

TRANSBAY JOINT POWERS AUTHORITY

ADDENDUM No. 3

to Request for Qualifications (RFQ) No. 23-04

Progressive Design-Build for Civil and Tunnel for The Portal

DATE: December 21, 2023

FROM: Transbay Joint Powers Authority
425 Mission Street, Suite 250
San Francisco, CA 94105

TO: RFQ No. 23-04 Respondents

This Addendum No. 3 forms a part of RFQ No. 23-04 and modifies the original RFQ documents issued on October 27, 2023. This Addendum No. 3 consists of the following: (a) added clarification in Section 2.3.2 Disadvantaged Business Enterprise (DBE) Participation, (b) updated language in Section 3.7 Ineligible Parties to reflect conflict of interest questions submitted to the TJPA through the Request for Clarification process, (c) added clarification in Section 4.3.2 Back-Up Key Personnel, (d) included additional surety requirements on Exhibit B Form G – Surety Letter, (e) updated safety measurement requirements on Exhibit B Form K – Certifications and Questionnaire, and (f) updated the description for Standard of Care and the requirements under Bonds in Exhibit C – Agreement Terms.

New text is indicated in **bold underline**; deleted text is indicated in ~~strikeout~~.

2.3.2 Disadvantaged Business Enterprise (DBE) Participation

In 2022, the TJPA Board adopted an Anticipated DBE Participation Level of 17% in the aggregate for all of the TJPA's FTA-assisted contracts for the period October 1, 2022, through September 30, 2025. The TJPA does not plan to set a DBE goal for the Civil and Tunnel contract; however, Respondents are strongly encouraged to obtain the agency's 17% DBE participation. The TJPA ensures that only DBE firms currently certified in the California Unified Certification Program will participate as DBEs in the TJPA's DBE Program.

DBE participation counts towards the SBE goal.

While the TJPA has not set separate goals/participation levels for the design and construction portions of the Civil and Tunnel contract package, the TJPA encourages Respondents to assemble a team with SBE/DBE participation across the contract scope and across the contract term.

Respondents are not required to provide their SBE/DBE plans in their SOQs; instead, Proposers will be required to provide this information in their Proposals. The TJPA provides the information here so that Respondents can maximize the time available to outreach to the SBE/DBE community and plan their team composition.

The TJPA recommends that Respondents review the TJPA's DBE Program and SBE Program, including certification requirements, available on the TJPA's website at <https://www.tjpa.org/about-tjpa/doing-business>.

3.7 Ineligible Parties

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

AECOM
Mott MacDonald
Hollins Consulting
Meyers Nave
Parsons
Gall Zeidler Consultants
HNTB Corporation

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.

Firms requesting information from the TJPA on the ability to participate in this procurement should submit their written request, including all of the information specified in TJPA Board Policy 022, Conflict of Interest Policy for Design-Build Procurements, via email to RFP@tjpa.org. Requests of this nature may be submitted any time after publication of the RFQ until three weeks before the Proposal due date (to be provided in the RFP). The TJPA will provide responses directly to the entity that submitted the request, and these responses will not be posted publicly.

4.3.2 Back-Up Key Personnel

Each Respondent will submit back-up candidates for the following Key Personnel, meeting the same minimum qualifications, to fill the position in the event the original Key Personnel is no longer available due to circumstances outside the control of the relevant Team Member:

Project Manager
Design Manager
Construction Manager

Back-up candidates submitted with the SOQs are only valid during the procurement phase. The Contractor will be required to follow contractual requirements for substituting Key Personnel once the contract is executed.

EXHIBIT B

ADMINISTRATIVE AND LEGAL FORMS, PROVIDED IN WORD FORMAT

FORM G – SURETY LETTER

[Instructions: Include a letter on Surety Company letterhead as shown]

Transbay Joint Powers Authority
425 Mission Street, Suite 250
San Francisco, CA 94105

Re: Civil and Tunnel Project for Transbay Joint Powers Authority
Letter of Intent to Issue Security

Dear Transbay Joint Powers Authority,

_____ (the Respondent) has submitted this letter in support of the Statement of Qualifications (SOQ), submitted in response to the Request for Qualifications (RFQ) for The Portal civil and tunnel project (Project) issued by the Transbay Joint Powers Authority (TJPA) on **October 27, 2023**, as amended. Respondent seeks to be included in the short list of Respondents invited to propose on the Project described in the Request for Qualifications.

The Surety has reviewed the TJPA's RFQ and the Respondent's SOQ. The Surety hereby certifies that it intends to issue on behalf of the Respondent, as security for performance under the Progressive Design-Build agreement, a Performance Bond and a Payment Bond for the benefit of the Owner each in the amount of ~~[(TBD)]~~ **\$1,900,000,000**, in the event the Respondent is selected for final negotiations and execution of the Progressive Design-Build agreement, and **which** will be **revised** ~~increased~~ to reflect any price adjustment.

This commitment is subject to standard underwriting requirements at the time of the bond request, including a review of acceptable bond forms, contract terms, and our standard underwriting considerations. This letter is not an assumption of liability, nor is it a bid bond.

Regards,

Signature
Name of Authorized Signatory
Title
Name of Surety Company

FORM K – CERTIFICATIONS AND QUESTIONNAIRE

Team Member:

General

Team Member has the ability to procure and obtain a valid and current California Contractor’s license with a Class A designation: Yes No n/a If no, explain:

Team Member has the ability to provide engineering or architectural services per California law: Yes No n/a If no, explain:

Safety

Team Member’s Experience Modification Rate (EMR)s for the most recent three years:

Team Member’s average total recordable incident rate (TRIR) for the most recent three years:

Team Member’s average ~~lost workday incident rate (LWDR)~~ **lost time incident rate (LTIR)** for the most recent three years:

The undersigned certifies that the Team Member has an acceptable safety record. A Team Member'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 **time incident** rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or if the Team Member is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.

EXHIBIT C

AGREEMENT TERMS

Topic	Anticipated Terms
GENERAL TERMS	
Standard of Care	The Contractor will provide all necessary design and construction services consistent with the standard of care and degree of skill that would ordinarily be exercised by other competent practitioners of the same discipline and profession currently practicing under similar circumstances as the circumstances affecting the Project, taking into consideration the contemporary state of the art and the geographical area of the Project.
PRICE	
Bonds	<p><u>Proposal Bond. Proposers will be required to demonstrate the capability to secure a proposal bond for \$5,000,000. The proposal bond expires upon contract execution.</u> Proposal security will be required [amount to be clarified by addendum] of the short-listed firms submitting Proposals. Proposal security expires [date to be clarified by addendum].</p> <p><u>Performance Bond. A performance bond in an amount equal to the contract value will be required. Progressive and partial sum bonding options will be considered.</u> Performance Bond. A performance bond will be required. Progressive and partial-sum bonding options will be considered [amount to be clarified by addendum].</p> <p><u>Payment Bond. A payment bond in an amount equal to the contract value is required. Progressive and partial sum bonding options will be considered.</u> Payment Bond. A payment bond in an amount equal to the full contract price is required [amount to be clarified by addendum].</p> <p><u>Contract Value. Since the actual contract value is not yet known, an assumed amount of \$1,900,000,000 is to be used for the purposes of completing Form G – Surety Letter.</u></p>

END OF ADDENDUM NO. 3