



TRANSBAY JOINT POWERS AUTHORITY

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
CALIFORNIA DEPARTMENT OF TRANSPORTATION
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CITY AND COUNTY OF SAN FRANCISCO, BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO, MAYOR'S OFFICE
PENINSULA CORRIDOR JOINT POWERS BOARD
SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

Executive Director: Adam Van de Water

REQUEST FOR PROPOSALS No. 25-02

Commercial Real Estate Broker Services

Key RFP Dates

RFP Issued:	Monday, August 4, 2025	
TJPA Pre-Proposal Walk-Through (Optional)	Monday, August 11, 2025	11:00 a.m. PT
Deadline for Submission of Questions:	Monday, August 18, 2025	by 2 p.m. PT
Answers to Written Questions Posted:	Friday, August 22, 2025	
Proposals Due:	Monday, September 8, 2025	by 2 p.m. PT
Contract Recommended for TJPA Approval:	Thursday, October 9, 2025	

CONTENTS

1	INTRODUCTION	1
2	BACKGROUND	2
3	SCOPE OF SERVICES	3
4	MINIMUM REQUIRED SKILLS AND EXPERIENCE	5
5	PROPOSAL REQUIREMENTS	5
6	RESPONDENT EVALUATION PROCESS	8
7	SUBMITTAL PROCEDURES	9
8	SCHEDULE AND ADDENDA	10
9	STANDARD AGREEMENT PROVISIONS	11
10	AUTHORIZATION OF CONSULTANT’S WORK	11
11	DISADVANTAGED BUSINESS ENTERPRISE (DBE) / SMALL BUSINESS ENTERPRISE (SBE).....	11
12	LEVINE ACT	13
13	PROTEST PROCEDURES	14

ATTACHMENTS

Attachment 1: RFP General Conditions

Attachment 2: Model Professional Services Agreement

Attachment 3: Fee Proposal Form

Attachment 4: Disadvantaged & Small Business Enterprise (DBE/SBE) Program Information and Forms:

- Bidders/Proposers Information Request Form (*Required to be submitted with Proposal*)
- Good Faith Efforts Form (*Required to be submitted with Proposal if the SBE utilization goal is not being met*)
- Progress Payment Report
- Subcontractor Payment Declaration
- Final Expenditure Report

1 INTRODUCTION

The Transbay Joint Powers Authority (TJPA) issues this Request for Proposals (RFP) for Real Estate Broker Services for the Salesforce Transit Center and associated properties (Property) from firms (Respondents) with qualifications and expertise to market and lease the TJPA commercial real estate portfolio. Services sought may include, but are not limited to: portfolio analysis and strategy recommendations; proforma development and/or updates; market analysis; marketing of available space; tenant solicitation; site tours; status meetings and reports; and presentations.

The TJPA plans to enter into a contract for the services described in Section 3, Scope of Services (Services). Based on its evaluation of the proposals received in response to this RFP (Proposals), the TJPA may select a Respondent to enter into exclusive negotiations for an agreement substantially similar to Attachment 2, Model Professional Services Agreement (Agreement). The TJPA anticipates that the Agreement will be for a three (3)-year base term with the option, exercisable at the TJPA's sole discretion, to extend the term for up to one (1) two (2)-year extension period, for a total contract term of five (5) years.

An optional pre-proposal walk-through will be held on **Monday, August 11, 2025, at 11:00 a.m. to 12:00 p.m. Pacific Time** starting in the Grand Hall of the Salesforce Transit Center located at 425 Mission Street, San Francisco, California.

Proposals must be received by the TJPA no later than **2:00 p.m. Pacific Time on Monday, September 8, 2025**. Proposals must be electronically in Adobe PDF (Portable Document Format) and sent via email or file sharing link to RFP@tjpa.org.

Proposals that are not received by the time and date specified, do not contain all the required information and completed forms, or do not meet all minimum qualifications, shall be deemed non-responsive and rejected without consideration.

Respondents may obtain copies of this RFP, including the forms to be submitted in the proposal package, by downloading the document from the TJPA [website](#) or by contacting the TJPA by email: RFP@tjpa.org.

The RFP General Conditions (Attachment 1) supplement the provisions of this RFP.

The selection of any Respondent for exclusive negotiations shall not imply the TJPA's acceptance of all terms of Respondent's submittal; terms may be subject to further negotiation. The TJPA shall have no obligation unless and until a final agreement is entered into by the parties following approval by the TJPA's Board of Directors (TJPA Board). There is no guarantee that the TJPA will issue any notices to proceed (NTPs), and the TJPA may terminate the agreement at any time.

2 BACKGROUND

2.1 Transbay Joint Powers Authority

In April 2001, the City and County of San Francisco (City), the Alameda-Contra Costa Transit District (AC Transit), and the Peninsula Corridor Joint Powers Board (PCJPB) executed a Joint Exercise of Powers Agreement under California law creating the TJPA. The Joint Exercise of Powers Agreement was amended in November 2017 to include the California High-Speed Rail Authority (CHSRA).

The purpose of the TJPA is to design, build, develop, operate and maintain a new transportation terminal and associated facilities in San Francisco, including extending rail to downtown San Francisco, known as the Transbay Program (Program). The member agencies of the TJPA have granted to the TJPA most of their jointly held powers, including the authority to buy and sell property, enter into contracts, and accept and spend grants of cash and property. The TJPA's management functions include contract oversight, policy direction, financing, and investment supervision.

The TJPA coordinates and collaborates with, among others, the following governmental entities: U.S. Department of Transportation and its operating administrations—Federal Railroad Administration, Federal Transit Administration, and Federal Highway Administration; the California Department of Transportation (Caltrans); the California High-Speed Rail Authority; the City; AC Transit; PCJPB (Caltrain); San Mateo County Transit District; and the Golden Gate Bridge, Highway and Transportation District.

The TJPA Board of Directors is composed of directors appointed by each of the following agencies:

- Alameda-Contra Costa Transit District
- City and County of San Francisco, Board of Supervisors (2)
- City and County of San Francisco, Mayor's Office
- Peninsula Corridor Joint Powers Board
- San Francisco Municipal Transportation Agency
- California High-Speed Rail Authority
- California Department of Transportation, Ex-Officio (non-voting)

Subject to such supervisory powers as may be given by the Board to the Chair of the Board, and except as otherwise provided in the Bylaws, the TJPA Executive Director generally supervises, directs, and controls the business and the employees of the TJPA.

2.2 Transbay Program

The Transbay Program is a major infrastructure investment that replaced the former Transbay Terminal at First and Mission streets in San Francisco with a modern regional transit station that

connects the Bay Area and ultimately the State of California through eleven transit systems: AC Transit, BART (Bay Area Rapid Transit), Caltrain, Golden Gate Transit, Greyhound, Muni (San Francisco municipal bus lines), SamTrans (San Mateo County Transit), WestCAT (Western Contra Costa Transit) Lynx, Paratransit, and high-speed rail from San Francisco to Southern California.

The Program is being constructed in two phases. Phase 1, which has been delivered, includes design and construction of the above-grade portion of the Transit Center, including a 5.4-acre rooftop park, retail areas, and a public art program; the core and shell of the two below-grade levels of the train station; a bus ramp; a bus storage facility; and a temporary bus terminal. The Transit Center is now open to the public, and bus services have commenced operations. The TJPA directly programs, leases, and manages the Transit Center's commercial space, oversees a maintenance program for all spaces associated with the Transit Center, and operates a high-impact digital signage program. The TJPA entered into an agreement with salesforce.com, providing salesforce.com, among other benefits, the right to name the Transit Center, the rooftop park, and the amphitheater; these facilities are called the "Salesforce Transit Center," "Salesforce Park," and "Salesforce Amphitheater," respectively.

Phase 2 of the Transbay Program is a 1.3-mile tunnel (over 2 miles in project length) extension of the existing 77-mile Caltrain Peninsula Corridor rail alignment to include the design and construction of the Downtown Rail Extension (DTX), also known as "The Portal", which includes construction of a new underground station at Fourth and Townsend streets and fit-out of the already built below-ground mezzanine and platform levels of the Transit Center to accommodate commuter rail and future high speed rail service. Phase 2 is currently in the engineering and preconstruction phase.

The TJPA's [website](#) contains further information about the Program.

3 SCOPE OF SERVICES

Respondent agrees to provide the following services:

A. Due Diligence

- 1.** Perform initial and ongoing analysis of the market. Review and assess San Francisco retail market context including similar and competitive properties, asking rents, vacancies, and recent transactions, among other information.
- 2.** Perform asset assessment including all review that a broker will typically conduct to understand the physical, economic, and legal characteristics of each of the subject properties it has been requested to market for lease, including personal inspection of the Property and its environs.
- 3.** Obtain and organize due diligence materials after reviewing available information including TJPA files relating to the Property and for the marketing and leasing of the Property.

B. Analysis – Use methodologies generally recognized by Brokers as necessary to find qualified and capable tenants in leasing comparable properties in San Francisco and which

methodology is designed to meet TJPA's objectives for leasing the Property, considering TJPA's requirements as communicated by the TJPA to Respondent, as well as any conditions and restrictions benefiting or burdening the Property and any unusual characteristics of the Property. Perform market analysis to inform broker's financial analysis and assessment of the financial returns to the TJPA for leasing the Property with a focus on maximizing revenue to TJPA.

C. Marketing Materials – Prepare a marketing or leasing plan for the Property for TJPA review and approval. Prepare offering or leasing memoranda and all essential marketing materials to canvass for tenants directly, through the brokerage community or via networking at industry events.

D. Investor or Developer/Tenant Solicitation – Solicit suitable investors, developers, or tenants about these leasing opportunities and, upon TJPA's approval, share them, possibly with TJPA's assistance, via outreach to stakeholders as defined by TJPA (which may include but are not limited to neighborhood advisory committees and TJPA Tenants) and navigating the approval process.

E. Property Tours – Tour prospective investors, developer/tenants through the Property with TJPA's consent as to times and conditions as necessary.

F. Solicit Proposals – Gather and prepare written analyses of the offers received, including letters of intent, and assessing potential lessee's financial strength and capacity, experience, proposal terms, etc.

G. Monthly Reports – Provide monthly reports to the TJPA on leasing efforts/status, relevant market conditions, and a summary of highlights and key issues.

H. Status Meetings – Participate in meetings with designated TJPA staff to review leasing efforts/status, discuss highlights and key issues, and identify viable tenants.

I. Prepare Proposal Summary for Presentations – Prepare summary of offers and recommendations regarding same. Assist TJPA staff with evaluation of recommended prospects on as-needed basis. Assist in the presentation of information to the vested parties as directed by TJPA.

J. Assist with Lease Negotiation – Negotiate draft lease terms and conditions including but not limited to Basic Leasing Information, as defined by TJPA.

K. Tenant Due Diligence and Closing – Coordinate and assist TJPA in addressing potential tenants' due diligence, transaction document negotiations, lease execution, delivery of space, tenant building permitting and tenant opening for business.

4 MINIMUM REQUIRED SKILLS AND EXPERIENCE

Respondents must provide documentation that clearly demonstrates each Minimum Qualification (MQ) listed below has been met. Minimum Qualification documentation should be clearly marked as “MQ1”, MQ2”, etc.... to indicate which MQ it supports. Each Proposal will be reviewed for initial determination on whether Respondent meets the MQs referenced in this section. **This screening is a pass or fail determination and a Proposal that fails to meet the Minimum Qualifications will not be eligible for further consideration in the evaluation process.** The TJPA reserves the right to request clarifications from Respondents prior to rejecting a Proposal for failure to meet the Minimum Qualifications.

MQ #	Description
MQ #1	Submit evidence that Respondent’s key personnel have a minimum of five (5) years of experience within the last five (5) years in the sale of services requested by this Solicitation leasing commercial real estate space (specifically retail/restaurant leasing with an emphasis on landlord representation) in San Francisco.
MQ #2	Submit proof of the following: License and certification to conduct business in the State of California pursuant to §10000-10035 of the Business and Professions Code and, if selected, Respondent must maintain that license in good standing for no less than three (3) years, as well as throughout any extension term.

5 PROPOSAL REQUIREMENTS

Proposals shall adhere to the format and page limitations described below in Section 5.1.1 and 5.1.2. Documents required by Sections 5.1.4, 5.2, and 5.3 are not subject to page limitations. Proposals must be submitted electronically in 8½ x 11-inch format; typeface shall be no smaller than 11 point, and margins shall be no less than 1 inch. Elaborate brochures or other presentation materials are not desired and will not be considered in evaluating Proposals.

Proposals shall be organized in the following sequence:

5.1 Written Submittal

5.1.1 Introduction and Executive Summary (5 page limit)

Submit a letter of introduction and an executive summary of the Proposal. The introductory letter must be signed by a person or persons authorized to obligate the firm (or firms if a joint venture) to honor the commitments set forth in the Proposal and to verify the accuracy of the information included in the Proposal. Submission of the introductory letter will constitute a representation by the firm or joint venture that it is willing and able to successfully perform the Services, and that all information contained in the Proposal is true, correct, and not misleading.

5.1.2 Written Proposal (25 page limit)

Provide a detailed description of how Respondent would approach the scope of work, analyze, and solve the problems, and assure that its solutions would be effective. Respondent should outline its anticipated approach for each element of work identified in the Services. The approach should be consistent with the objectives and requirements set forth in the RFP and should address how Respondent will provide the Services immediately upon execution of a contract. Respondents’ description of their company business plan and management approach

should be a narrative. The TJPA expects Respondents to tailor their services to meet the needs of the TJPA.

Respondents should carefully examine Sections 3 and 4 of this RFP, visit the Salesforce Transit Center site, fully inform themselves as to all conditions and limitations, and acquaint themselves with the character and extent of the Services prior to developing their response.

The response should include at least the following:

A. Response cover letter signed by an owner or officer of the proposing firm identifying the contact person and key personnel. If a joint venture, identify the roles of the partnering organizations and have an owner or officer of the joint venture sign the cover letter.

B. Describe the services and activities which your firm is qualified to provide to the TJPA and how those services meet the defined scope of work. Include as a minimum the following information:

1. Overall services that the firm is qualified to provide.
2. Details as to how your firm's list of services satisfies the scope of work outlined in this RFP.

C. Provide a resume of the Respondent's experience and other factors relevant to the services described in this RFP. The experience and qualifications of the key personnel who directly provide services will be evaluated. Provide key staff names, titles, business addresses, phone numbers, email addresses, and brief resumes describing the relevant qualifications and work experience. (The length of resumes must be shortened if necessary, to avoid exceeding the maximum page limit established for this section.)

D. Provide a well-conceived work plan that establishes the Respondent's understanding of and ability to satisfy the TJPA's objectives. The work plan should include Respondent's strategic approach to the project, demonstrating a thorough understanding of TJPA objectives and the Transit Center site.

E. Provide a statement listing similar contracts (both public and private) relevant to services solicited that have been completed during the last three (3) years. The statement must also list any failure or refusal to complete a contract, including details and dates.

F. Describe any arrangements, formal or informal, that the firm has with any party that might conflict with or interfere with the firm's ability to provide independent and unbiased services under this RFP.

G. Describe any litigation, administrative proceeding, or investigation (actual or pending) in which the firm is involved or to which it is subject that might have an adverse effect on its ability to fulfill any engagements resulting from this RFP, or of which the TJPA should be aware in evaluating the firm's capacity to undertake future engagements.

5.1.3 References (No page limit)

Provide references for five (5) recent clients (preferably other public agencies) of Respondent and/or any assigned key individuals; include the client name and addresses, contact persons, telephone numbers, email addresses, and specific projects with dates of engagement.

Respondent must provide current email for all contacts.

5.2 Fee Proposal

PLEASE NOTE that fees for transaction-related real estate advisory services under this RFP will be paid from funds generated by the transaction on a contingency basis only.

Accordingly, the fees payable to real estate brokers are contingent upon the successful closing of the transaction. Respondent will be expected to perform necessary work in order to conduct a transaction, without regard to the amount of time spent. Respondents are required to indicate whether they will work on a contingent fee/commission basis and briefly describe under what circumstances would the firm not undertake an assignment on a contingent fee/commission basis. The primary personnel from the project team are expected to attend working group meetings, conference calls; rating agency and general public presentations; pricings; and closings.

The fee proposal should clearly identify any anticipated out of pocket costs or reimbursable expenses; such costs should be identified separately from the proposed transaction-related contingent fee/commission structure.

Respondents should identify any assumptions or limiting conditions in the Fee Proposal Form (Attachment 3).

5.3 Other Required Documents

Respondents shall complete the forms described below and submit them as part of the Proposal:

- A. Fly America Certification, New Restrictions on Lobbying Certification, Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Attachment 2 – Appendix D)
- B. Disadvantaged/Small Business Enterprise Program Requirements – Bidders/Proposers Information Request Form (Attachment 4)
- C. Good Faith Efforts Form (if the SBE utilization goal is not being met) (refer to Section 11.3)
- D. Respondent's nondiscrimination program or equal employment opportunity policy statement

6 RESPONDENT EVALUATION PROCESS

The TJPA's selection committee will review and evaluate the Proposals. The selection committee will ensure that the Proposal meets all of the requirements identified in this RFP. The selection committee will score the Proposals in accordance with the criteria and methodology described in this RFP. The Respondent that receives the highest score in the selection process will be selected to negotiate an Agreement with the TJPA; the TJPA Board must approve the Agreement in its sole discretion.

Satisfaction of Minimum Requirements

A review panel of parties with expertise in commercial real estate transactions will evaluate the Written Proposals to ensure that Respondent has demonstrated compliance with each of the requirements described in Section 4, Minimum Required Skills and Experience, and in accordance with the criteria itemized below. Any Proposal that does not meet the Minimum Qualifications will be automatically rejected, and the selection committee will not evaluate the remainder of the Proposal.

Proposal Evaluation and Ranking

Proposals that satisfy the minimum requirements will be scored as follows:

1. Demonstrated Qualifications and Experience 20 points
 - a. Demonstrated and verifiable experience of successfully providing the described real estate broker services.
 - b. Proven ability to successfully meet the proposed scope of services outlined in this RFP.
 - c. Organization, clarity, cohesiveness, quality and completeness of response.
2. Approach to the Project 15 points
 - a. Demonstrated understanding of the scope of services outlined in this RFP.
 - b. Well-conceived work plan that establishes Respondent's understanding of and ability to satisfy the TJPA's objectives.
3. Expertise/Skills of Assigned Staff 20 points
 - a. Experience of staff to be assigned to this contract.
 - b. Professional qualifications, education and skill set of assigned staff.
 - c. Staff availability, accessibility and workload.
4. Evaluation of Fees and Commission 15 points
 - a. The proposal with the lowest evaluated activity fees will receive the maximum points allocated for the cost factor
 - i. All fee proposals will have their activity fees score calculated as follows:
(Lowest Activity Fees Cost/ Activity Fees Cost of Respondent's Proposal) * Maximum Points available.

- ii. For example: Respondent's Activity Fees total is \$100,000, the lowest fees submitted is \$80,000, and 15 points are allocated, the Respondent would receive 12 points: $(80,000/100,000)*15 = 12$ points.

5. Evaluation of Commission

30 points

- a. The proposal with the lowest evaluated average commission rate will receive the maximum points allocated for the cost factor
 - i. All fee proposals will have their average commission rate score calculated as follows: $(\text{Lowest Average Commission Rate Cost} / \text{Average Commission Rate Cost of Respondent's Proposal}) * \text{Maximum Points available}$.
 - ii. For example: Respondent's Average Commission Rate is 4%, the lowest Average Commission Rate submitted is 2.5%, and 30 points are allocated, the Respondent would receive 18.75 points: $(2.5/4) * 30 = 18.75$ points.

The maximum total score possible on the written proposal is one hundred (100) points. Respondent Proposals will be ranked according to total score. The selection committee may shortlist the top three Proposals that meet a minimum score of 80 points, as determined by the selection committee (Finalist Respondents). Finalist Respondents may be invited to participate in a final selection process. The final selection process may include the submission of additional information and/or participation in an oral interview.

In the event that agreement cannot be reached with the highest-ranking Finalist Respondent as determined by the TJPA staff in its sole discretion, then negotiations may be entered into with other Finalist Respondents in the order of their ranking. There shall be no binding agreement with any Finalist Respondent unless and until approved by the TJPA Board, at its sole discretion.

7 SUBMITTAL PROCEDURES

Proposal must be received by the TJPA no later than **2:00 p.m. Pacific Time on Monday, September 8, 2025**. Proposals must be submitted electronically in Adobe PDF (Portable Document Format) and sent via email or file sharing link to RFP@tjpa.org.

Proposals that are not received by the time and date specified herein, do not contain all the required information and completed forms, or do not meet the minimum qualifications may be deemed non-responsive and rejected.

Beginning on the date this RFP is issued and made available to prospective Respondents, there will be no communications concerning this RFP between members of the TJPA Board, TJPA staff, other consultants already engaged by the TJPA or members of the selection committee and prospective Respondents and their employees or agents, except as provided herein. Any violations of the above restriction will result in the immediate disqualification of the Respondent making said contact from further participation in the Transbay Program. This restriction will end

when TJPA issues a notice of intent to award/notice of proposed award of a contract (or cancels the procurement).

Questions about the RFP may be directed in writing to:

Transbay Joint Powers Authority
425 Mission Street Suite 250
San Francisco, CA 94105
Email: RFP@tjpa.org

All questions received by the time and date noted in the RFP schedule as the deadline for submission of questions will be responded to in writing.

Respondents are to promptly notify RFP@tjpa.org if Respondent discovers any ambiguity, discrepancy, omission, or other error in this RFP (see Attachment 1, RFP General Conditions, Item C.)

Respondents who fail to submit questions concerning this RFP and its requirements will waive all further rights to protest based on the specifications and conditions herein. Questions must be submitted by email to RFP@tjpa.org no later than Written Questions Due Date. A written Addendum will be executed addressing each question and answer(s) shared with all potential respondents, as well as posted on the TJPA's [website](#) by the date shown on the cover page of this RFP.

As set forth in Attachment 1, Item D, Respondents may telephone the TJPA at (415) 597-4620 before submitting a Proposal to determine if the Respondent has received all addenda.

8 SCHEDULE AND ADDENDA

See the key RFP dates listed on the title sheet of this RFP.

The TJPA may modify this RFP prior to the date Proposals are due by issuing written addenda. Addenda will be posted on the TJPA's [website](#). For parties who requested a hard copy of the RFP by regular mail, addenda may be sent to them via regular, first class U.S. mail. For firms registered on the TJPA's website to receive notice of addenda, the TJPA will make reasonable efforts to notify potential Respondents via email in a timely manner of the posting of addenda on the website. In either case, the last known address of each firm listed with the TJPA will be used. All parties, regardless of how they obtained the RFP, are solely responsible for ensuring the receipt of any and all addenda, and should therefore check the website before submitting their Proposals to ensure receipt of all addenda, and to ensure their Proposals respond to any such addenda.

9 STANDARD AGREEMENT PROVISIONS

Following negotiations, the selected Respondent will be expected to enter into a professional services agreement substantially in the form of the Model Professional Services Agreement (Attachment 2). Failure to timely execute the Agreement, or to furnish any and all insurance certificates and other materials required in the Agreement, will be deemed an abandonment of Respondent's contract offer.

Respondents are urged to pay special attention to the requirements of the Minimum Compensation Ordinance and the Health Care Accountability Ordinance. The Minimum Ordinance (MCO), as set forth in S.F. Labor and Employment Code Article 111, requires contractors to provide employees covered by the Ordinance who do work funded under the Contract with hourly gross compensation and paid and unpaid time-off that meet certain minimum requirements. The Health Care Accountability Ordinance (HCAO), as set forth in S.F. Labor and Employment Code Article 121, requires contractors to provide health care coverage to certain employees or pay amounts in lieu thereof. Contractors should consult the San Francisco Labor and Employment Code to determine their compliance obligations under this chapter. Additional information regarding the MCO and HCAO is available at <https://sfgov.org/olse>.

TJPA will not negotiate different terms in the Model Professional Services Agreement if exceptions are not clearly noted within the Respondent's Proposal.

10 AUTHORIZATION OF CONSULTANT'S WORK

Once the Agreement is executed, any resulting work will be assigned to the selected Respondent (Consultant) by the TJPA through a Notice to Proceed (NTP). It is anticipated the NTP will be issued in October 2025.

11 DISADVANTAGED BUSINESS ENTERPRISE (DBE) / SMALL BUSINESS ENTERPRISE (SBE)

It is the policy of the TJPA to ensure nondiscrimination on the basis of race, color, sex or national origin in the award and administration of Department of Transportation (DOT)-assisted contracts. It is the intention of the TJPA to create a level playing field on which DBEs can compete fairly for contracts and subcontracts relating to the TJPA's construction, procurement and professional services activities.

Pursuant to 49 CFR Section 26.13, the TJPA is required to make the following assurance in every DOT-assisted contract and subcontract:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of

DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the TJPA deems appropriate, which may include, but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible.

The TJPA recommends that Respondents review the TJPA's DBE Program and SBE Programs, available on the TJPA [website](#).

Pursuant to the monitoring requirements outlined in both the DBE Program and the SBE Program, each Respondent will be required to complete and submit the TJPA's Bidders/Proposers Information Request Form with its Proposal, regardless of DBE/SBE participation. Upon award of the contract, Respondent will be required to submit the TJPA's Progress Payment Report with every invoice request, the Subcontractor Payment Declaration as proof of payment to any subcontractors, and the Final Expenditure Report with the completion of the contract. These forms are attached to this RFP and are available on the TJPA [website](#).

Equal Employment Opportunity

The TJPA encourages Respondents to actively recruit minorities and women for their respective workforces. The TJPA requests copies of any nondiscrimination or equal opportunity plans that the Respondents have in place.

DBE Participation

The TJPA has a race-neutral DBE Program and there is no DBE goal on this contract; however, Respondents are encouraged to obtain DBE participation and should refer to the section below for information about any mandatory SBE utilization goal.

SBE Utilization Goal

The TJPA has not established an SBE utilization goal for this contract. However, Respondents are encouraged to obtain SBE participation for this contract. TJPA accepts certifications from the following as SBEs: any state's Unified Certification Program, California Department of General Services, and the San Francisco Contract Monitoring Division.

Questions Regarding DBE/SBE

Written questions concerning DBE/SBE/nondiscrimination requirements should be addressed to:

DBE/SBE Liaison Officer
Transbay Joint Powers Authority
425 Mission Street, Suite 250
San Francisco, CA 94105
(415) 597-4615 fax

Email: RFP@tjpa.org

12 LEVINE ACT

The Levine Act (Government Code § 84308) is part of the Fair Political Practices Act that applies to elected or appointed officers of an agency, and their alternates.

The Levine Act generally provides that while a proceeding involving a contract is pending, and for 12 months following the date a final decision is rendered in the proceeding, Board members (including Board member alternates) and officers may not accept, solicit, or direct a campaign contribution of more than \$500 from an applicant for the contract or their agents, if the Board member or officer knows or has reason to know that the applicant has a financial interest.

The Levine Act also generally requires Board members and officers who have received from an applicant for a contract or their agents a campaign contribution of more than \$500 in the preceding 12 months to disclose the contribution on the record of the proceeding in which a contract is being considered before the decision on the contract is rendered, and to refrain from making, participate in making, or in any way attempt to use their official position to influence the decision on the contract if the officer has willfully or knowingly received the contribution. The Levine Act provides certain opportunities to cure.

Each Respondent must disclose any campaign contributions of more than \$500 the Respondent or its agents have made to a TJPA Board member or officer within the 12-month period preceding the submission of its Proposal. This requirement applies to the Respondent, as well as to any member firm or individuals on the Respondent's team, subsidiaries, parent companies, other firms associated with the Respondent and agents of the Respondent. If such a contribution has been made, Respondent must provide to the TJPA's Contracting Officer a written statement setting forth the date and amount of said campaign contribution(s). The Contracting Officer must receive this information at the same time the Proposal is received. Respondents must provide prompt written notice to the Contracting Officer of any qualifying contributions made after the Proposal is submitted but before the date of the proceeding in which the contract is being considered.

Members of the [TJPA Board of Directors](#) are:

Jeff Gee, Peninsula Corridor Joint Powers Board, Chair	No Alternate
Rafael Mandelman, SF Board of Supervisors, Vice Chair	Tilly Chang, Alternate
Elaine Forbes, Office of the SF Mayor	No Alternate
Charley Lavery, SF Board of Supervisors	Tilly Chang, Alternate
Vacant, CA High Speed Rail Authority	Morgan Galli, Alternate
Chris Andrichak, AC Transit	Jean Walsh, Alternate
Julie Kirschbaum, SF Municipal Transportation Agency	Vacant, Alternate
David Ambuehl, State Dept. of Transportation (Caltrans), <i>Ex Officio</i>	Vacant, Alternate

13 PROTEST PROCEDURES

The full Protest Policy is available on the TJPA website at <https://www.tjpa.org/about-tjpa/board-directors> > Board Policy No. 002 Protest.