



# **GREAT REDWOOD TRAIL AGENCY**

**REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR  
PROGRESSIVE DESIGN-BUILD FOR THE  
GREAT REDWOOD TRAIL  
FOUNDERS GROVE TO MCCANN BRIDGE PROJECT**

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## DOCUMENT 00 11 19

### 1. REQUEST FOR QUALIFICATIONS FROM RESPONDENTS

The Great Redwood Trail Agency (“**GRTA**” or “**Owner**”) invites Statements of Qualifications (“**SOQs**”) from qualified design-build entities (“**Respondents**”) interested in providing progressive design-build services for the complete planning, design, and construction of the Founders Grove to the McCann Bridge portion of the Great Redwood Trail Project (“**Project**”) located approximately between GRTA mileposts 232 and 238.

Owner is a “local or regional agency responsible for the construction of transit projects,” and is conducting this procurement pursuant to Public Contract Code sections 22180 et seq.

Interested parties that wish to submit a response to this Request for Qualifications (“**RFQ**”) must carefully review this RFQ and the other Documents contained within this RFQ package. Parties submitting responses to this RFQ must comply with the requirements of this RFQ and submit all requested information within the timelines set forth in this Document.

Interested parties must submit responses to this Request for Qualifications to Owner via email, or online link for download by Owner transmitted to Owner via email, at [info@thegreatredwoodtrail.org](mailto:info@thegreatredwoodtrail.org).

**Responses are due on December 7, 2026, by 2:00 p.m. local time.**

Interested parties must submit any inquiries and requests for information by electronic mail (e-mail) to Elaine Hogan, Executive Director of the Great Redwood Trail Agency, at [elaine@thegreatredwoodtrail.org](mailto:elaine@thegreatredwoodtrail.org). Inquiries to other Owner representatives are not permitted. There is a Cone of Silence related to this procurement as stated more fully below.

### 2. OVERVIEW OF THE PROCUREMENT

#### 2.1 Procurement Method

Owner will procure design and construction services pursuant to Public Contract Code sections 22180 et seq. using a progressive design-build project delivery process in which a single entity will provide both the design and construction of the Project. Owner will select that single entity through a two-step process consisting of qualification and shortlisting under this RFQ, followed by best value selection under the subsequent Request for Proposals (“**RFP**”).

Owner will implement a two-step design-build procurement in the following sequence:

- Request for Qualifications (RFQ)
- Shortlisting of up to three (3) or four (4) Respondents
- Request for Proposals (RFP)
- Best value selection

Owner will review and score the SOQs to determine which Respondents are most qualified to successfully execute the design and construction of the Project. Owner will create a shortlist of up to three or four of the highest-ranked Respondents, and will invite each shortlisted Respondent to submit proposals in response to Owner's forthcoming Request for Proposals ("RFP"). Owner will accept proposals only from shortlisted Respondents. Owner will make the final selection of the winning proposal on a best-value basis.

## **2.2 Purpose of RFQ**

The purpose of this RFQ is to identify Respondents with demonstrated qualifications to undertake and deliver the Project, including:

- Trail or other active transportation infrastructure experience
- Environmental studies, planning, and permitting experience
- Rail to trail and/or rail with trail conversion experience
- Design-build experience
- Proven cost and schedule control capability
- Ability to perform work in remote and potentially sensitive environments

## **3. PROJECT BASIS AND PROGRAM OVERVIEW**

### **3.1 Project Description**

The Great Redwood Trail Agency has been awarded bond funding to complete construction of the Great Redwood Trail, upon the historical Northwestern Pacific Railroad Line on a strict timeline for obligation and expenditure of funds. Owner has adopted a Master Plan for the entire Great Redwood Trail, and seeks to build as out as much of the overall project as is possible within the funding limits and time constraints, consistent with the vision of its Master Plan. The segments identified by the Board of Directors as of highest priority and/or best situated for rapid construction of the non-motorized, active transportation corridor are included in this Project.

### **3.2 Project Site**

The Project site consists of portions of the historic Northwestern Pacific Railroad Line, in locations situated approximately between GRTA mileposts 232 and 238, as identified in Appendix E of the GRTA Master Plan (Attachment A).

Construction of the Project will occur along narrow areas of Owner control, partially in difficult to access areas. Respondents shall demonstrate experience with:

- Fast-paced construction
- Environmental studies, planning, and permitting
- Back-country work or work with comparable access challenges
- Rail to trail and/or rail with trail conversion

### **3.3 Project Funding**

State of California Proposition 4 bond funds, allocated to GRTA by statute and administered via grant from the State Coastal Conservancy will fund the Project.

### **3.4 Project Components**

Section E (pages 90-95) of the GRTA Master Plan provides an overview of the project elements that are anticipated to be included as part of this Project. Overall, the Project includes the following key issues/components:

- Section 7.3 (pages 287-296) of the GRTA Master Plan provides an overview of the environmental permitting expected to be required for the Project.
- The project is exempt CEQA (California Environmental Quality Act) environmental review and approval, and from building ordinances and zoning ordinances of the counties and cities in the jurisdiction of the agency. However, it is still required to be consistent with the GRTA Master Plan and meet all applicable state and federal laws. As such the project will be required to complete all of the necessary biological, environmental, and other technical studies required to have the project permitted where permitting agencies having jurisdiction over the project.
- As exempt from CEQA, the project does not have a formal requirement for consultation with Native American tribes pursuant to AB 52. However, adopted GRTA policy will require design-phase coordination with GRTA staff and consultants to ensure cultural and historical resources are considered in a manner consistent with GRTA policy and any applicable law.
- The Dyerville Train Truss Bridge is included in the project and will require significant retrofitting/modifications as part of this project.
- Section 4.2 of the GRTA Master Plan (pages 114-116) outlines the backcountry type trail design that is anticipated to be installed for this portion of the Project.
- The river access and/or campground area located approximately at GRTA postmile 234 is not included in this Project.
- The project area includes several geomorphic issues (landslides, washouts, etc.), water crossings, historic bridges, and a tunnel.

### **3.5 Project Phasing**

The Project shall consist of two phases as described below.

#### **3.5.1 Phase One**

If Owner decides (in its sole and absolute discretion) to award a contract to a successful Respondent, Owner will enter into a written contract with the successful Respondent in the form provided in the RFP. The successful Respondent will then perform necessary technical studies (environmental, biological, etc.), planning, permitting, design, and preconstruction services sufficient to establish a Guaranteed Maximum Price for the Project.

### 3.5.2 Phase Two

At the completion of Phase One, if Owner decides (in its sole and absolute discretion) to accept the Guaranteed Maximum Price for the Project, Owner may amend its contract with the successful Respondent to contract for the remaining design, preconstruction, and construction activities sufficient to complete and close out the Project, consistent with the Guaranteed Maximum Price.

### 3.6 Planning and Design Background

The Project is based on Owners Master Plan (located approximately between GRTA mileposts 232 and 238), schematic-level planning materials where available, and related procurement narrative materials, which are included with this RFQ and incorporated by reference as part of the Project Criteria and Program Materials. For purposes of this RFQ, Project Criteria and Program Materials shall be deemed RFQ exhibits.

Respondents shall review the Project Criteria and Program Materials carefully in preparing their Statements of Qualifications. Any website link provided by the GRTA for access to the Project Criteria and Program Materials is provided solely as a means of document delivery and does not change the status of those materials as RFQ exhibits.

GRTA may also make available certain additional background documents, studies, reports, and other informational materials as Reference Documents, provided for convenience and reference only. In the event of any inconsistency, the Project description and program requirements stated in this RFQ and Project Criteria and Program Materials shall control over Reference Documents unless the GRTA expressly states otherwise by addendum.

### 3.7 Anticipated Project Schedule

Owner anticipates the following general timeline for the Project, subject to the requirements of the Contract Documents if Owner awards a Contract. This timeline is subject to adjustment as the Project planning, design, and construction develop. Owner provides this anticipated timeline for general information purposes only to assist Respondents in assessing the general timeframe of the Project.

| Event                                   | Approximate Dates          | Calendar Days |
|-----------------------------------------|----------------------------|---------------|
| Phase 1 Award and Phase 1 Contract      | April, 2027                | N/A           |
| Phase 1 - Preconstruction Services      | April, 2027 to April, 2028 | 365 Days      |
| Phase 2 - Final Design and Construction | May, 2028 to October, 2029 | 517 Days      |
| Project Completion                      | October, 2029              | N/A           |
| Warranty Period ends                    | October 2030               | 365 Days      |

## **4. PROCUREMENT PROCESS AND SCHEDULE**

### **4.1 Process Overview**

Owner will follow the procurement process in Public Contract Code section 22185.3 and in this Document 00 11 19 to select a qualified Respondent for award of the PDB contract for the Project. Owner will review and score Respondents' Statements of Qualifications to determine which Respondents are most qualified to successfully execute the design and construction of the Project. Owner will create a shortlist of up to three or four of the highest-ranked Respondents, and Owner will invite the shortlisted Respondents to submit proposals in response to Owner's forthcoming Request for Proposals. Owner will accept proposals only from shortlisted Respondents. The final selection of the winning proposal will be made on a best-value basis.

The procurement will proceed as follows:

1. RFQ issuance
2. SOQ submission
3. SOQ evaluation
4. Shortlisting (up to 3 or 4)
5. RFP issuance
6. Proposal evaluation
7. Interviews (if applicable)
8. Best value selection
9. Contract award

### **4.2 Publication of the Request for Qualifications**

Interested parties may obtain the Request for Qualifications package by downloading it from Owner's website at <https://thegreatredwoodtrail.org/bids/>.

### **4.3 Mandatory Virtual Pre-Response Briefing and Site Tour**

All interested parties must attend both a mandatory virtual pre-response briefing and a mandatory site tour at which Owner and its Project team will discuss the Project scope, provide a guided tour of the Project site, review the RFQ process, and discuss the Project generally. Each Respondent must attend through one or more designated representatives and must certify attendance as part of its Response.

The pre-response briefing will be held virtually on the date set forth in the "Procurement Schedule" section below. The pre-response meeting details are as follows:

- Meeting Link:  
<https://us02web.zoom.us/j/81054914432?pwd=bEXIaCrG10Tk2jA4qjVDbQD5JymOYI.1>
- Meeting Passcode: 091847

The site tour will be held in person and begin at the northern end of the project, on the date set forth in the "Procurement Schedule." A map link for the meeting point to begin the site tour is as follows:

<https://maps.app.goo.gl/VhVSomvapVRK68eWA>

#### **4.4 Question and Answer Period through Final Addenda.**

Owner will accept written questions related to this RFQ in writing only from interested parties that attended the mandatory pre-response briefing and site walk.

Owner must receive any questions no later than the date set forth in the "Procurement Schedule" section below. Owner will not consider any questions received after this date and Owner will not provide any response.

Owner may periodically issue addenda to the RFQ prior to the deadline for issuance of final addendum set forth in the "Procurement Schedule" section below. Owner will include copies of all questions and answers in each addenda. Owner will post each addenda at the website where the original RFQ is located. Each Respondent is responsible for obtaining, reviewing, and understanding each addendum.

Respondents must comply at all times with the requirements of the "Cone of Silence" section herein during this procurement.

#### **4.5 Submission of Responses to the Request for Qualifications**

Each Respondent must timely submit the documents and information listed in this RFQ. The deadlines stated in this Document 00 11 19 are absolute and will not be waived. Owner will not consider or open any late submissions. Each Respondent must deliver its submission via email as described herein.

#### **4.6 Review and Scoring of Responses**

Owner will review and score the written submissions to this RFQ that comply with the requirements stated in this RFQ. Owner reserves the right to conduct initial reference checking from entities and persons listed and not listed as references in an SOQ. Owner will then rank the Respondents by their overall score.

#### **4.7 Shortlisting of Respondents**

Owner will create a shortlist of up to three or four of the top-scoring Respondents and notify Respondents as to whether they are on the shortlist.

#### **4.8 Request for Proposals**

Owner will invite the shortlisted Respondents to submit proposals in response to a Request for Proposals. The final selection of the winning proposal will be made on a best value basis that will take into account a combination of price and non-price-related factors.

## 4.9 Procurement Schedule

Owner will follow the below timeline for this procurement. Owner reserves the right to adjustments to the dates set forth in this document from time-to-time pursuant to applicable law.

| Event                                                                                                                                                                                                                                                             | Estimated Date    | Time                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------|
| Owner advertises Request for Qualifications                                                                                                                                                                                                                       | October 26, 2026  |                        |
| Mandatory Virtual Pre-Site Visit Briefing<br><br>Meeting Link:<br><a href="https://us02web.zoom.us/j/81054914432?pwd=bEXIaCrG10Tk2jA4qjVDbQD5JymOYI.1">https://us02web.zoom.us/j/81054914432?pwd=bEXIaCrG10Tk2jA4qjVDbQD5JymOYI.1</a><br>Meeting Passcode: 091847 | November 6, 2026  | 1:00 –<br>2:00 p.m.    |
| Mandatory Site Tour<br><br><a href="https://maps.app.goo.gl/VhVSomvapVRK68eWA">https://maps.app.goo.gl/VhVSomvapVRK68eWA</a>                                                                                                                                      | November 9, 2026  | 10:00 a.m.<br>– 4 p.m. |
| Final Date for Respondents to submit questions to Owner                                                                                                                                                                                                           | November 19, 2026 | 5:00 p.m.              |
| Owner issues Final Addendum at its discretion                                                                                                                                                                                                                     | November 24, 2026 |                        |
| <b>Deadline</b> for Respondents to submit Statement of Qualifications                                                                                                                                                                                             | December 7, 2026  | 2:00 p.m.              |
| Owner issues notification of shortlisted Respondents                                                                                                                                                                                                              | January 2027      |                        |
| Owner issues Request for Proposals                                                                                                                                                                                                                                | January 2027      |                        |
| Deadline for shortlisted Respondents to submit Proposals                                                                                                                                                                                                          | February, 2027    |                        |
| Interviews with shortlisted Respondents                                                                                                                                                                                                                           | TBD, 2027         |                        |
| Selection and Notice of Award                                                                                                                                                                                                                                     | April 2027        |                        |

## 5. CONFLICTS OF INTEREST

### 5.1 Compliance with GRTA's Organizational Conflicts of Interest Policy for Design Build Procurements

Pursuant to Public Contract Code section 22180.2, Owner has developed guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the

ability of a person or entity that performs services for the local agency relating to the solicitation of a design-build project, to submit a proposal as a design-build entity or to join a design-build team.

The GRTA's organizational conflict-of-interest policy and the Respondent's conflict-of-interest disclosures are attached to this Document 00 11 19. Each Respondent must complete and submit the Conflict-of-Interest Disclosure form with its response.

## **5.2 Ineligible Parties**

Firms that Owner engaged in preparing this RFQ and associated materials are ineligible to participate as part of a Respondent. These firms include:

Standing Wave Engineering  
American Rail Engineers

Subconsultants or subcontractors to these entities and other firms may, depending on their prior or ongoing work related to the Project, be ineligible to participate as part of a Respondent's team. Each Respondent is responsible for determining whether a member of its planned team is ineligible to participate.

## **6. CONE OF SILENCE**

"Cone of Silence" means a prohibition on any communication, oral or written, regarding particular Requests for Qualifications, bids, proposals, contract negotiations, or other competitive solicitation between:

- (1) any person who seeks an award of a contract regarding the Project from Owner, including a Respondent or Respondent's representative, and,
- (2) any person who Owner appointed to evaluate or recommend selection in such procurement process, including members of Owner's Project team.

The Cone of Silence shall apply during all stages of the procurement.

Notwithstanding the foregoing, the Cone of Silence shall not apply to communications with, among or between the Project Manager, Construction Manager, and their respective staff, or with designated staff who are not serving on an Evaluation Panel or the Interview/Presentation Panel, to obtain clarification or information concerning the subject solicitation. Further, nothing herein shall prohibit Owner employees or representatives from communicating with each other. For purposes of this Section, "Respondent's Representative" means an employee, partner, officer, or director of a potential Respondent, or consultant, lobbyist, or actual or potential subcontractor or sub-consultant of a Respondent.

The Cone of Silence applies to this procurement as of the date Owner first issues a Request for Qualifications. The Cone of Silence shall terminate at the time GRTA's Board of Directors votes

to award or approve a contract, to reject all responses, or otherwise take action that ends the solicitation.

Nothing contained herein shall prohibit any prequalified Respondent or any Respondent's representative:

1. from engaging in contract negotiations with GRTA;
2. from making a public presentation to GRTA's Board of Directors during any duly noticed public meeting; or
3. from communicating in writing with any GRTA employee or official for purposes of seeking clarification or additional information, or from participating in interviews, subject to the provisions of the applicable RFQ.

Nothing contained herein shall prohibit the Project Manager or Construction Manager or other staff from initiating contact with a Respondent or Respondent's representative and subsequent communications related thereto for the purpose of obtaining further information regarding the Respondent's response or as otherwise permitted by this Section. For purposes of this Document and when not otherwise precluded by the operation of this Document from doing so, the Project Manager or designee shall accept communications from prequalified Respondents or Respondent's representatives while a Cone of Silence is applicable to this competitive solicitation.

If a Respondent or any of its representative fails to observe the Cone of Silence or requirements of this Section, GRTA reserves the right to reprimand, penalize in the form of lower ranking or points, or entirely disqualify from further consideration for the pending competitive solicitation such Respondent.

GRTA will inform its Board of any person who is alleged to have failed to observe the Cone of Silence or requirements of this Section. In each such instance, GRTA will perform an investigation.

If GRTA makes a determination of violation of a failure to observe the Cone of Silence or requirements of this Section, GRTA will furnish to the Respondent written notice of the determination and notice of the imposed penalty.

A Respondent or person may appeal such determination pursuant to the Protest Procedures in this Document 00 11 19.

## **7. MANDATORY SOQ REQUIREMENTS**

### **7.1 Proposal Manager**

Each Respondent shall designate one individual as the single point of contact for the Respondent during the RFQ and RFP process. Respondent may change that person only by written notice to Owner.

## **7.2 Limitation on Overlapping of Team Members**

The Respondent's general contractor, and Lead Engineer may not participate as members of more than one Respondent team.

## **7.3 Commitment to Maintain Team Members for Project Duration**

Team members and key personnel a Respondent identifies in its SOQ are a material part of the Owner's evaluation. The Contract Documents will limit the successful Respondent's ability to substitute team members or key personnel.

## **7.4 Required Licensure**

Pursuant to Public Contract Code section 3300, the Respondent's general contractor for the construction work on the Project must possess a valid Class A or B license issued by the California Contractors State License Board. The Respondent's general contractor must maintain its license in good standing at all times during construction without exception. Any individual or business entity providing architectural or engineering services for the Project must hold and maintain in good standing any required California licenses. The Design/Builder must secure and maintain any local, state, federal, or professional licenses required to perform any aspect of the design or construction work for itself and Subcontractors and subconsultants of all tiers.

## **7.5 Skilled and Trained Workforce Commitment**

This Project is subject to the requirements of Public Contract Code sections 22180 et seq. and 2600 et seq. There is no Project Labor Agreement. Pursuant to Public Contract Code section 22185.3(b), Owner will not evaluate a design-build entity for selection unless the entity provides an enforceable commitment to the local agency that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Public Contract Code, Division 2, Part 1, Chapter 2.9 (commencing with Section 2600)

By submitting a response to the Request for Qualifications, the Respondent agrees, represents and warrants that:

1. Respondent shall comply fully with the requirements of Public Contract Code section 2600 et seq.
2. Respondent shall cause all of its Subcontractors at every tier to comply fully with the requirements of Public Contract Code section 2600 et seq.
3. Respondent shall provide to Owner, monthly, while the Project or contract is being performed, a report demonstrating compliance with Public Contract Code section 2600 et seq.
4. Respondent accepts the requirements, procedures, penalties and enforcement requirements stated throughout Public Contract Code section 2600 et seq.

## **7.6 DIR Registration Requirement**

Owner considers this Project a public works project per Labor Code section 1720. As such, pursuant to Labor Code sections 1725.5 and 1771.1, all Contractors and subcontractors must be currently registered with the Department of Industrial Relations (DIR) in order to qualify for listing in a proposal, subject to the requirements of Public Contract Code section 4104; or engage in the performance of any contract for public work. Limited exceptions for Joint Ventures and Projects with Federal Funds may apply pursuant to Labor Code section 1771.1. Interested parties may obtain information regarding the registration process, fees, and related information from the DIR website at <http://www.dir.ca.gov/public-works/publicworks.html>.

No Contractor or Subcontractor may be awarded a contract for public works on a public works project (awarded on or after April 1, 2015) unless registered with the DIR pursuant to Labor Code section 1725.5. This Project is subject to compliance monitoring and enforcement by the DIR.

## **7.7 Addenda**

Respondents shall direct all requests for clarification to Owner as stated in this RFQ. Only written addenda issued by Owner are binding.

# **8. SUBMISSION OF RFQ RESPONSES**

## **8.1 Submission Format**

Each Respondent must submit its response electronically to the Owner at [info@thegreatredwoodtrail.org](mailto:info@thegreatredwoodtrail.org) as described in this Document 00 11 19.

Each Respondent's submission must be in no less than 11-point font with standard margins on 8-1/2 inch by 11 inch size pages unless otherwise noted. Any page limitations refer to a single-sided page.

Each Respondent must organize its RFQ Response Package as described below.

## **8.2 Required Contents**

Each Respondent's submission must contain the following information.

1. Cover Letter and Executive Summary
2. Part A – Design-Build Team Information
3. Part B – Design/Build Entity Evidence of Experience to Perform the Work
4. Part C – Respondent's Evidence of Financial Capacity to Perform the Work
5. Part D – Design-Build Team License Information

6. Part E – Respondent’s Safety Information
7. Part F – Respondent’s Disclosure and Compliance History
8. Part G – Respondent Certifications
9. Form 1 – Respondent Project Profiles
10. Form 2 – Working Relationship Matrix
11. Form 3 – Surety Letter
12. Form 4 – Insurance Company Letter
13. Form 5 – Conflict of Interest

The purpose of the RFQ is to evaluate qualifications only. Owner will request, if at all, detailed design concepts, proposal pricing, fee proposals, and proposal-stage schedule commitments from shortlisted Proposers in the subsequent RFP phase.

## **9. EVALUATION OF RFQ RESPONSES AND SHORTLISTING**

### **9.1 Overview**

Owner will evaluate Statements of Qualifications based on the qualifications-related factors identified in this RFQ.

Owner will perform an initial review of SOQs for completeness and to identify any patently defective or non-responsive responses. Owner will determine at its sole discretion whether a response to the RFQ is defective or non-responsive. Owner action on a defective or non-responsive response may include refusal to evaluate the response and elimination of the Respondent from the evaluation process. Owner reserves the right to take any action consistent with the requirements of this Document 00 11 19 including, without limitation, requesting additional information after receipt and opening of any response and waiving any inconsequential defects. Owner may waive, to the fullest extent permitted by law, any informalities or minor irregularities therein. Owner reserves the rights (i) to reject any nonconforming, non-responsive, or conditional response, (ii) to request other responses, and (iii) to reject the response of any Respondent if Owner believes that for any reason it would not be in the best interest of Owner to make an award to that Respondent.

Owner reserves the right, in its sole and absolute discretion, to reject all responses and issue a further RFQ for the Project. Owner will evaluate each response to the RFP based on the Scoring procedure set forth below. Owner will then rank the Respondents by their overall score. Following evaluation, Owner intends to shortlist up to three (3) or four (4) of the highest-ranked Respondents.

## 9.2 Scoring

The Owner will use pass/fail screening for mandatory requirements and a points-based evaluation for the scored factors identified below. The GRTA reserves the right to request clarifications, verify references, conduct investigations, and consider other information bearing on a Respondent's qualifications, responsibility, and ability to perform the Project.

For the points-scored elements of the SOQ, the GRTA will use the following weighted scale:

| <b>Factor</b>                                                  | <b>Points</b> |
|----------------------------------------------------------------|---------------|
| Relevant Design-Build Experience                               | 20            |
| Relevant Trail/Active Transportation Infrastructure Experience | 30            |
| Key Personnel Qualifications                                   | 20            |
| High-level PDB Approach                                        | 10            |
| Organizational / Financial Capacity                            | 5             |
| Safety / Labor Compliance                                      | 5             |
| References                                                     | 5             |
| Completeness / Responsiveness                                  | 5             |
| <b>Total</b>                                                   | <b>100</b>    |

## 10. PROTEST PROCEDURES

### 10.1 Protest of RFQ Terms

A Respondent or other party must submit any protest based on the content of this RFQ, including any asserted ambiguity, omission, or other defect in the solicitation documents, to the GRTA in writing no later than the deadline for submission of questions identified in the Procurement Schedule herein. Such party waives any such protest not timely submitted.

### 10.2 Protest of Shortlist Determination

A Respondent or other party must submit any protest to the Owner's shortlist determination to the Owner in writing at the address stated in this RFQ no later than five (5) business days after the Owner issues written notice of the shortlisted Respondents.

### 10.3 Required Contents

Any protest must include:

1. the name, address, telephone number, and email address of the protesting party and its representative;
2. a complete statement of the legal and factual grounds for the protest;
3. copies of all supporting documents; and
4. the specific relief requested.

#### **10.4 Delivery to Interested Parties**

A protesting party must concurrently provide a copy of the protest including all supporting materials to all other Respondents whose direct financial interests may be affected by the protest.

#### **10.5 Exclusive Procedure**

The protest procedure set forth in this Section is the exclusive administrative remedy for any protest relating to this RFQ or the Owner's shortlist determination. Failure to comply strictly with these procedures and deadlines constitutes a waiver of the protest.

### **11. MISCELLANEOUS REQUIREMENTS**

#### **11.1 Electronic Documents**

Owner may, in its sole discretion, and solely as a convenience to Respondents, elect to provide various documents and/or other information as a hardcopy paper document, with a link to a website that houses the documents or other electronic forms ("Electronic Copy"). In all cases, the Original Electronic File shall be referred to, and shall control, in the event of any inconsistency between a Hardcopy and an Electronic Copy.

Respondents should check all electronic media for computer viruses before loading any files therefrom. Respondents are fully responsible for intercepting and disabling viruses, if any, that may be inadvertently transmitted with an Electronic Copy. Also, files distributed electronically are subject to data erosion, erasure and/or alteration, and computer systems and software become obsolete in time (together, "Data Erosion"). By taking any step to open or otherwise use any electronic file, each Respondent acknowledges these risks and releases Owner, and its officers, employees, consultants, representatives, and agents and holds them harmless from and against all claims of any type or nature arising from or relating to any virus inadvertently transmitted or any Data Erosion. In addition, the composition of electronic files and the adjuncts to them were created for the use and convenience of Owner and may not be compatible with other users. As a result, Respondents acknowledge that Electronic Files may not match printed Hardcopies, and that it is the responsibility of the Respondents to ensure printed Hardcopy Documents match the original electronic files.

#### **11.2 Public Records Act Requests**

Owner is a public agency and is subject to the California Public Records Act.

Pursuant to the Public Records Act, Owner will make available to the public after Award of a Contract the following: Respondent's submissions (to the extent opened), all correspondence and written questions submitted during the RFQ process, all submissions opened in accordance with the procedures of this Document 00 11 19, and all subsequent evaluation information.

Any submissions not opened will remain sealed. Owner will return unopened submissions to the submitting Respondent.

Except as otherwise required by law, Owner will not disclose trade secrets or proprietary financial information submitted that Respondent has designated confidential (including but not limited to the RFQ Response Package). A Respondent should specifically identify and mark any such trade secrets or proprietary financial information that a Respondent believes should be exempted from disclosure. Blanket-type identification by designating whole pages or sections is not permitted and shall be invalid. Respondent should clearly identify the designated information.

Upon a request for records related to this RFQ, Owner will notify the Respondent involved within a reasonable time after receipt of the request of a specific time when the records will be made available for inspection. If the Respondent timely identifies any additional proprietary, trade secret, or confidential commercial or financial information that Respondent determines is not subject to public disclosure, and requests Owner to refuse to comply with the records request, Respondent shall take all appropriate legal action and defend Owner's refusal to produce the information in all forums; otherwise, Owner will without restriction make such information available to the extent required by applicable law.

Information that Respondent discloses pursuant to the RFQ and attendant submissions are the property of Owner unless Respondent makes specific reference to data that Respondent considers proprietary. Subject to the requirements in the Public Records Act, Owner will make reasonable efforts to prevent the disclosure of information except on a need-to-know basis during the evaluation process.

### **11.3 Costs of Preparing Responses to the RFQ**

Respondents are solely responsible for the cost of preparing responses to the Request for Qualifications.

## **12. QUESTIONNAIRE**

Pursuant to Public Contract Code section 22180.3, Owner has prepared this Questionnaire for the RFQ. This Questionnaire is divided into seven parts, A through G. The beginning of each part includes instructions for completion of that part

Each Respondent must provide full, complete, and accurate information in response to this Questionnaire. The information Respondent provides is material to Owner's evaluation of a potential Design/Builder for the Project. Each Respondent must utilize the forms and templates provided herein. Each Respondent must certify under penalty of perjury the truth and accuracy of its responses.

### **Cover Letter and Executive Summary**

Each Respondent shall provide a cover letter and executive summary, not more than three pages, including:

1. an introduction to the Respondent, its corporate form and organizational structure;

2. an introduction to the Lead Design-BUILDER (Prime Contractor), its corporate form and organizational structure (if other than Respondent);
3. an introduction to the Lead Designer;
4. a summary of the team's qualifications, capabilities, experience, and capacity for delivering the Project;
5. a statement of the team's understanding of the progressive design-build delivery method;
6. a summary of the team's relevant trail, or other active transportation, and transportation infrastructure and design-build experience; and
7. a description of the Respondent's perceived value-added attributes.

#### **PART A – Design-Build Team Information**

Pursuant to Public Contract Code § 22180.3(a)(2), (a)(4)(A),(F), each Respondent must provide information related to their proposed Design/Build team. Each Respondent must identify the legal entity that will ultimately contract with Owner if a contract is awarded, including the entity's legal form, contact information, identification of the Proposal Manager, parent and subsidiary information, an organizational chart and information regarding executive leadership, a list of shareholders, members, or partners, and the requested organizational documents.

Respondent must identify key design firms that will perform work on the Project. Respondent must identify the general contractor (if other than the Respondent itself); the engineer of record, the civil, geotechnical and/or structural engineers; and the environmental/permitting team that will be responsible for the work. Each firm must be appropriately licensed in California and must be registered to do business in California.

This part includes the following subsections:

- Respondent's Design/Build Entity Information
- Respondent's Project Design and Construction Team
- Conflict of Interest

## Respondent's Design/Build Entity Information

| RESPONDENT'S DESIGN/BUILD ENTITY INFORMATION |                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Response submitted by:                       | _____                                                                                                                                                                                                                                                                                                              |
| Address:                                     | _____<br>_____<br>_____                                                                                                                                                                                                                                                                                            |
| Contact Information:                         | Phone: _____<br>Email: _____                                                                                                                                                                                                                                                                                       |
| Proposal Manager:                            | _____ (name)<br>_____ (title)<br>Phone: _____ / Cell: _____<br>Email: _____                                                                                                                                                                                                                                        |
| Form of Respondent Business Organization:    | <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company<br><input type="checkbox"/> Partnership <input type="checkbox"/> Joint Venture<br><input type="checkbox"/> Other (provide written explanation on separate page).                                                           |
| Business Information:                        | Date of formation: _____.<br>State where organized: _____.<br>Entity number: _____.                                                                                                                                                                                                                                |
| Parent and subsidiary business entities:     | List any parent business entity that holds more than 25% of the voting interest of Respondent.<br><br>List any subsidiary business entity where Respondent holds more than 25% of the voting interest of the subsidiary.<br><br>State whether Respondent's parent company will provide a parent company guarantee. |
| Organizational Chart:                        | Provide an organizational chart for Respondent that shows the legal and decision-making relationships within the organization. The format of the organizational chart will depend on the form of business organization.                                                                                            |
| Executive Leadership:                        | List Respondent's executive leadership team (equivalent to chief executive officer, chief financial officer, secretary, and other executives as required).                                                                                                                                                         |
| Shareholders, members,                       | Pursuant to Public Contract Code section 22180.3, for a privately                                                                                                                                                                                                                                                  |

| RESPONDENT'S DESIGN/BUILD ENTITY INFORMATION |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| partners:                                    | held corporation, limited liability companies, partnerships, and joint ventures, provide a list of all of the Respondent's shareholders, members, or partners who will perform work related to the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Organizational Documents:                    | <p>Pursuant to Public Contract Code section 22180.3(a)(4)(F), provide legible, authenticated copies of the Respondent's business organization documents.</p> <p>For corporations, provide (at a minimum) Articles of Incorporation and the most recent Statement of Information filed with the applicable Secretary of State.</p> <p>For limited liability companies, provide (at a minimum) Articles of Organization and the most current operating agreement.</p> <p>For partnerships, provide (at a minimum) Respondent's partnership agreement.</p> <p>For joint ventures, provide (at a minimum) Respondent's joint venture agreement.</p> <p>If Respondent is a joint venture or other unformed entity, attach the agreement committing to form the entity.</p> |

## Respondent's Project Design and Construction Team

| RESPONDENT'S DESIGN/BUILD ENTITY INFORMATION |                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Response submitted by:                       | _____                                                                                                                                                                                                                                                                                                                  |
| Address:                                     | _____<br>_____<br>_____                                                                                                                                                                                                                                                                                                |
| Contact Information:                         | Phone: _____<br>Email: _____                                                                                                                                                                                                                                                                                           |
| Proposal Manager:                            | _____ (name)<br>_____ (title)<br>Phone: _____ / Cell: _____<br>Email: _____                                                                                                                                                                                                                                            |
| Form of Respondent Business Organization:    | <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company<br><input type="checkbox"/> Partnership <input type="checkbox"/> Joint Venture<br><input type="checkbox"/> Other (provide written explanation on separate page).                                                               |
| Business Information:                        | Date of formation: _____.<br>State where organized: _____.<br>Entity number: _____.                                                                                                                                                                                                                                    |
| Parent and subsidiary business entities:     | List any parent business entity that holds more than ____% of the voting interest of Respondent.<br><br>List any subsidiary business entity where Respondent holds more than ____% of the voting interest of the subsidiary.<br><br>State whether Respondent's parent company will provide a parent company guarantee. |
| Organizational Chart:                        | Provide an organizational chart for Respondent that shows the legal and decision-making relationships within the organization. The format of the organizational chart will depend on the form of business organization.                                                                                                |
| Executive Leadership:                        | List Respondent's executive leadership team (equivalent to chief executive officer, chief financial officer, secretary, and other executives as required).                                                                                                                                                             |
| Shareholders, members,                       | Pursuant to Public Contract Code section 22180.3, for a privately                                                                                                                                                                                                                                                      |

| RESPONDENT'S DESIGN/BUILD ENTITY INFORMATION |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| partners:                                    | held corporation, limited liability companies, partnerships, and joint ventures, provide a list of all of the Respondent's shareholders, members, or partners who will perform work related to the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Organizational Documents:                    | <p>Pursuant to Public Contract Code section 22180.3(a)(4)(F), provide legible, authenticated copies of the Respondent's business organization documents.</p> <p>For corporations, provide (at a minimum) Articles of Incorporation and the most recent Statement of Information filed with the applicable Secretary of State.</p> <p>For limited liability companies, provide (at a minimum) Articles of Organization and the most current operating agreement.</p> <p>For partnerships, provide (at a minimum) Respondent's partnership agreement.</p> <p>For joint ventures, provide (at a minimum) Respondent's joint venture agreement.</p> <p>If Respondent is a joint venture or other unformed entity, attach the agreement committing to form the entity.</p> |

## **Conflict of Interest**

Each Respondent must complete and return Form 5, Conflict of Interest, with their submission.

## **PART B – Design/Build Entity Evidence of Experience to Perform the Work**

Pursuant to Public Contract Code § 22180.3, each Respondent must provide necessary evidence that the members of the proposed Design/Build team have completed, or have the demonstrated experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project.

Respondent should provide examples of project-related experience and individual team member experience that demonstrate prior design-build projects similar to the size, scope, and complexity of the Project. Respondent should provide examples of projects designed and/or constructed for public owners.

Information submitted about each project must demonstrate that the Respondent's proposed team was involved at the initial stages and continued to work through final completion, and that each proposed team member remained involved through his or her proposed commitment to the project. Respondent should provide examples of projects the proposed team members have previously completed together.

This part includes the following subsections:

- Prior Project Experience
- Client References
- Respondent's Key Personnel for the Project
- Project Approach

### **Prior Project Experience**

Respondent's team members must provide examples of projects that each of them has completed that demonstrate they each have the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity. The information requested in this section is intended to permit Owner's Evaluation Team to review Respondent's experience and actual results of its team's and team members' ability to successfully design and construct projects similar in nature and complexity to the Project.

The Respondent's General Contractor and principal engineers must each provide design and construction Project Profiles for a maximum of five projects completed within the last 10 years or currently under construction. At least two of the submitted projects should reflect experience with trail or active transportation infrastructure projects, such as:

- Public use trail construction
- Rails to trails and/or rails with trails construction

- Remote roadways

For each project, complete and submit a Project Profile. Each Project Profile is limited to two pages. Additional information, photos, and other graphic materials may be included. Include a narrative addressing the design/construction philosophy and salient features for each project, as well as a brief statement indicating the relevance of the project to this Project. Indicate the degree of involvement by key construction personnel proposed for each project, if none, please state so.

Each Respondent must submit Project Profiles that collectively encompass the following:

**Design Experience.** Provide examples of projects completed and describe the design approach. Include at least two (2) projects in California that each had a construction cost more than \$5 million dollars. Include at least two (2) projects that utilized the design-build delivery method. Include at least one (1) project that was a trail or other active transportation infrastructure project (as described above) completed within the last ten (10) years. One project may fulfill more than one of these requirements.

**Construction Experience.** Provide examples of projects completed and describe the construction approach. Include projects that demonstrate the Respondent team members' ability to construct with a high level of quality. Include projects completed within the last ten (10) years, or currently under construction by the General Contractor. List at least two (2) projects with a construction cost each more than \$5 million dollars (at least one must be in California). List at least one (1) project using the design-build delivery method. Two (2) projects must be trail, active transportation infrastructure project, or other non-urban, back country trail (as described above) completed within the last ten (10) years. One project may fulfill more than one of these requirements.

Project Name: \_\_\_\_\_  
 Project Location: \_\_\_\_\_.  
 Project Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_.  
 Location: \_\_\_\_\_.  
 Contract Value: \$\_\_\_\_\_.  
 Project Owner: \_\_\_\_\_.  
 Delivery Method (e.g., design/bid/build, design/build, CM/GC, etc.): \_\_\_\_\_.  
 Short narrative description of Respondent's role on the project: \_\_\_\_\_.  
 List any members of Respondent's proposed team that performed work on the project:  
 \_\_\_\_\_.

*Attach additional pages as required to provide the minimum number of projects and to fully respond to the questions asked.*

## **Client References**

For each Project Profile submitted, provide one owner/client reference, including name, title, company, phone number, email address, and relationship to the project. Owner may contact listed references and may also contact other references known to Owner.

For each project listed, provide at a minimum the following information:

Name of Client Representative: \_\_\_\_\_

Firm/Company/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Project associated with: \_\_\_\_\_

As ☐ Proposer/subcontractor ☐ Design Engineer

### **Respondent's Key Personnel for the Project**

Respondent must provide resumes for Key Personnel to be employed for the Project. For each individual, provide at a minimum the below information. Identify relevant projects on which the employee has worked. Include a brief description of the project and specifically identify employee's roles, responsibilities, and duration of involvement on the project. If Respondent elects to submit resumes in addition to the information required, please limit each resume to two pages maximum.

Submit resumes of key personnel who will be assigned to the Project. Each resume must include the individuals' name, qualifications, and the anticipated degree of involvement during each of the design and construction phases of the Project. The resumes should provide evidence that the key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project. Personnel resumes shall be limited to two pages in length for each resume.

Include resumes for the following people:

- Design-Builder Executive Leader
- General Contractor Project Executive
- General Contractor Project Manager
- General Contractor General Superintendent
- Civil Engineer of Record
- Environmental Planning/Permitting Project Manager
- Any other construction team leaders with key responsibility for the day-to-day execution of the Project, if any

Respondents are encouraged to submit up to five (5) additional resumes as necessary to fully communicate any special knowledge or capabilities to be provided by the team.

**Key Personnel – Team Matrix.** Respondent must select up to ten projects from the Project Profiles and list each project on the Working Relationship Matrix provided in Form 2 – Working Relationship Matrix. The matrix will provide Owner’s evaluation team with an understanding of the proposed members’ experience and ability to function as a team at the outset of the Project due to prior existing working relationships established on previous projects. For each position listed on the Working Relationship Matrix, indicate whether the key individual being proposed for the Project had a significant role in the listed project’s success by placing a “mark” in the appropriate box.

**Personnel Resume** (maximum two pages per resume)

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

Firm: \_\_\_\_\_

Years of Experience: \_\_\_\_\_ Years with this Firm: \_\_\_\_\_

Education: \_\_\_\_\_

Active Registrations, Licenses or Credentials: \_\_\_\_\_

Awards: \_\_\_\_\_

Responsibilities on  
this Project: \_\_\_\_\_

Experience: For every person identified in the Working Relationship Matrix, identify relevant projects on which the employee has worked. Include a brief description of the project and specifically identify employee’s roles, responsibilities, and duration of involvement on the project. On a separate page, provided a response to each prompt below:

- Experience on similar projects
- Design-build experience
- Experience with facilities construction for public sector clients (identify California projects)
- Experience with trail or other active transportation infrastructure projects
- Other experience, training, education, and qualifications relevant to the proposed Project
- Describe what makes this individual uniquely suited for this assignment

## **Project Approach**

Owner requests the information requested in this section to provide Owner’s Evaluation Team with an understanding of how the Design/Builder intends to manage the design and construction of the Project, and why its specific approach is best suited to achieve success.

In five pages or less, provide the Design/Builder's approach to addressing Design-Build projects, including the philosophy and approach to the design of similar facilities in California. The Design/Builder should also demonstrate its understanding of Progressive Design-Build projects by identifying those features that are critical to Progressive Design-Build projects such as accelerated or compressed schedules, site utilization, energy efficiency, sustainability, designing to meet a target budget, and communication systems with a description of how those features have been addressed to ensure successful projects.

The GRTA is requesting this information solely for evaluation of qualifications, experience, and demonstrated capability to meet the GRTA's objectives. The GRTA will request, if at all, detailed design concepts, pricing, fee proposals, and proposal-stage schedule commitments from short-listed Proposers in the subsequent RFP phase.

### **PART C – Respondent's Evidence of Financial Capacity to Perform the Work**

Pursuant to Public Contract Code § 22180.3, each Respondent must provide audited financial statements that ensure the proposed Design/Build Entity has the capacity to complete the Project. Financial statements shall be submitted in a separate folder at the same time as the rest of the RFQ Response Package.

Pursuant to Public Contract Code § 22180.3, each Respondent must provide evidence that establishes that the proposed Design/Build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance.

This part includes the following subsections:

- Verification of Bonding Capacity
- Verification of Insurance

#### **Verification of Bonding Capacity**

Respondent must list the names of each bonding company that has issued performance and/or payment bonds to Respondent within the past five years. Respondent must provide written confirmation of its ability to secure and maintain payment and performance bonds for the Project and a signed surety letter in the form of Form 3.

#### **Verification of Insurance**

Respondent shall provide written confirmation of its ability to secure and maintain the insurance coverages listed below. Respondent will provide a signed letter from Respondent's insurance broker in the form attached to this Questionnaire as Form 4.

Insurance Coverage Requirement for purposes of verification will be as follows:

1. Workers Compensation and Employers Liability Insurance. Workers Compensation insurance with statutory limits as required by the Labor Code of

the State of California; Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.

2. Commercial General Liability Insurance. \$10,000,000 per Occurrence; \$10,000,000 General Aggregate; \$10,000,000 Products/Completed Operations Aggregate. The General Aggregate shall apply separately to each Project.
3. Automobile Liability Insurance. \$2,000,000 combined single limit per accident.
4. Contractors Pollution Liability Insurance. \$2,000,000 per pollution Incident; \$2,000,000 Aggregate.
5. Professional Liability/Errors & Omissions Insurance, if not subcontracted out. \$1,000,000 per claim or per occurrence.

#### **PART D – Design-Build Team License Information**

Pursuant to Public Contract Code § 22180.3 each Respondent must identify the licenses, registration, and credentials required to design and construct the Project, including but not limited to, information on the revocation or suspension of any license, credential, or registration. Contractors and design professionals must hold and maintain California licenses as provided by law. Any Respondent that fails to provide necessary information will not be considered.

This part includes the following subsections:

- General Contractor License
- Engineering Licenses

#### **General Contractor License**

At the time Respondent submits its response to this RFQ, Respondent's Design/Builder's Team must include a licensed general contractor. Pursuant to Public Contract Code section 3300, the general contractor must hold a valid Class A or B license issued by the California Contractors State License Board. The general contractor must also be registered with the Department of Industrial Relations.

Company Name (under which license is held): \_\_\_\_\_.

License Number: \_\_\_\_\_.

Date Issued: \_\_\_\_\_.

Expiration Date: \_\_\_\_\_.

California Department of Industrial Regulations (DIR) Registration No: \_\_\_\_\_

## **Engineering Licenses**

The Design/Builder's Team must include engineers licensed in the State of California to provide responsible charge of engineering services as described in the Professional Engineers Act in Business & Professions Code section 6700 et. seq. Any individual listed below must hold a valid license in good standing. The Respondent must provide information for, at a minimum, the civil, and/or geotechnical/structural engineering disciplines. Respondent may (but is not required to) list additional engineering disciplines at its sole discretion.

Engineering discipline (e.g., structural, civil, electrical, mechanical, geotechnical):

\_\_\_\_\_.

Name of Individual who will be in responsible charge of the work: \_\_\_\_\_.

License number: \_\_\_\_\_.

Expiration Date: \_\_\_\_\_.

Company Individual is employed by: \_\_\_\_\_.

California Department of Industrial Regulations (DIR) Registration No: \_\_\_\_\_.

## **PART E – Respondent's Safety Information**

Pursuant to Public Contract Code § 22180.3, each Respondent must provide requested information regarding workers' compensation experience history, their worker safety program, and an acceptable safety record. A Respondent's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or if the Respondent is a party to an alternative dispute resolution system as provided in Labor Code section 3201.5.

Respondent's safety record shall be evaluated on a pass/fail basis for minimum statutory compliance and may also be considered as part of the GRTA's scored evaluation of qualifications.

This part includes the following subsections:

- Safety Program Questionnaire
- Safety Performance

## **Safety Program Questionnaire**

Each Respondent shall provide responses to the following questions:

1. Does Respondent have a written Injury and Illness Prevention Program that complies with Title 8 of the California Code of Regulations? Please provide a copy.
2. Does Respondent have a written safety program that meets all CAL/OSHA requirements? Please provide a copy.
3. Will the Design/Builder have personnel permanently assigned and dedicated to safety on the Project?
4. Will the Design/Builder have a Safety Officer for the Project? Provide your Safety Officer's qualifications, work experience, authority, job duties, percentage of time spent in fulfilling their duties as Safety Officer, and who they report to.

Each Respondent shall provide the following documents and information:

1. Provide a consolidated summary of your firm's injury and illness data for the last three years.
2. Submit evidence that establishes the Design/Builder has an acceptable safety record. An acceptable safety record is when the Design/Builder's experience modification rating (EMR) for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three year period does not exceed the applicable statistical standards for the construction industry.
3. Provide the endorsement page of your worker's compensation insurance policy, or other documentation from your insurance carrier, listing your EMR. Owner will hold in confidence all required information to the extent allowed by the California Public Records Act.
4. Provide your Worker's Compensation Experience Ratings (Experience Modification Rating (EMR)) for the past three years, starting on January 1, 2023.

Insurance Carrier: \_\_\_\_\_

Contact for Insurance Information: \_\_\_\_\_

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

### **Safety Performance**

Consolidate your firm's injury and illness data for the last three years, starting on January 1, 2023, for the General Contractor and complete the table below. The Occupational Safety and Health Administration's (OSHA) Industry Group 154 (Business Category), classification 1542, will be used as the applicable standard for the construction of this Project. The information provided must be for your company as a whole and not individual office locations. Provide copies of your OSHA 300 and OSHA 300A logs for the last three years. For each fatality,

attach a description of the accident, including cause, actions taken resulting from that fatality and actions taken to prevent future fatalities.

| <b>Event</b>                              | <b>Year<br/>2023</b> | <b>Year<br/>2024</b> | <b>Year<br/>2025</b> | <b>3-Year<br/>Average</b> |
|-------------------------------------------|----------------------|----------------------|----------------------|---------------------------|
| A. Average Number of Employees            |                      |                      |                      |                           |
| B. Hours Worked                           |                      |                      |                      |                           |
| C. Number of Fatalities*                  |                      |                      |                      |                           |
| D. Permanent Total Disabilities (PTD)     |                      |                      |                      |                           |
| E. Lost Workday Cases (LWC)               |                      |                      |                      |                           |
| F. Lost Time Incidents (LTI) [Rows C+D+E] |                      |                      |                      |                           |
| G. Lost Time Incident Rate (LTIR)         |                      |                      |                      |                           |
| H. Lost Workdays                          |                      |                      |                      |                           |
| I. Lost Workday Severity Rate             |                      |                      |                      |                           |
| J. Restricted Workday Cases (RWC)         |                      |                      |                      |                           |
| K. Medical Treatment Cases (MTC)          |                      |                      |                      |                           |
| L. Total Recordable Cases. [Rows F+J+K]   |                      |                      |                      |                           |
| M. Total Recordable Incident Rate (TRIR)  |                      |                      |                      |                           |
| N. Environmental Occurrences              |                      |                      |                      |                           |

## **PART F – Respondent’s Disclosures and Compliance History**

Respondent must provide full and complete responses to each question below.

### **1. Termination/Failure to Complete; Violations; Claims, Arbitration and Litigation**

Submit declarations, information and/or details pertaining to all the following:

- Provide a declaration certifying that Design-Build Primary Team members have not had a surety company finish work on any project within the last five years.
- Provide information pertaining to any construction or design claim or litigation totaling more than two-hundred and fifty thousand dollars (\$250,000) or five percent of the annual value of work performed, whichever is less, settled against any Design-Build Primary Team member within the last five years.

### **2. OSHA Violations**

Provide information pertaining to serious or willful violations of the Occupational Safety and Health Act, as provided in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, settled against any Design-Build Primary Team member within the past five years.

### **3. Violations of Law**

Provide information pertaining to any violations of Federal or State law, including, but not limited to, those laws governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, State

disability insurance withholding, or unemployment insurance payment requirements, settled against any Design-Build Primary Team member over the last five years. For the purposes of this sub clause, only violations by a Design-Build Primary Team member as an employer shall be deemed applicable, unless it is shown that the Design-Build Primary Team member, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in Subdivision (b) of Section 1775 of the Labor Code.

#### **4. Disqualifications**

Provide information and details of any instances that the Design-Build Primary Team members, any officer of the Design-Build Primary Team members, or any employee of the Design-Build Primary Team members who has a proprietary interest in the Design/Builder, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, State, or local government project because of a violation of law or a safety regulation (Public Contract Code 10162).

#### **5. Information Regarding License Violations**

Provide information pertaining to any violations by the Design-Build Primary Team members of the Contractors State License Law (Chapter 9, commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations or complaints.

#### **6. False Claims**

Provide a declaration that no Design-Build Primary Team member has been convicted of submitting a false or fraudulent claim to a public agency within the last ten years.

#### **7. Verification of Labor Code Compliance**

Provide a declaration that the Design/Builder will comply with all other provisions of law applicable to the Project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

#### **8. Skilled and Trained Workforce Compliance**

Provide a declaration that the Respondent will use a skilled and trained workforce in accordance with Public Contract Code section 2600 et seq.

### **PART G – Respondent's Certifications**

Pursuant to Public Contract Code § 22180.3, each Respondent must shall certify under penalty of perjury that all of the information provided in response to the RFQ is true, accurate and complete as of its submission date. Respondent must use the below certification and attach additional certifications as required.

The below certification must be signed by an authorized representative of the Respondent and any of its general partners and/or joint venturers, if any. If the proposed Design/Builder is a corporation, limited liability company, partnership, joint venture, or

other legal entity, the information provided shall be certified under penalty of perjury by both the proposed Design/Builder and its general partners or joint venture members.

I, \_\_\_\_\_, hereby declare that I am the \_\_\_\_\_  
(Title) of \_\_\_\_\_ (Respondent) submitting this Questionnaire in  
response to Owner's RFQ for the Founders Grove to McCann Bridge Project; that I am duly  
authorized to sign this Questionnaire on behalf of the above named entity; and that all  
information set forth in Parts A through F of this Questionnaire and all attachments hereto are, to  
the best of my knowledge, true, accurate and complete as of its submission date.

The undersigned declares under penalty of perjury that all of the prequalification information  
submitted with this form is true and correct and that this declaration was executed in \_\_\_\_\_  
(county), \_\_\_\_\_ (state), on \_\_\_\_\_, 2026.

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

*Respondent shall attach additional declaration pages as required for each partner and/or joint  
venturer.*

### 13. FORMS

#### **FORM 1 – Respondent's Project Profile**

*Respondent shall provide the following information for each prior project in its RFQ Response Package.*

Project name and location: \_\_\_\_\_.

Project description: \_\_\_\_\_.

Delivery method: \_\_\_\_\_.

Describe the relevance of this project to the Project. Briefly describe how the team addressed budget alignment, scope refinement, or early price development on this Project:

\_\_\_\_\_.

Provide any other relevant information: \_\_\_\_\_.

Contact name: \_\_\_\_\_.

Address: \_\_\_\_\_.

Telephone: \_\_\_\_\_. E-mail address: \_\_\_\_\_.

Project Manager: \_\_\_\_\_.

Personnel who worked on the project and are proposed for this Project: \_\_\_\_\_.

Role of each person listed above: \_\_\_\_\_.

General contractor: \_\_\_\_\_.

Engineer of Record: \_\_\_\_\_.

Construction manager: \_\_\_\_\_.

Other relevant firms involved: \_\_\_\_\_.

Scheduled completion date: \_\_\_\_\_. Actual completion: \_\_\_\_\_.

Original contract amount: \$ \_\_\_\_\_. Final contract amount: \$ \_\_\_\_\_.

Explain difference (if any): \_\_\_\_\_.

**FORM 2 – Working Relationship Matrix**

|                                                                                                                                                                 |         |         |         |         |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|
| Working Relationship Matrix<br>Check boxes to indicate on which projects team members have worked. If a member has not worked on a project leave the box blank. | Project | Project | Project | Project | Project |
| Design-Build Entity's Exec. Leader (insert name)                                                                                                                |         |         |         |         |         |
| GC's Project Executive (insert name)                                                                                                                            |         |         |         |         |         |
| GC's Project Manager (insert name)                                                                                                                              |         |         |         |         |         |
| GC's General Superintendent (insert name)                                                                                                                       |         |         |         |         |         |
| EOR's Project Manager (insert name)                                                                                                                             |         |         |         |         |         |
| Civil Engineer of Record (insert name)                                                                                                                          |         |         |         |         |         |
| Structural Engineer of Record (insert name)                                                                                                                     |         |         |         |         |         |
| Geotechnical Engineer of Record (insert name)                                                                                                                   |         |         |         |         |         |
| Environmental Permitting Project Manager (insert name)                                                                                                          |         |         |         |         |         |
| Additional Key Staff (insert name)                                                                                                                              |         |         |         |         |         |
| Additional Key Staff (insert name)                                                                                                                              |         |         |         |         |         |
| Additional Key Staff (insert name)                                                                                                                              |         |         |         |         |         |
| Additional Key Staff (insert name)                                                                                                                              |         |         |         |         |         |

### **FORM 3 – Surety Letter**

*Each Respondent shall provide a letter in the form below, signed by the surety Respondent intends to use for the Project.*

Great Redwood Trail Agency  
c/o Blue Lake City Hall  
PO Box 458  
Blue Lake, CA 95525

Re: Great Redwood Trail Founders Grove to McCann Bridge Trail Project  
Letter of Intent to Issue Security

Dear Great Redwood Trail Agency,

\_\_\_\_\_ (the Respondent) has submitted this letter in support of its Response to the Request for Qualifications (RFQ) for the Great Redwood Trail Founders Grove to McCann Bridge Project (Project) issued by Great Redwood Trail Agency.

The below-signed Surety has reviewed GRTA's RFQ and the Respondent's response to that RFQ. The Surety hereby certifies that it intends to issue on behalf of the Respondent, as security for performance under the progressive design-build agreement for the Project, a Performance Bond and a Payment Bond for the benefit of GRTA each in the amount of not less than the Project budget of \$[insert amount], in the event the Respondent is awarded a contract following the conclusion of GRTA selection process.

Regards,

Signature  
Name of Authorized Signatory  
Title  
Name of Surety Company

#### **FORM 4 – Insurance Company Letter**

*Each Respondent shall provide a letter in the form below, signed by the insurer (or authorized representative of) Respondent intends to use for the Project.*

Great Redwood Trail Agency  
c/o Blue Lake City Hall  
PO Box 458  
Blue Lake, CA 95525

Re: Great Redwood Trail Founders Grove to McCann Bridge Project

Letter of Intent to Issue Insurance

Dear Great Redwood Trail Agency,

We, the below undersigned, represent \_\_\_\_\_ (the Respondent) as \_\_\_\_\_'s insurance broker of record. We write in support of Respondent's submission in response to the Great Redwood Trail Agency's Request for Qualifications (RFQ) to Provide Progressive Design-Build Services for the Great Redwood Trail Founders Grove to McCann Bridge Project.

We affirm that we have reviewed and understand the insurance requirements contained in the RFQ. We affirm that, if awarded the ultimate contract contemplated under this RFQ and the subsequent RFP, Respondent will be able to fully comply with all insurance requirements as presented in this RFQ, for itself as well as for all of its subcontractors, for both onsite and offsite work.

We understand that, should Respondent be selected for award of the contract, and subsequently fail to satisfy the insurance requirements as they have been outlined in this RFQ, such failure may result in Respondent's Proposal being deemed non-responsive.

Regards,

Signature  
Name of Authorized Signatory  
Title  
Name of Insurance Company

## **FORM 5 –Conflict of Interest**

Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Great Redwood Trail Agency, or the person's objectivity in performing work is or might be otherwise impaired, or a person has an unfair competitive advantage.

For each Team Member, include an organizational conflict of interest letter covering the items below

1. Name of Team Member and name of the Respondent Team.
2. The name, address, telephone number, and federal taxpayer identification number, if applicable.
3. A description of the nature of the services rendered by or to be rendered on the Project or related thereto.
4. A statement of any past (within the past three years), present, or currently planned financial, contractual, organizational, or other interests relating to the performance of the Work of the Project.
  - a. For contractual interests, such statement must include the name, address, telephone number of the client or client(s), a description of the services rendered to the previous client(s), and the name of a responsible officer or employee who is knowledgeable about the services rendered to each client, if, in the three years preceding the date of the statement, services were rendered to the GRTA or any other client respecting the same subject matter of the Project, including planning, financing, and approvals. The client and contract number under which the services were rendered must also be included, if applicable.
  - b. For financial interests, the statement must include the nature and extent of the interest and any entity or entities involved in the financial relationship. For these and any other interests enough such information must be provided to allow a meaningful evaluation of the potential effect of the interest on the performance of the work of the Project.
5. A statement that no actual or potential conflict of interest or unfair competitive advantage exists with respect to the services to be provided in connection with the contract.
6. A signature by an authorized representative, including typed name, title, and date.

Failure to provide the required statement may result in a Respondent being determined ineligible for award. Misrepresentation or failure to report any fact may result in the assessment of penalties associated with false statements or such other provisions provided for by law or regulation.

**END OF DOCUMENT**

## **ATTACHMENT A – The Great Redwood Trail Master Plan**

The GRTA Master Plan can be downloaded at: <https://thegreatredwoodtrail.org/master-plan/>

**ATTACHMENT B – GRTA Organizational Conflict of Interest Policy**

## Conflict of Interest Policy for Design-Build Procurements

### A. Policy Purpose

This Policy applies to any design-build procurement and resulting contract by the Agency for a project (“Project”), and any procurement and contracting by the selected design-build entity or its subsidiaries for engineering services, inspection, or technical support in the administration of the design-build portion of such Project.

This Policy prescribes ethical standards of conduct applicable to persons and entities entering into a design-build contract with the Agency and their subcontractors of all tiers, broadly defined herein as “Proposers,” to include prime contractors, constituent joint venture partners, team members, consultants, subcontractors, and in appropriate cases, suppliers, at all tiers.

The Agency adopts this Policy in furtherance of California and federal laws that prohibit organizational conflicts of interest in public contracting. For example, California law prohibits public officers and employees from making contracts in which they are financially interested. (Gov. Code, § 1090.) Section 1090’s prohibitions apply to independent contractors “when they have duties to engage in or advise on public contracting that they are expected to carry out on the government’s behalf.” (*People v. Superior Court (Sahlolbei)* (2017) 3 Cal.5th 230, 245.) Federal law similarly prohibits federal funding recipients from making contracts that result in an organizational conflict of interest. (E.g., 2 C.F.R. §§ 200.112, 200.318; Federal Transit Administration, *Third-Party Contracting Guidance*, FTA C 4220.1G (Jan. 17, 2025), § VI-2.e(9).)

The Policy is distinct from and in addition to the Agency’s adopted conflicts of interest code.

### B. Policy Goals

This Policy is intended to accomplish the following procurement goals:

- Promoting integrity, transparency, competitiveness and fairness in the Agency’s design-build procurements.
- Preventing Proposers from obtaining or appearing to obtain an unfair competitive advantage with respect to the Agency’s design-build procurements.
- Providing guidance to enable Proposers to make informed decisions while conducting business with the Agency.
- Protecting the validity of the Agency’s design-build procurement.

The Agency recognizes that these goals must be balanced against the need to not unnecessarily restrict the pool of potential Proposers available to participate in the Agency's design-build procurements. The Agency recognizes that Proposers must maintain business relationships with other public and private sector entities in order to continue as viable businesses. It is not the intent of the Agency to disqualify Proposers based merely on the existence of a business relationship with another entity, but rather only when disqualification is required under law and this Policy.

#### C. Thresholds for Organizational Conflicts of Interest

"Organizational Conflict of Interest" means a circumstance arising out of a Proposer's existing or past activities (including projects outside of the Agency's jurisdiction), business or financial interests, familial relationships, contractual relationships, and/or organizational structure (i.e., parent entities, subsidiaries, etc.) that results or would result in:

- Impairment or potential impairment of a Proposer's ability to render impartial assistance or advice to the Agency or of its objectivity in performing work for the Agency,
- An unfair competitive advantage for any Proposer bidding or proposing or offering on an Agency design-build procurement, or
- A perception or appearance of impropriety or unfair competitive advantage with respect to Agency's design-build procurement (regardless of whether any such perception is accurate).

Based upon the guidance of State and Federal laws, codes, regulations and policies, Proposers will NOT be allowed to propose or join a design-build team in the following circumstances:

- The Proposer performed program management, program controls, and/or construction management services for the design-build component of the relevant Project, related to contracting or advising on contracting for the design-build component of that Project.
- The Proposer is the Agency's general engineering consultant (GEC) for the design-build component of the relevant Project, or is a subconsultant to the GEC that has engaged in or has advised the Agency (through the GEC) on contracting for the design-build component of that Project.

- The Proposer has engaged in or has advised the Agency on contracting for the design-build component of the relevant Project, including the preparation of Request for Qualifications or Request for Proposals.
- The Proposer has materially assisted the Agency in management of or assistance in the management of contracting for the design-build component of the relevant Project.
- The Proposer has performed work on a previous contract that specifically excludes them from participating as a Proposer or joining a design-build team for the relevant Project.
- The Proposer is under contract to perform oversight on the relevant Project on behalf of the Agency or Project stakeholders, now or in the future.
- The Proposer has obtained substantive advice from or otherwise substantively discussed the procurement of the design-build component of the relevant Project with any person or entity with an Organizational Conflict of Interest as to the design-build component of that Project, resulting in an unfair competitive advantage.
- The Proposer's employees are identified in the Agency's conflict of interest code or otherwise file a Form 700 resulting from their work for the Agency.
- The Proposer is a subsidiary of a parent organization, and the parent organization or another subsidiary of the parent organization has an Organizational Conflict of Interest as to the design-build component of the relevant Project.
- The Proposer serves currently, or would serve, in a capacity of acting as the Agency's agent for review, approval, or acceptance of the Proposer's own prior work product.

Proposers MAY be allowed to propose or join a design-build team in the following circumstances, provided that the Proposer can demonstrate (through substantiating documentation, as requested by the Agency) that its work did not include engaging in or advising on contracting for the design-build component of the relevant Project, broadly interpreted:

- The Proposer performed preliminary design services, prepared preliminary designs, feasibility studies, and conceptual designs.
- The Proposer provided environmental support services, including data collection and drafting of environmental documents for NEPA and CEQA compliance.

- The Proposer performed program management, program controls, and/or construction management services, including planning and pre-construction, for other components of the relevant Project.

Proposers are cautioned that determination of a conflict of interest in cases involving prior services connected to the relevant Project is highly fact-specific.

#### D. Proposers' Obligations to Identify and Disclose Any Potential Organizational Conflict of Interest

Proposers participating in and bidding, proposing, or offering on a design-build contract for an Agency Project must agree to comply fully with and be bound by the applicable provisions of federal, state, and local laws related to conflicts of interest, including without limitation (a) the Agency's conflict of interest code; (b) California Government Code sections 1090 et seq.; and (c) California Government Code sections 87100 et seq.

Proposers participating in and bidding, proposing, or offering on a design-build contract for an Agency Project are obligated to identify and promptly disclose any potential Organizational Conflicts of Interest to the Agency pursuant to this Policy and the written requirements established in the procurement documents. Proposers disclosing potential Organizational Conflicts of Interests are encouraged to propose mitigation measures for the Agency's consideration.

Proposers shall use all reasonable efforts to arrange their affairs so as to prevent Organizational Conflicts of Interest from arising.

Proposers must undertake reasonable due diligence, including necessary conflict searches, to determine whether new actual, perceived or potential Organizational Conflicts of Interest have arisen whenever engaged in a proposal process or whenever working under a design-build contract for an Agency Project.

An Organizational Conflict of Interest may arise at any time, and a Proposer's obligation to disclose is ongoing. Each Proposer shall consider whether disclosure is required in connection with changed circumstances, including by example only new hires, changes in the company's board of directors, mergers and acquisitions, changes in property ownership, and new business relationships including joint ventures and contractor/subcontractor relationships.

Proposers whose responsibilities to the Agency include review, supervision or oversight of work by other entities must pay careful attention to their relationships with the other entities and their affiliates and must take care to avoid relationships with such other entities that would give rise to an Organizational Conflict of Interest. Due diligence must

extend to investigation of current and past relationships that exist within or outside of the Agency's jurisdiction and, if the Proposer is a corporate entity, to officers or directors of the Proposer.

The failure to disclose any actual, perceived or potential Organizational Conflict of Interest may result in serious consequences to the Proposer and its affiliates (see below Remedies).

#### E. Disclosure and Determination Process

A Proposer's disclosure to the Agency of a potential Organizational Conflict of Interest in relation to the design-build component of an Agency Project must contain a detailed description of:

- The facts and circumstances giving rise to the actual or potential Organizational Conflict of Interest. Disclose all relevant facts relating to past, present or planned interest(s) of the Proposer's team (including the Proposer, Proposer's proposed consultants, subconsultants and subcontractors and their respective chief executives, directors and key personnel) which may result in, or could be viewed as, an Organizational Conflict of Interest in connection with any design-build procurement for the Project, including present or planned contractual or employment relationships with any current employee of the Agency.
- All work performed in relation to the design-build component of the relevant Project.
- Provide relevant records of such work performed for the Agency so that all information can be evaluated and made available to all potential design-build teams, if necessary.
- Contracts with any related entity to perform services related to the design-build component of the relevant Project and the status of such contracts (e.g., active, expired, terminated).
- In cases where Proposers on different design-build teams belong to the same parent company, each Proposer must describe how the subconsultants and subcontractors would avoid conflicts through the qualification bid phases of the design-build procurement.
- Any efforts the Proposer has taken or proposes to take to mitigate the conflict.

The Agency may request additional information or records to support its review. Upon review of the information provided above and from any other source, the Agency will

determine, in its sole discretion, if the Proposer has an Organizational Conflict of Interest and is disqualified from the design-build procurement opportunity. The Agency may publicly disclose/publish information and relevant records related to its review and determination.

F. Remedies for Conflicts and Failure to Comply with Policy

If the Agency determines, in its sole discretion, that a Proposer has an Organizational Conflict of Interest or has failed to comply with this Policy in any respect (any failure to disclose an actual, perceived or potential Organizational Conflict of Interest), the Agency may, among other things, take the following actions:

- Preclude and/or disqualify the Proposer, as well as any other persons or legal entities on the Proposer's team, from participation in the Agency's design-build procurement;
- Require the Proposer, as well as any other persons or legal entities on the Proposer's team, to implement mitigating measures;
- Amend the contract under which the Proposer is performing work for the Agency;
- Cancel or terminate the contract, including the possibility of termination for default; and/or
- Exercise any and all other remedies available at law or in equity.

If the Agency cancels a contract as specified above, it will have no obligation, responsibility or liability to reimburse all or part of the costs incurred or alleged to have been incurred by the Proposer, its affiliates or other team members. Additionally, the Agency shall be entitled to recover any and all payments made to the Proposer subsequent to the date when the Proposer became aware of or should have become aware of the existence of the Organizational Conflict of Interest.

G. Application of the Policy to Proposer's Employees

If the Agency determines that a potential or actual Organizational Conflict of Interest exists for a particular Proposer, an Organizational Conflict of Interest shall also be considered to apply to any employee of such Proposer that has participated in a material way in the performance of work (or other facts and circumstances) giving rise to the determination. If such individual leaves the Proposer's employment, the potential or actual Organizational Conflict of Interest shall apply to such individual in the same manner as it applies to the Proposer. However, the individual's new employer (if not an affiliate of the

original employer) will not be considered to have an Organizational Conflict of Interest provided the new employer adopts and implements safeguards and mitigation measures satisfactory to the Agency in its sole discretion.

#### H. Limitations of this Policy

This Policy does not purport to address every situation that may arise in the context of a, Agency design-build procurement.

This Policy does not mandate a particular decision or determination by the Agency.

This Policy does not address all applicable requirements that may affect persons and entities wishing to enter contracts with the Agency.

Nothing in this Policy is intended to limit, modify, supersede or otherwise alter the effect of other relevant federal, State, or local regulations, statutes or rules.

Nothing in this Policy restricts or binds the authority of a court of competent jurisdiction to make a final determination of whether an Organization Conflict of Interest exists. The Agency is not required to delay its procurement process during the pendency of any legal challenge.

Proposers may request an Advice Letter or an Opinion from the Fair Political Practices Commission with respect to specific factual circumstances. The Agency may defer to an opinion of the Fair Political Practices Commission, timely issued and based on the same facts before the Agency.