



## **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**

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### **REQUEST FOR PROPOSALS No. 25-05**

#### **Construction Legal Counsel Services**

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#### **Key RFP Dates**

|                                         |                             |              |
|-----------------------------------------|-----------------------------|--------------|
| RFP Issued:                             | September 18, 2025          |              |
| Deadline for Submission of Questions:   | September 25, 2025          | by 2 p.m. PT |
| Answers to Written Questions Posted:    | October 2, 2025             |              |
| Proposals Due:                          | November 3, 2025            | by 2 p.m. PT |
| Interviews (if required) (Week of):     | December 8, 2025            |              |
| Contract Recommended for TJPA Approval: | Thursday, February 12, 2026 |              |

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**ATTACHMENTS**

Attachment 1: RFP General Conditions

Attachment 2: Model Professional Services Agreement

Attachment 3: Fee Proposal Form

Attachment 4: Federal Transit Administration Requirements and Certifications Required to be Submitted with Proposal

- Fly America Certification
- New Restrictions on Lobbying Certification
- Certification Regarding Debarment, Suspension, and Other Responsibility Matters

Attachment 5: 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 Construction Legal Counsel Services for the Transbay Program (Program) from firms or individuals (Respondents) with qualifications and expertise in construction law; federal and state public contracting law and compliance, particularly focused on design and construction for public works projects; insurance coverage, risk management, and bonding coverage for public works projects; and litigation services related to these areas, on an if-and-as-needed basis.

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 four (4)-year base term with the option, exercisable at the TJPA's sole discretion, to extend the term for three (3) one (1)-year extension periods, for a total term of seven (7) years.

Proposals must be received by the TJPA no later than **2:00 p.m. Pacific Time on November 3, 2025**. Proposals must be submitted electronically in Adobe PDF (Portable Document Format) and sent via email or file sharing link to [RFP@tjpa.org](mailto: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 at (415) 597-4620 or by email: [RFP@tjpa.org](mailto: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 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, known as the Transbay Program.

The TJPA has been granted primary jurisdiction with respect to all matters pertaining to the financing, design, development, construction, and operation of the Transbay 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; Peninsula Corridor Joint Powers Board (PCJPB/Caltrain); the Metropolitan Transportation Commission; and the San Mateo County Transit 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/Caltrain
- 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, included 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, 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) tunnel, rebranded 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**

The selected Respondent will work closely with the TJPA's staff and other consultants to provide the Services. The Services shall consist of rendering legal advice and representation to the TJPA as requested and, when called upon, represent the TJPA before governmental agencies, courts, and third parties. Following is a non-exhaustive list of the types of activities for which the selected Respondent would be expected to provide legal services and expertise, in each case through a specific NTP:

- A. Advise on all aspects of construction law.
- B. Advise on procurement matters related to construction, including invitations for bids/requests for qualification/requests for proposals, bidder questions, eligibility to bid, bid evaluation, and bid contests.
- C. Draft, negotiate, and enforce construction and professional service (including design) contracts, contract modifications and change orders, release of retentions, and related documents.
- D. Advise on insurance coverage, risk management, and bonding coverage for public works projects; and advise on construction liability issues.

- E. Monitor and advise on federal, state, and local legislation, regulation, and case law affecting the TJPA in design and construction matters; draft legislation as needed; testify before legislative bodies.
- F. Protect and defend against construction-related claims and litigation; pursue construction-related claims and litigation on the TJPA's behalf as needed.
- G. Advise on third-party claims due to construction of the Program and assist in the protection and defense of the TJPA against construction-related claims by third parties.
- H. Provide legal guidance to assure that the TJPA is in compliance with all federal, state, regional and local laws and regulations and agreements, including procurement requirements, related to construction and public works; federal, state and local environmental laws related to construction; public financing program requirements (including Transportation Infrastructure Finance and Innovation Act and Railroad Rehabilitation and Improvement Financing) related to construction; U.S. Department of Transportation law (including Federal Transit Administration, Federal Railroad Administration, and Federal Highway Administration) rules and regulations related to construction; labor, employment and civil rights laws related to construction; and applicable federal, state, and local regulations related to construction and public contracting, including bidding, award, bonding, debarment and suspension, fraud, false claims, and Buy America.
- I. Furnish day-to-day legal advice as needed; attend staff and other meetings as requested.
- J. Provide litigation services and support as needed.

#### **4 MINIMUM REQUIRED SKILLS AND EXPERIENCE**

Respondent 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 Respondent prior to rejecting a Proposal for failure to meet the Minimum Qualifications.

| MQ #          | Description                                                                                                                                                                                        |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MQ # 1</b> | All attorneys proposed to be assigned to the matter must be active members, in good standing, with the State Bar of California and licensed to practice law before the state courts of California. |
| <b>MQ #2</b>  | The lead attorney team members proposed to be assigned to the matter must have at least ten (10) years of experience within the last fifteen (15) years advising public                            |

|  |                                                                                                                                                               |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | agency clients on construction of public works projects in California, both transactional and litigation, other junior team members may have less experience. |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **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 5.1.3, 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 (1 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 individual or firm 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 individual or firm 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 Qualifications and Experience, and Management Approach (20 page limit)**

The response should address the following topics in the following sequence:

- A. **Brief Description of Respondent (Firm or individual, if a solo practitioner).** Among other things, this section should indicate the size of the Firm, its formation structure, the number of years in business, the office location for team members proposed to be assigned to this matter, and whether the Firm is an SBE/DBE.
- B. **Respondent's Proposed Approach to Providing Legal Services.** Among other things, this section should describe the team members proposed to provide the services, including name, title, business address, phone number, email address, California State Bar number (as required by MQ #1). This section should clearly show the extent and nature of the involvement of key individuals, including the lead attorney(s). This section should include a declaration of Respondent's ability and willingness to commit and maintain staffing, both number and level, to successfully conclude the engagement being proposed. Identified key individuals may not be substituted with other personnel or reassigned to another project without the TJPA's prior approval. This section should explain how and to whom tasks will be assigned and how the work and budget will be managed. This section should explain Respondent's understanding of the Transbay Program's

legal services needs, and describe how Respondent would tailor its services to meet the needs of the TJPA.

- C. **Respondent's Qualifications and Experience Providing Construction Law Services to Public Agencies in California.** Among other things, this section should explain Respondent's qualifications and experiences in the scope of services areas listed in Section 3. This section should indicate which attorney(s) from Respondent's proposed team worked on the matters. The section may include brief resumes for team members, describing their relevant qualifications and experience. (The length of resumes must be shortened if necessary to avoid exceeding the maximum page limit established for this section.)
- D. **List of Experiences Satisfying MQ #2.** This section should list matters handled by the members of Respondent's team that are proposed to be assigned to this matter, demonstrating at least 10 years of experience in the last 15 years advising public agency clients on construction of public works projects in California, both transactional and litigation. The list should include: Respondent attorneys that handled the matter, client represented, nature of the task or dispute, and outcome. For litigation, the list should also include the opposing party, opposing counsel, whether any trial was by court or jury, and the number of days in trial.
- E. **Conflicts of Interest.** This section should identify any known actual or potential conflicts of interest and Respondent's proposed approach to resolving. This section should describe Respondent's approach to avoiding future conflicts of interest and prioritizing client interests. Members of Respondent's team are expected to be required to annually file the Fair Political Practices Commission Form 700 under Political Reform Act; this section should confirm Respondent's understanding of this potential requirement and willingness to comply.

#### **5.1.3 References (No page limit)**

Provide references for five (5) recent clients (preferably other public agencies) of Respondent that can speak to the legal services provided by the Respondent team members proposed to provide the services; include the client name and addresses, contact persons, telephone numbers, email addresses, specific projects with dates of engagement, and Respondent attorney that worked on the matter. **Respondent must provide a current email for all references.**

### **5.2 Fee Proposal**

Submit a fee proposal proposed hourly rates and any anticipated out of pocket costs or reimbursable expenses for performing the Services over the contemplated four-year base term and, separately, for each of the potential one-year option terms. The fee proposal shall include a cost and rate breakdown on the Fee Proposal Form (see Attachment 3), including the names, titles, and hourly rates of all individuals that would be assigned to provide the Services. Any proposed change in rates over the contemplated term must be expressly indicated. Respondent

should identify the proposed minimum increment for billing hourly services (e.g., increment of one-tenth of an hour).

The fee proposal should clearly identify any anticipated out-of-pocket costs or reimbursable expenses Respondent would seek to charge the TJPA; such costs must be identified in the fee proposal.

Respondent should identify any cost-saving incentives Respondent offers (e.g., no charge for time spent traveling to/from meetings). Respondents should identify any assumptions or limiting conditions in the fee proposal.

### **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 4)
- B. Disadvantaged/Small Business Enterprise Program Requirements – Bidders/Proposers Information Request Form (Attachment 5)
- C. Good Faith Efforts Form (if the SBE utilization goal is not being met) (Attachment 5)
- 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.

### **Step One: Written Proposal**

#### **Satisfaction of Minimum Requirements**

Proposals will be evaluated to ensure that Respondent has demonstrated compliance with each of the requirements described in Section 4, Minimum Required Skills and Experience. Any Proposal that does not meet the minimum requirements 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:

|                                |           |
|--------------------------------|-----------|
| Approach to providing services | 30 points |
|--------------------------------|-----------|

# **TRANSBAY JOINT POWERS AUTHORITY REQUEST FOR PROPOSALS**

## **Construction Legal Counsel Services**

|                                                                                                    |           |
|----------------------------------------------------------------------------------------------------|-----------|
| Qualifications and experience of lead attorney(s) assigned                                         | 30 points |
| Qualifications and experience of other key staff assigned                                          | 20 points |
| Relevant experience of Respondent in representing governmental organizations                       | 30 points |
| Relevant experience of Respondent in litigation matters related to construction of public works    | 30 points |
| Relevant experience of Respondent in transactional matters related to construction of public works | 30 points |
| References                                                                                         | 20 points |
| Reasonableness of rates and overall value to TJPA                                                  | 15 points |
| Willingness and ability to provide the services (e.g., no or limited conflicts)                    | 15 points |

The maximum total score possible on the written proposal is 220 points. Respondent Proposals will be ranked according to total score. The selection committee may shortlist up to three (3) highest scoring Proposals that are scored within 10% of each other (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.

### **Step Two: Oral Interview**

The TJPA may invite the Finalist Respondents to participate in oral interviews at a specified time, date, and location. The TJPA shall impose a time limit for each oral interview. Prior to the oral interviews, the TJPA will send a letter to each invited Respondent outlining the interview format, general rules, and expectations. In particular, the TJPA reserves the right to require key/lead team members to attend, limit participation in the panel interviews to Respondents' key/lead team members as defined in each proposal and prohibit attendance by sub-consultants if proposing on more than one team.

The selection committee may request a presentation by the Respondent on specific topic areas and/or develop interview questions. These presentations and questions will focus on drawing out elements identified in the RFP (e.g., qualifications, work approach, project tasks, team organization, pricing) and may seek clarifications of Proposal components.

All Respondents will be treated equally in the interview process, and the same set of presentation topics and/or interview questions will be provided to each Respondent; TJPA plans to provide more detailed information about the interview at least one week prior to the interview.

Respondents will be scored on their presentation and responses. The selection committee will evaluate each Respondent based solely on the standardized criteria, presentation, and/or responses. Points will be assigned according to the scoring matrix, and no additional subjective adjustments will be made. Maximum Points available: 200

At the conclusion of the oral interviews, the selection committee will combine the scores for the Proposal and oral interview for each Finalist Respondent. The highest-ranking Finalist

Respondent will be selected to negotiate an agreement with the TJPA. In the event of a tie, the TJPA may elect, in its absolute and sole discretion, to break the tie by conducting a tiebreaker between the tied Finalist Respondents.

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 November 3, 2025**. Proposals must be submitted electronically in Adobe PDF (Portable Document Format) and sent via email or file sharing link to [RFP@tjpa.org](mailto: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 of the Notice of Intent to Issue this RFP was 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](mailto: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](mailto:RFP@tjpa.org) if Respondent discovers any ambiguity, discrepancy, omission, or other error in this RFP (see Attachment 1, RFP General Conditions, Item C.)

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 NTPs. It is anticipated that the first NTP will be issued in February 2026.

**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 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.

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](mailto: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/Caltrain - 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                                       | Vacant, Alternate      |
| Chris Andrichak, AC Transit                                                | Jean Walsh, Alternate  |
| Julie Kirschbaum, SF Municipal Transportation Agency                       | Judson True, 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.