venture ☐ Other (Specify):

Date of Formation or Incorporation

Under the Laws of Which State

CA CSLB Contractor Number:

CA DIR Registration Number:

A. If the General Contractor is a **corporation**, provide all the following information as of the date of issuance of this RFQ for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least 10% of the corporation's stock.

| Name | Position/Title | Years with Corporation | % Ownership |
|------|----------------|------------------------|-------------|
| | CEO | | |
| | President | | |
| | Secretary | | |
| | Treasurer | | |
| | | | |
| | | | |
| | | | |

FORM D - PROJECT TEAM INFORMATION

Identify every construction firm that any person listed above has been associated with as owner, general partner, limited partner or officer at any time during the last five years immediately before the date of issuance of this RFQ.

For this information, "owner" and "partner" refer to ownership of ten percent (10% or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

NOT A PUBLIC RECORD

| Name | Name of Construction Firm | Dates of Person's Participation with Firm |
|------|---------------------------|---|
| | | |
| | | |
| | | |
| | | |

B. If the General Contractor is a ***sole proprietorship***, complete the following:

| Owner Name | Years as Owner |
|------------|----------------|
| | |

Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years (immediately before the date of issuance of this RFQ.)

For this information, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

NOT A PUBLIC RECORD

| Name | Name of Construction Firm | Dates of Person's Participation with Firm |
|------|---------------------------|---|
| | | |
| | | |
| | | |
| | | |

FORM D - PROJECT TEAM INFORMATION

- C.** If the General Contractor is a *joint venture, partnership, or other legal entity (other than corporation)*, provide all the following information as of the date of issuance of this RFQ for each member of the joint venture, each partner or each other legal entity member who owns ten percent (10%) or more of the firm.

| Name of Individual or Entity | Principal Contact Name | Position | Years with JV/ Partnership/ Association | % Ownership/ Interest |
|------------------------------|------------------------|----------|---|-----------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years immediately before the date of issuance of this RFQ.

For this information, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

NOT A PUBLIC RECORD

| Name | Name of Construction Firm | Dates of Person's Participation with Firm |
|------|---------------------------|---|
| | | |
| | | |
| | | |
| | | |

- D.** Has there been any change in ownership of the General Contractor at any time during the last three (3) years immediately before the date of issuance of this RFQ? A corporation whose shares are publicly traded is not required to answer this question but must check the "Publicly Traded" box.

☐ Yes

☐ No

☐ Publicly Traded

If "yes," explain on a separate page.

FORM D - PROJECT TEAM INFORMATION

E. Is the General Contractor a subsidiary, parent, holding company or affiliate of another construction or design firm?

☐ Yes

☐ No

If “yes,” include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

F. Are any corporate officers, partners or owners connected to any other design or construction firms?

☐ Yes

☐ No

If “yes,” include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

G. List all license numbers, classifications and expiration dates of the California contractor’s licenses held by the General Contractor, including any licenses or registration with the California Department of Industrial Relations required in accordance with SB 854:

| License Number | Trade Classification | Date Issued | Expiration Date |
|----------------|----------------------|-------------|-----------------|
| | | | |
| | | | |
| | | | |
| | | | |

H. If any of your firm’s license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the California State Licensing Board (CSLB) records who meet(s) the experience and examination requirements for each license.

| License Number | Trade Classification | Qualifying Individual Name |
|----------------|----------------------|----------------------------|
| | | |
| | | |
| | | |

FORM D - PROJECT TEAM INFORMATION

- I. Has the General Contractor changed names or license numbers in the past five (5) years immediately before the date of issuance of this RFQ?

☐ Yes

☐ No

If "yes," explain on a separate page, including the reason for the change.

- J. Has any owner, partner, or for corporations, officer of your firm operated a construction firm under any other name in the last five (5) years immediately before the date of issuance of this RFQ?

☐ Yes

☐ No

If "yes," explain on a separate page.

- K. Provide surety information for General Contractor.

Bonding Company./Surety Name:

Surety Agent name:

Surety Agent Street Address:

City, ST, Zip:

Phone Number:

- L. Provide all other sureties (name and full address) that have written bonds for the General Contractor during the last five (5) years immediately before the date of issuance of this RFQ. Include the periods during which each wrote the bonds.

| Surety Company Name | Street Address City, State, Zip | Periods of Coverage |
|---------------------|------------------------------------|---------------------|
| | | |
| | | |
| | | |
| | | |

FORM D - PROJECT TEAM INFORMATION

2. PRINCIPAL ENGINEERING FIRM INFORMATION

Principal Engineering Firm Legal Name:

Principal Office Street Address:

City, ST, Zip:

Phone Number:

Principal Engineering Firm Legal Structure: ☐ Corporation ☐ Partnership
☐ Joint Venture ☐ Other (Specify):

Date of Formation or Incorporation:

Under the Laws of Which State:

Name of Principal Engineer:

License Number of Principal Engineer:

Years in Practice for Principal Engineer:

Is the Principal Engineering Firm different from that of the General Contractor?

☐ Yes. Answer all questions below.

☐ No. Proceed to Question H.

A. If the Principal Engineering Firm is a **corporation**, provide all the following information as of the date of issuance of this RFQ for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least 10% of the corporation's stock.

| Name | Position/Title | Years with Corporation | % Ownership |
|------|----------------|------------------------|-------------|
| | CEO | | |
| | President | | |
| | Secretary | | |
| | Treasurer | | |
| | | | |
| | | | |

FORM D - PROJECT TEAM INFORMATION

B. If the Principal Engineering Firm is a ***sole proprietorship***, complete the following:

| Owner | Years as Owner |
|-------|----------------|
| | |

C. If the Principal Engineering Firm is a ***joint venture, partnership, or other legal entity (other than corporation)***, provide all the following information as of the date of issuance of this RFQ for each member of the joint venture, each partner or each other legal entity member who owns 10 per cent or more of the firm (*attach additional pages if necessary*).

| Name of Individual or Entity | Principal Contact Name | Position | Years with JV/ Partnership/ Association | % Ownership/ Interest |
|------------------------------|------------------------|----------|---|-----------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

D. Has there been any change in ownership of the Principal Engineering Firm at any time during the last three (3) years immediately before the date of issuance of this RFQ? A corporation whose shares are publicly traded is not required to answer this question but must check the "Publicly Traded" box.

☐ Yes

☐ No

☐ Publicly Traded

If "yes," explain on a separate page.

E. Is the Principal Engineering Firm a subsidiary, parent, holding company or affiliate of another design or construction firm? Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes

☐ No

If "yes," include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

FORM D - PROJECT TEAM INFORMATION

- F.** Has any corporate officers, partners or owners of the Principal Engineering Firm worked for any other engineering or architectural firms in the past five (5) years (immediately before the date of issuance of this RFQ):? Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes

☐ No

If "yes," explain on a separate page.

- G.** Has the Principal Engineering Firm changed names in the past five (5) years (immediately before the date of issuance of this RFQ)?

☐ Yes

☐ No

If "yes," explain on a separate page, including the reason for the change.

- H.** Provide the following information for all known Engineers and Architects who will be working on the design for this PROJECT: *(attach additional pages if necessary)*

| Engineer/Architect | Discipline | License Number | Years in Practice |
|--------------------|------------|----------------|-------------------|
| | | | |
| | | | |
| | | | |
| | | | |

FORM D - PROJECT TEAM INFORMATION

3. INFORMATION ABOUT THE OTHER DESIGN FIRMS, IF ANY

- A. For each of the Other Design Firms identified in Form B - Contact Information, if any, provide the information below.

Name of Other Design Firm:

Element of Design to be Performed:

Provide the following information for all known Engineers and Architects of this Other Design Firm who will be working on the design for this Project.

| Engineer/Architect | Discipline | License Number | Years in Practice |
|--------------------|------------|----------------|-------------------|
| | | | |
| | | | |
| | | | |
| | | | |

- B. For each of the Other Design Firms identified in Form B, Contact Information, if any, provide the information below.

Name of Other Design Firm:

Element of Design to be Performed:

Provide the following information for all known Engineers and Architects of this Other Design Firm who will be working on the design for this Project.

| Engineer/Architect | Discipline | License Number | Years in Practice |
|--------------------|------------|----------------|-------------------|
| | | | |
| | | | |
| | | | |
| | | | |

Attach additional pages for additional Other Design Firms if necessary.

FORM E - DESIGN-BUILD ENTITY MINIMUM REQUIREMENTS

The Design-Build Entity is automatically disqualified if the answer to any of questions 1 through 5 is “No”.

1. Does the General Contractor possess a valid and current California Class “A” General Engineering Contractor’s License for this Project for which the Design-Build Entity intends to submit a proposal?

☐ Yes

☐ No

2. Refer to Attachment A – Insurance Requirements of this RFQ regarding insurance requirements for this Project. Is the Design-Build Entity able to obtain (or has) insurance in the limits stated in Attachment A – Insurance Requirements?

☐ Yes

☐ No

3. Do the General Contractor and each proposed subcontractor have current workers’ compensation insurance coverage as required by the Labor Code or are legally self-insured pursuant to Labor Code section 3700 et. seq.?

☐ Yes

☐ No

4. Is the Design-Build Entity able to obtain performance and payment bonds for the Project, which is expected to involve a construction contract cost as defined in Section 2.3 of this RFQ?

☐ Yes

☐ No

If “Yes”, provide surety information for Design-Build Entity.

Bonding Company./Surety Name:

Surety Agent name:

Surety Agent Street Address:

City, ST, Zip:

Phone Number:

5. Has the financial information required in DIVISION 7: FINANCIAL CAPABILITY been provided?

☐ Yes

☐ No

Note: Include the financial information in DIVISION 7: FINANCIAL.

FORM E - DESIGN-BUILD ENTITY MINIMUM REQUIREMENTS

The Design-Build Entity is automatically disqualified if the answer to any of questions 6 through 12 is “Yes”.

6. Has any contractor license held by the General Contractor or any member of the proposed Design-Build Team been revoked or suspended without a successful appeal for reinstatement, within the last five (5) years immediately before the issuance of this RFQ?

☐ Yes ☐ No

7. Within the last five (5) year immediately before the issuance of this RFQ, has a surety firm completed a contract or paid for completion of a contract on behalf of the General Contractor or any member of the Design-Build Team?

☐ Yes ☐ No

8. At the time of submitting this SOQ, is the General Contractor or any member of the Design-Build Team ineligible to bid on or be awarded a public works contract with VVTA or any other public agency, for any reason, including as a result of a voluntary settlement agreement?

☐ Yes ☐ No

9. At the time of submitting this SOQ, is the General Contractor or any member of the Design-Build Team ineligible to bid on or be awarded a public works contract pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

☐ Yes ☐ No

10. At any time during the last five (5) years immediately before the issuance of this RFQ, has the General Contractor or any member of the Design-Build Team or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

☐ Yes ☐ No

11. Has any professional license, credential or registration held by any Architect who will provide services been revoked or suspended at any time in the last five (5) years immediately before the issuance of this RFQ?

☐ Yes ☐ No

12. Has any professional license, credential or registration held by any Engineer who will provide services been revoked or suspended at any time in the last five years immediately before the issuance of this RFQ?

☐ Yes ☐ No

FORM E - DESIGN-BUILD ENTITY MINIMUM REQUIREMENTS

The Design-Build Entity is automatically disqualified if the answer to any of questions 13 through 16 are “No”.

13. Do all architects, lead design engineers, and the principal engineer who are expected to work on the Project possess current California professional licenses for the services which they intend to provide?

☐ Yes

☐ No

14. Pursuant to Public Contract Code Section 22164(c), the Design-Build Entity and all subcontractors hereby agree to use a “skilled and trained workforce” to perform all work on the Project that falls within an “apprentice able occupation” in the building and construction trades.

☐ Yes - the Design-Build Entity and all subcontractors will use a "skilled and trained workforce."

☐ No

15. Has the principal engineering firm that will design the PROJECT, completed the design of at least 3 public works facilities (preferably transit) within the last seven (7) years before issuance of this RFQ?

For the purpose of this question, the design work must be 100% complete and construction is either in progress or completed.

☐ Yes

☐ No

List the projects in Part V: Design-Build Entity and Design-Build Team Experience.

16. Has the general contractor that will construct the PROJECT, completed the construction of at least three public works projects in the United States with final project value of at least \$10 million (in 2022 dollars) within the last 7 years before issuance of this RFQ,?

Refer to Division 5 for definition of “project value”. For the purpose of this question, the construction work is 100% complete and the project has passed the start-up, testing, and commissioning for all facility system components.

☐ Yes

☐ No

List the projects in Part V: Design-Build Entity and Design-Build Team Experience:

FORM E - DESIGN-BUILD ENTITY MINIMUM REQUIREMENTS

17. Experience Modification Rate (EMR). **The Design-Build Entity is automatically disqualified if the three-year average EMR exceeds 1.0.**

A. Provide the required EMR Rate for the General Contractor that has performed work in California. List the General Contractor's EMR (California workers' compensation insurance rate) for each of the past three premium years and calculate the three-year average.

| | Premium Year | EMR |
|-----------------------------|------------------------|-----|
| Most recent available year | | |
| Previous year | | |
| Year prior to previous year | | |
| | Three-year average EMR | |

B. Provide the required Interstate EMR Rate for the General Contractor that has not performed work in California. If your firm has not performed work in California during at least the three most recent years, you must list below your firm's Interstate Experience Modification Rate for each of the past three premium years and calculate the three-year average.

You must also attach to this submittal documentation clearly showing an Interstate Experience Modification Rate for each of the past three premium years.

Leave the following table empty if you have performed work in California during the three most recent years.

| | Premium Year | EMR |
|-----------------------------|-----------------------------------|-----|
| Most recent available year | | |
| Previous year | | |
| Year prior to previous year | | |
| | Three-year average Interstate EMR | |

FORM E - DESIGN-BUILD ENTITY MINIMUM REQUIREMENTS

For questions 18 through 20: The average total recordable injury and illness rate (also known as OSHA Incidence Rate) and average lost work rate (also known as the Lost Workday Incidence Rate) for the most recent three-year period must not exceed the applicable statistical standards for its business category. As an alternative, a Design-Build Entity may be deemed to have an acceptable safety record in those categories if the Design-Build Entity is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code. Should none of these requirements be met, then the Design-Build Entity is automatically disqualified.

18. List the General Contractor's total recordable injury/illness rate for each of the past three premium years; include the applicable statistical standard for that year of the appropriate category; and, calculate the three-year average.

| | Premium Year | Average Total recordable injury/illness rate | Applicable statistical standard for that year | Applicable business category (describe category) |
|-----------------------------|----------------------------|--|---|--|
| Most recent available year | | | | |
| Previous year | | | | |
| Year prior to previous year | | | | |
| | Three-year average: | | | |

19. List the General Contractor's lost work rate for each of the past three premium years, and include the applicable statistical standard for that year of the appropriate category; calculate the three-year average.

| | Premium Year | Average Total recordable injury/illness rate | Applicable statistical standard for that year | Applicable business category (describe category) |
|-----------------------------|----------------------------|--|---|--|
| Most recent available year | | | | |
| Previous year | | | | |
| Year prior to previous year | | | | |
| | Three-year average: | | | |

FORM E - DESIGN-BUILD ENTITY MINIMUM REQUIREMENTS

20. Is your firm a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code?

☐ Yes

☐ No

If “yes,” attach a separate page describing how your firm is a party to an alternative dispute resolution system.

FORM F - GENERAL CONTRACTOR SCORED QUESTIONS

Provide the following information about the General Contractor that will construct the Project. If the General Contractor is itself the Design-Build Entity, then provide all information requested as it relates to the Design-Build Entity itself.

Name of General Contractor:

1. How many years has the General Contractor been licensed in California under their present business name and license number?

☐ 10 years or more ☐ 8 to 9 years ☐ 6 to 7 years ☐ 5 years or less

Failure to provide documentation for a “Yes” answer to Questions 2 and 3 may result in immediate Design-Build Entity disqualification.

2. Is the General Contractor currently the debtor in a bankruptcy case?

☐ Yes ☐ No

If “yes,” provide a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

3. Was the General Contractor in bankruptcy at any time during the last five (5) years immediately before the issuance of this RFQ? This question refers *only* to a bankruptcy action that was *not* described in answer to question 2, above.

If “yes,” provide a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.

Failure to provide an explanation for “Yes” answer to Questions 4 to 14 may result in immediate Design-Build Entity disqualification.

4. At any time in the last five (5) years immediately before the issuance of this RFQ has the General Contractor been assessed and paid liquidated damages of more than \$50,000 on a construction contract with either a public or private owner?

☐ Yes ☐ No

If “yes,” explain on a separate page. Identify all such projects by owner, owner’s address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

5. Has the General Contractor ever defaulted on a construction contract?

☐ Yes ☐ No

If “yes,” explain on a separate page.

FORM F - GENERAL CONTRACTOR SCORED QUESTIONS

6. In the last five (5) years immediately before the issuance of this RFQ has the General Contractor been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

☐ Yes ☐ No

If "yes," explain on a separate page. State the name of the organization debarred, the name of the person within your firm who was associated with that organization, the year of the event, the owner of the project, and the basis for the action.

The following two questions refer only to disputes between contractors and owners of projects. You need not include information about disputes with suppliers, other contractors, or subcontractors. You need not include information about "pass-through" disputes in which the actual dispute is between a subcontractor and a project owner.

7. In the past five (5) years immediately before the issuance of this RFQ has any claim, dispute or lawsuit in excess of \$50,000 been **filed in court or arbitration against** the general contractor concerning their work on a construction project?

☐ Yes ☐ No

If "yes," on a separate page identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

8. In the past five (5) years immediately before the issuance of this RFQ has the general contractor made any claim, dispute or lawsuit in excess of \$50,000 against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

☐ Yes ☐ No

If "yes," on a separate page identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim if pending, or if resolved, a brief description of the resolution.

9. At the time of submitting this SOQ, does the general contractor or any first- or second-tier subcontractor or supplier anticipated to be utilized on this Project by the general contractor currently have an unresolved Stop Notice filed on any VVTA or other public agency projects?

- ☐ No
- ☐ Yes, one unresolved Stop Notice
- ☐ Yes, two or more unresolved Stop Notices

If "yes," explain on a separate page. Identify the year of the event, the owner, the project and the detailed explanation for the Stop Notice.

FORM F - GENERAL CONTRACTOR SCORED QUESTIONS

10. In the last five (5) years immediately before the issuance of this RFQ has any insurance carrier, or any form of insurance, refused to renew the insurance policy for the general contractor due to non-payment or contractor losses?

☐ Yes ☐ No

If "yes," on a separate page provide the name of the insured, name the insurance carrier, the form of insurance and the year of the refusal.

11. During the last five (5) years immediately before the issuance of this RFQ, has the general contractor ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

If yes, provide details on a separate page indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

12. Has the general contractor **ever** been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any private or public agency or entity?

☐ Yes ☐ No

If "yes," explain on a separate page, including identifying who was found liable or guilty, the court and case number, the name of the public entity, the civil or criminal verdict, the date and the basis for the finding.

13. Has the general contractor **ever** been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes ☐ No

If "yes," explain on a separate page, including identifying who was convicted, the name of the victim, the date of the conviction, the court and case number, the crimes, and the grounds for the conviction.

14. Has the General Contractor ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☐ No

If "yes," identify on a separate page the person or persons convicted, the year, the court (the county if a state court; the City or location of the federal court), the case number, the crimes, and the grounds for conviction.

FORM F - GENERAL CONTRACTOR SCORED QUESTIONS

15. Has CAL OSHA or any other state OSHA agency cited and assessed penalties against the general contractor for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five (5) years? If General Contractor has filed an appeal of a citation, and the state’s Occupational Safety and Health Appeals Board has not yet ruled on the appeal, General Contractor need not include information about it.

☐ Yes ☐ No

If “yes,” attach a separate page describing all citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If any 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.

16. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against the General Contractor in the past five (5) years immediately before the issuance of this RFQ? If General Contractor has filed an appeal of a citation and the Appeals Board has not yet ruled on the appeal, or if there is a court appeal pending, General Contractor need not include information about the citation.

☐ Yes ☐ No

If “yes,” on separate page describe the citations, the party against whom the citation was made, date of citation, nature of the violation, project on which the citation was issued, owner of project, and the amount of penalty paid, if any. State the case number and date of any decision.

17. Has the EPA, any Air Quality Management City or any Regional Water Quality Control Board cited and assessed penalties against either the General Contractor or the owner of a project on which the preceding parties were performing on a contract in the past five (5) years? If an appeal of a citation has been filed and the Appeals Board has not yet ruled on the appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If “yes,” on separate page describe the citations, the party against whom the citation was made, date of citation, nature of the violation, project on which the citation was issued, owner of project, and the amount of penalty paid, if any. State the case number and date of any decision.

18. Do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project? (*select one*)

☐ Yes, at least once per week
☐ Yes, every two weeks
☐ Yes, less than every two weeks

FORM F - GENERAL CONTRACTOR SCORED QUESTIONS

19. Within the last five (5) years immediately before the issuance of this RFQ has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ Yes ☐ No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance.

20. In the past five (5) years immediately before the issuance of this RFQ has the General Contractor been assessed any penalties and/or liquidated damages in excess of \$15,000 due to the failure to pay prevailing wage or failure to submit Certified Payroll Reports?

☐ No
☐ Yes, one penalty has been assessed
☐ Yes, two or more penalties have been assessed

If "yes," explain on a separate page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

21. If the General Contractor operates its own State-approved apprenticeship program, provide the following information on a separate page **and insert in this Division 4:**

- (a) Identify the craft or crafts in which you provided apprenticeship training in the past year.
- (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

22. At any time during the last five (5) years immediately before the issuance of this RFQ, has the General Contractor been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

☐ Yes ☐ No

If "yes," provide the date of the findings below and attach a copy of the final decision.

Date of Findings:

FORM G – PRINCIPAL ENGINEER SCORED QUESTIONS

Provide the following information about the Principal Engineering Firm (“Firm”) that will design the Project. If the Principal Engineering Firm is itself the Design-Build Entity, then provide all information requested as it relates to the Design-Build Entity itself.

Name of Principal Engineering Firm:

Name of Principal Engineer:

1. How many years has the Principal Engineer been licensed and practicing in California?

☐ 15 years or more ☐ 10 to 14 years ☐ Less than 10 years

Failure to provide documentation for a “Yes” answer to Questions 2 and 3 may result in immediate Design-Build Entity disqualification.

2. Is the Firm currently the debtor in a bankruptcy case?

☐ Yes ☐ No

If “yes,” provide a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

3. Was the Firm in bankruptcy at any time during the last five (5) years immediately before the issuance of this RFQ? This question refers *only* to a bankruptcy action that was *not* described in answer to question 2, above.

If “yes,” provide a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.

Failure to provide an explanation for “Yes” answer to Questions 4 to 6 may result in immediate Design-Build Entity disqualification.

4. At any time in the last five (5) years immediately before the issuance of this RFQ has the Firm or Principal Engineer been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

☐ Yes ☐ No

If “yes,” explain on a separate page. State the name of the organization debarred, the year of the event, the owner of the project, and the basis for the action.

5. In the past five (5) years immediately before the issuance of this RFQ has any claim, dispute or lawsuit in excess of \$50,000 been **filed in court or arbitration against** the Firm or Principal Engineer concerning its design work on a construction project?

☐ Yes ☐ No

FORM G – PRINCIPAL ENGINEER SCORED QUESTIONS

If “yes,” on a separate page identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

6. In the past five (5) years immediately before the issuance of this RFQ has the Firm or Principal Engineer made any claim, dispute or lawsuit in excess of \$50,000 against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

☐ Yes ☐ No

If “yes,” on a separate page identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim if pending, or if resolved, a brief description of the resolution.

7. In the last five (5) years immediately before the issuance of this RFQ has any insurance carrier, or any form of insurance, refused to renew the insurance policy for the Firm or Principal Engineer due to non-payment or losses?

☐ Yes ☐ No

If “yes,” on a separate page provide the name of the insured, name the insurance carrier, the form of insurance and the year of the refusal.

8. Within the last five (5) years immediately before the issuance of this RFQ has there ever been a period when the Firm had employees but was without workers’ compensation insurance or state-approved self-insurance?

☐ Yes ☐ No

If “yes,” please explain the reason for the absence of workers’ compensation insurance on a separate page. If “No,” please provide a statement by your current workers’ compensation insurance carrier that verifies periods of workers’ compensation insurance coverage for the last five years.

9. Has the Firm or Principal Engineer **ever** been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any private or public agency or entity?

☐ Yes ☐ No

If “yes,” explain on a separate page, including identifying who was found liable or guilty, the court and case number, the name of the public entity, the civil or criminal verdict, the date and the basis for the finding.

FORM G – PRINCIPAL ENGINEER SCORED QUESTIONS

10. Has the Firm or Principal Engineer **ever** been convicted of a crime involving any federal, state, or local law related to design?

☐ Yes ☐ No

If “yes,” explain on a separate page, including identifying who was convicted, the name of the victim, the date of the conviction, the court and case number, the crimes, and the grounds for the conviction.

11. Has the Firm or Principal Engineer **ever** been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☐ No

If “yes,” identify on a separate page the person or persons convicted, the year, the court (the county if a state court; the City or location of the federal court), the case number, the crimes, and the grounds for conviction.

12. Has the California Department of Consumer Affairs, or an equivalent agency in any other state, taken any disciplinary action against the Principal Engineer?

☐ Yes ☐ No

If “yes,” please explain on a separate page.

FORM H – SCORE SHEET FOR GENERAL CONTRACTOR MINIMUM QUALIFICATIONS

A minimum score of 105 or more must be attained on this score sheet to rate the general contractor as qualified. A contractor score of 104 or less will rate the general contractor as unqualified which in turn disqualifies the Design-Build Entity.

Scoring for this form is based on the answers prepared on *Form F Project Team Minimum Qualifications*.

Reminder: Failure to provide an explanation for a “Yes” answer to Questions F-2 to F-14 may result in Design-Build Entity disqualification.

| Question # | Score Value Per Answer | Score |
|------------|---|-------|
| Form F | | |
| Question 1 | 10 years and more = 10 pts 8 to 9 years = 6 pts 6 to 7 years = 3 pts 5 years or less = 0 pts | |
| Question 2 | Yes = 0 pts No = 10 pts | |
| Question 3 | Yes = 0 pts No = 10 pts | |
| Question 4 | 0 Project = 10 pts 1 Project = 7 pts 2 Projects = 3 pts More than 2 Projects = 0 pts | |
| Question 5 | Yes = 0 pts No = 5 pts | |
| Question 6 | Yes = 0 pts No = 10 pts | |
| Question 7 | 0 or 1 instance = 5 pts 2 instances = 3 pts More than 2 instances = 0 pts | |
| Question 8 | 0 or 1 instance = 5 pts 2 instances = 3 pts More than 2 instances = 0 points | |
| Question 9 | Yes = 0 pts 1 instance = 3 pts No = 5 points | |

FORM H – SCORE SHEET FOR GENERAL CONTRACTOR MINIMUM QUALIFICATIONS

| Question # | Score Value Per Answer | Score |
|-------------|---|-------------------|
| Question 10 | Yes = 0 pts No = 5 pts | |
| Question 11 | Yes = -5 pts No = 10 pts | |
| Question 12 | Yes = -10 pts No = 5 pts | |
| Question 13 | Yes = -10 pts No = 5 pts | |
| Question 14 | Yes = -10 pts No = 5 pts | |
| Question 15 | 0 instance = 5 points 1 or more instances = -5 pts | |
| Question 16 | 0 or 1 instance = 5 pts 2 instances = 3 pts more than 2 instances = 0 pts | |
| Question 17 | 0 to 1 instance = 5 pts 2 instances = 3 pts more than 2 instances = 0 pts | |
| Question 18 | At least once a week = 10 pts Every two weeks = 5 pts Less than every two weeks = 0 pts | |
| Question 19 | 0 instance = 5 pts Greater than 0 = 0 pts | |
| Question 20 | 0 instance = 5 pts 1 instance = 3 pts 2 instances or more = 0 pts | |
| Question 21 | N/A | |
| Question 22 | 0 to 2 instances = 5 pts 3 instances = 3 pts More than 3 instances = 0 pts | |
| | | <hr/> Total Score |

The maximum possible total score is 140 **(Disqualified if less than 105)**

FORM I – SCORE SHEET FOR PRINCIPAL ENGINEERING MINIMUM QUALIFICATIONS

A minimum score of 75 or more must be attained on this score sheet to rate the principal engineering firm as qualified. A score of 74 or less will rate the principal engineering firm as unqualified which in turn disqualifies the Design-Build Entity.

Scoring for this form is based on the answers prepared on *Form G Principal Engineer Minimum Qualifications*.

Reminder: Failure to provide an explanation for a “Yes” answer to Questions 4 to 6 may result in Design-Build Entity disqualification.

| Question # | Score Value Per Answer | Score |
|-------------|--|-------|
| Form G | | |
| Question 1 | 15 years and more = 13 pts 10 to 14 years = 7 pts Less than 10 = 0 pts | |
| Question 2 | Yes = 0 pts No = 12 pts | |
| Question 3 | Yes = 0 pts No = 12 pts | |
| Question 4 | 0 instances = 7 pts 1 -3 instances = 4 pts More than 3 instances = 0 pts | |
| Question 5 | 0 instances = 7 pts 1 -2 instances = 4 pts More than 2 instances = 0 pts | |
| Question 6 | 0 instances = 7 pts 1 or more instances = 0 pts | |
| Question 7 | Yes = 0 pts No = 7 pts | |
| Question 8 | 0 instance = 7 pts 2 instances = 3 pts More than 2 instances = 0 points | |
| Question 9 | Yes = -5 pts No = 7 points | |
| Question 10 | Yes = -10 pts No = 7 pts | |

FORM I – SCORE SHEET FOR PRINCIPAL ENGINEERING MINIMUM QUALIFICATIONS

| Question # | Score Value Per Answer | Score |
|------------|------------------------|-------|
|------------|------------------------|-------|

| | | |
|-------------|-----------------------------|--|
| Question 11 | Yes = -10 pts No = 7 pts | |
|-------------|-----------------------------|--|

| | | |
|-------------|-----------------------------|--|
| Question 12 | Yes = -10 pts No = 7 pts | |
|-------------|-----------------------------|--|

Total Score

The maximum possible total score is 100 (**Disqualified if less than 75**)

FORM J – REFERENCE PROJECT DATA SHEET

Project Number:

Attribute Project To:

- ☐ **Principal Engineering Firm**
☐ **General Contractor**

Project Name:

Project Location (City, State):

Owner Agency Name:

Owner Contact Name:

Owner Street Address:

City, ST, Zip:

Owner Contact Phone Number:

Owner Contact Email:

Project Delivery Method:

- ☐ **Design-Build** ☐ **Design-Bid-Build**
☐ **Design-Build-Operate**
☐ **Other (Specify)**

Contract Value at Time of Award: \$ in 2022 dollars

Final Contract Value: \$ in 2022 dollars

Scheduled Completion Date at Award

Number of Time Extensions:

Total Number of Days Extended:

Contract End Date:

Actual Completion Date:

Date of Recorded Notice of Completion:

General Contractor:

Scheduled Completion Date at Award

Principal Engineer:

Principal Design:

FORM K - KEY PERSONNEL EXPERIENCE

| KEY PERSONNEL NAME | FIRM NAME | EXPERIENCE IN YEARS | | | ASSIGNMENT FOR THIS PROJECT | | REFERENCE PROJECT DATA SHEET NO * |
|--------------------------|-----------|---------------------|------------------------------|-----------------------------|--------------------------------|--------------|--|
| | | PROFESSIONAL | PUBLIC TRANSIT PROJECT | DESIGN BUILD PROJECTS | ROLE & RESPONSIBILITY | % OF TIME | |
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* If Key Personnel were part of a reference project submitted on *Form J Reference Project Data Sheet*, indicate the project number

ATTACHMENT A – INSURANCE REQUIREMENTS

1. INSURANCE REQUIREMENTS

Throughout the life of this Agreement, Contractor shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) as may be authorized in writing by VVTA's Executive Director or his/her designee at any time and in his/her sole discretion. The following policies of insurance are required:

(i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Agreement) with limits of liability of not less than the following:

\$10,000,000 per occurrence for bodily injury and property damage
\$10,000,000 per occurrence for personal and advertising injury
\$20,000,000 aggregate for products and completed operations
\$20,000,000 general aggregate applying separately to the work performed under the Agreement

(ii) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 - Any Auto) with limits of liability of not less than \$10,000,000 per accident for bodily injury and property damage.

(iii) WORKERS' COMPENSATION insurance as required under the California Labor Code.

(iv) EMPLOYERS' LIABILITY insurance with limits of liability of not less than \$1,000,000 each accident, \$1,000,000 disease policy limit and \$1,000,000 disease each employee.

(v) PROFESSIONAL LIABILITY (Errors and Omissions) insurance appropriate to Consultant's profession, with limits of liability of \$2,000,000 per claim/occurrence and \$2,000,000 policy aggregate.

(vi) BUILDERS RISK (Course of Construction) insurance in an amount equal to the completed value of the project with no coinsurance penalty provisions.

In the event Contractor purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

Contractor shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Contractor shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to and approved by VVTA's Executive Director or his/her designee in his/her sole discretion. At the option of VVTA's Executive Director or his/her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects VVTA, its members, board members, officers, officials, employees, and agents; or (ii) Contractor shall provide a financial guarantee, satisfactory to VVTA's Executive Director or his/her designee in his/her sole discretion,

ATTACHMENT A – INSURANCE REQUIREMENTS

guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall VVTA be responsible for the payment of any deductibles or self-insured retentions.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice has been given to VVTA. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Contractor shall furnish VVTA with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for VVTA, Contractor shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form. The General Liability (including ongoing operations and completed operations) and Automobile Liability insurance policies shall name VVTA, its members, board members, officers, officials, employees, agents, and volunteers as an additional insured. All such policies of insurance shall be endorsed so Contractor's insurance shall be primary, and no contribution shall be required of VVTA, its members, board members, officers, officials, employees, agents, and volunteers. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to VVTA, its members, board members, officers, officials, employees, agents and volunteers. The Builders Risk (Course of Construction) insurance policy shall name VVTA as a loss payee. The coverage(s) shall contain no special limitations on the scope of protection afforded to VVTA, its members, board members, officers, officials, employees, agents and volunteers. Should Contractor maintain insurance with broader coverage and/or limits of liability greater than those shown above, VVTA requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Claims-Made Policies - If Professional Liability (Errors and Omissions) insurance is written on a claims-made coverage form:

- a. The retroactive date must be shown and must be before the effective date of the Agreement or the commencement of work by Contractor.
- b. Insurance must be maintained, and evidence of insurance must be provided for at least 5 years after completion of the work or termination of the Agreement, whichever first occurs.
- c. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement, or work commencement date, Contractor must purchase extended reporting period coverage for a minimum of 5 years after completion of the work or termination of the Agreement, whichever first occurs.
- d. A copy of the claims reporting requirements must be submitted to VVTA for review.
- e. These requirements shall survive expiration or termination of the Agreement.

Contractor shall furnish VVTA with all certificate(s) and applicable endorsements effecting coverage required hereunder. **All certificates and applicable endorsements are to be received and approved by VVTA's Executive Director or his/her designee in his/her sole discretion prior to VVTA's execution of the Agreement and before work commences.** Upon request of VVTA, Contractor shall immediately furnish VVTA with a complete copy of any insurance policy required under this Agreement,

ATTACHMENT A – INSURANCE REQUIREMENTS

including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

If at any time during the life of the Agreement or any extension, Contractor or any of its subcontractors fail to maintain any required insurance in full force and effect, all work under this Agreement shall be discontinued immediately, and all payments due or that become due to Contractor shall be withheld until notice is received by VVTA that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to VVTA. Any failure to maintain the required insurance shall be sufficient cause for VVTA to terminate this Agreement. No action taken by VVTA hereunder shall in any way relieve Contractor of its responsibilities under this Agreement.

The fact that insurance is obtained by Contractor shall not be deemed to release or diminish the liability of Contractor, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify VVTA shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Contractor. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Contractor, its principals, officers, agents, employees, persons under the supervision of Contractor, vendors, suppliers, invitees, consultants, sub-consultants, contractors, subcontractors, or anyone employed directly or indirectly by any of them.

If Contractor should contract or subcontract all or any portion of the services to be performed under this Agreement, Contractor shall require each subcontractor to provide insurance protection in favor of VVTA, its members, board members, officers, officials, employees, agents and volunteers in accordance with the terms of each of the preceding paragraphs, except that subcontractor's certificates and endorsements shall be on file with Contractor and VVTA prior to the commencement of any work by subcontractor.

2. INDEMNIFICATION

To the furthest extent allowed by law, including California Civil Code section 2782, Contractor shall indemnify, hold harmless and defend VVTA and each of its members, board members, officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by VVTA, Contractor or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance of this Agreement. Contractor's obligations under the preceding sentence shall apply regardless of whether VVTA or any of its members, board members, officers, officials, employees or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of VVTA or any of its members, board members, officers, officials, employees, agents or volunteers.

If Contractor should subcontract all or any portion of the services to be performed under this Agreement, Contractor shall require each subcontractor to indemnify, hold harmless and defend VVTA and each of its members, board members, officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

Notwithstanding the preceding paragraph, to the extent that Contractor and/or Subcontractor is a "design professional" as defined in Section 2782.8 of the California Civil Code and performing work hereunder as a "design professional" shall, in lieu of the preceding paragraph, indemnify, hold harmless and defend VVTA and each of its members, board members, officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) to the extent that any loss, liability, fines, penalties, forfeitures, costs, damages, claims, demands or actions in law or equity arise out of, pertain to,

ATTACHMENT A – INSURANCE REQUIREMENTS

or relate to the negligence, recklessness or willful misconduct of “design professional,” its principals, officers, employees or agents in the performance of this Agreement. In no event shall the cost to defend charged to the design professional exceed the design professional’s proportionate percentage of fault. However, notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, the design professional shall meet and confer with other parties regarding unpaid defense costs.

This Section shall survive termination or expiration of this Agreement.