



**CALIFORNIA**  
**High-Speed Rail Authority**

**CALIFORNIA HIGH-SPEED RAIL:  
Request for Qualifications for Environmental  
and Preliminary Engineering Services for the  
Central Valley Heavy Maintenance Facility**

Thursday, June 1, 2023

# AGENDA

- HSR Project Overview
  - » Alice Rodriguez, Deputy Director of External Affairs
- Small Business Program Overview
  - » Ashley Mistler, Small Business Advocate
- Procurement Overview
  - » Steven Milton, Principal Engineer Strategic Delivery Branch
- Organizational Conflicts of Interest Overview
  - » Lisa Crowfoot, Attorney IV

# PROCUREMENT RESOURCES

- **Procurement Webpage**

<https://hsr.ca.gov/business-opportunities/contracts-out-for-bid/environmental-and-preliminary-engineering-services-for-the-central-valley-heavy-maintenance-facility/>

Or go to: [www.hsr.ca.gov](http://www.hsr.ca.gov), then [Business Opportunities](#), then under “Contracts Out for Bid,” select: [Environmental and Preliminary Engineering Services for the Central Valley Heavy Maintenance Facility](#)

This webpage will include:

- Video of this Pre-Bid
  - PowerPoint
  - Registrant List
- 
- **Submit questions to [capitalprocurement@hsr.ca.gov](mailto:capitalprocurement@hsr.ca.gov)**
  - **Questions due by: June 6, 2023**



# CALIFORNIA HIGH-SPEED RAIL: Project Overview

Alice Rodriguez

Deputy Director of External Affairs

# CONNECTING CALIFORNIA

## Program Highlights

- **Mission:**
  - » To initiate the construction of a high-speed train system that utilizes an alignment and technology capable of sustained speeds of 200 miles per hour or greater.
- **Phase 1**
  - » 494 Miles
  - » San Francisco to Los Angeles/Anaheim
- **Phase 2**
  - » After Phase 1 - Extends 300 Miles
  - » Connections to Sacramento and San Diego

**Capable of speeds up to 200 mph**  
**Up to 24 Stations**



# Central Valley

## Initial Operating Segment

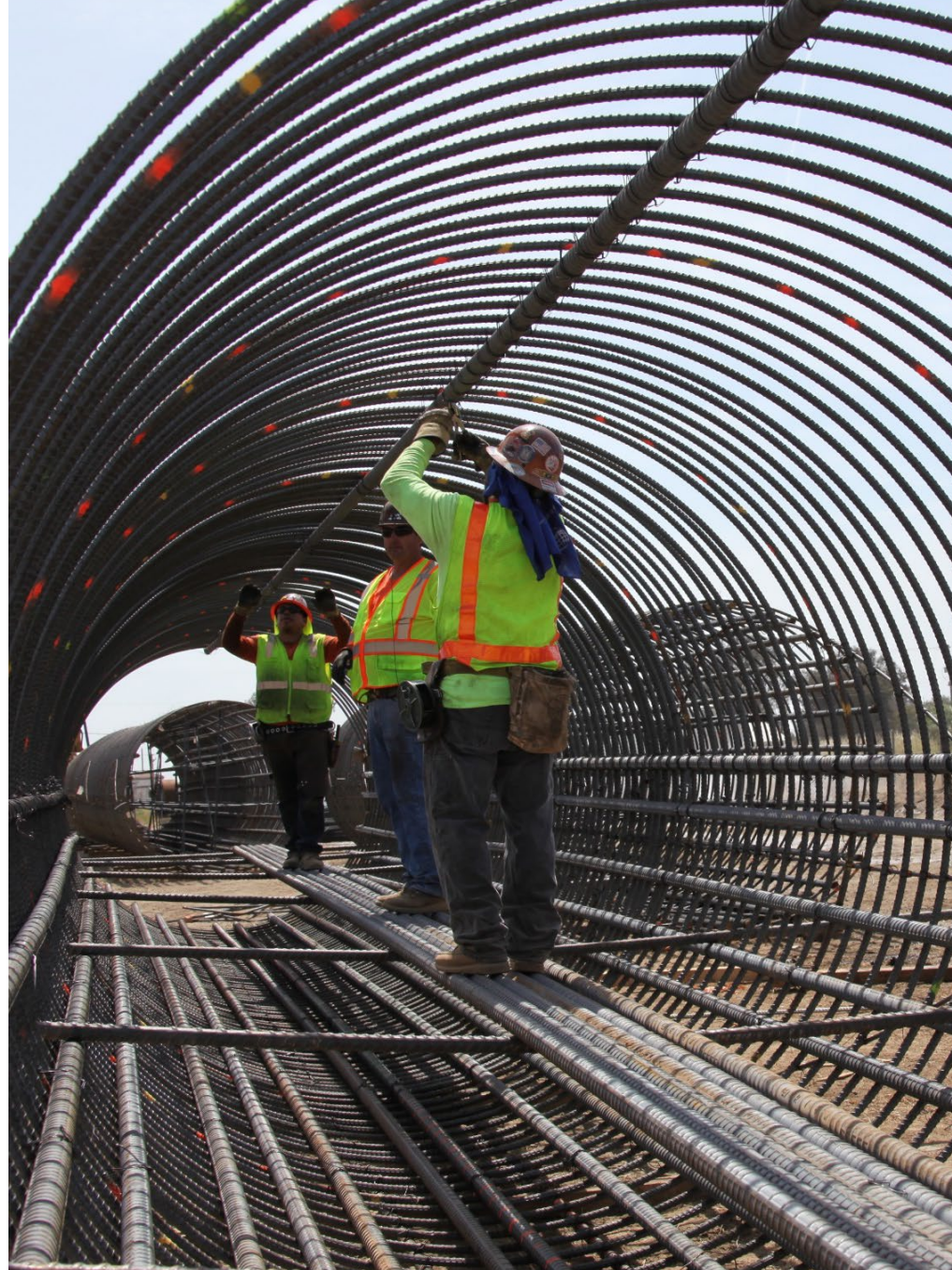
- 171 Miles
- 100% environmentally cleared
- 119 miles under construction
- 52 miles starting advanced design (pre-construction work)
- Design for Central Valley Stations
- Track and Systems contract in 2023
- Train procurement in 2024

**Goal: Initial operations between 2030 to 2033**



# CREATING JOBS

- **10,000+ Construction Jobs Created**
  - » 1,000+ construction workers dispatched to sites daily
  - » 70% of workers from disadvantaged communities
  - » 30+ active construction sites
- **Pre-Apprenticeship Training Center**
  - » 12-week program targeting veterans, at-risk young adults, minority and low-income Central Valley residents
  - » 10 trades taught to each cohort
- **771 Small Businesses Employed**
  - » 262 are Disadvantaged Business Enterprises
  - » 93 Disabled Veteran Business Enterprises



# Bay Area

## Valley to Valley Segment

- 159 Miles
- 100% environmentally cleared
- Eligible to begin advanced design in 2022/2023
- Corridor electrification underway on 51 miles through Caltrain Electrification Project
- DTX station coordination
- Corridor grade separation coordination
- Segment construction is unfunded

**Goal: Advance design work in 2023, identify “shared corridor” early capital investments, develop funding plan options**



# Southern California Completion of Phase 1

- 164 Miles
- 92 miles (56%) environmentally cleared in 2022 (remainder in 2023/24)
- Some advanced design could begin in 2023
- LA Union Station Phase A progressing
- Segment construction is unfunded

**Goal: Complete all environmental; begin advanced design in 2023; identify “shared corridor” early capital investments; develop segment funding plan options**



# CALIFORNIA HIGH-SPEED RAIL: Small Business Program

Ashley Mistler, Small Business Advocate  
Process & Program Development Branch  
[sbprogram@hsr.ca.gov](mailto:sbprogram@hsr.ca.gov)



# SMALL BUSINESS BY THE NUMBERS

## SB PARTICIPATION:

- **771 Small Businesses**
  - » **10% DBE**  
(Disadvantaged Business Enterprises)
  - » **3% DVBE**  
(Disabled Veteran Business Enterprises)
- **30% Goal for Small Business Participation**
  - » **(DBE)**
  - » **(DVBE)**



# COMMITMENT TO DIVERSITY

## Small Business Certification Overview

### Certifications That Count Toward the Overall Goal:

- **California Department of General Services**

- Small & Micro Businesses (SB / MB)
- Disabled Veteran Business Enterprises (DVBE)
- Small Business for Public Works (SB-PW)

state

- **California Unified Certification Program**

- Disadvantaged Business Enterprises (DBE)

federal

- **US Small Business Administration**

- 8(a) Disadvantaged Business Program
- Service Disabled Veteran-Owned SB (SDVSOB)

# SMALL BUSINESS TEAMS

## Exclusivity

- » **There is no prohibition against Subconsultants/Subcontractors being exclusive to one Offeror, however, exclusivity is strongly discouraged for SB/DBE/DVBE Subconsultants/Subcontractors**

# CONNECT HSR

High-Speed Rail Vendor Registry

## **Free Online Tool to Connect with Business Opportunities**

*Open to All Businesses, Large & Small*



- **List Your Business:**

- Type of Business
- Services Offered or Supplies Sold
- Service Counties
- Certifications

- **Learn About:**

- Future Contracting Opportunities
- Trainings/Workshops

- **Register At:**

- [www.connecthsr.com](http://www.connecthsr.com)



# CALIFORNIA HIGH-SPEED RAIL: Procurement Overview

Procurement Overview

Steven Milton

Principal Engineer Strategic Delivery Branch

# ENVIRONMENTAL AND PRELIMINARY ENGINEERING SERVICES CONTRACT

## Purpose:

The Authority is issuing a Request for Qualifications (RFQs) to receive Statements of Qualifications (SOQs) from qualified firms (Offerors) for environmental clearance and preliminary engineering services for the Central Valley Heavy Maintenance Facility (CV-HMF) Project located in the Central Valley Section of the California High-Speed Rail system.



# ENVIRONMENTAL AND PRELIMINARY ENGINEERING SERVICES CONTRACT

## Background and Contract Terms:

- The not-to-exceed dollar value for the Contract is \$4.9 million
- Contract term will be 24 months

# ENVIRONMENTAL AND PRELIMINARY ENGINEERING SERVICES CONTRACT

## Evaluation and Performance:

- This is a qualifications-based procurement. A fair and reasonable rate will be negotiated.
  - The successful consultant and its subconsultants will earn a flat fixed fee of 7.5% during the transition period.
  - After the transition period, the contract includes provisions for a performance-based fee range between 8% to 10% based on performance, quality, cost, schedule, and other factors. Details of performance criteria to be developed as part of the task order process.
- Pre-award audits will be conducted concurrently with negotiations prior to execution.

# ENVIRONMENTAL AND PRELIMINARY ENGINEERING SERVICES CONTRACT

## Evaluation and Performance (cont.):

- Environmental, social, and governance (ESG) efforts, which may include any environmental sustainability efforts, socio-economic equity policies, and governance policies, will be incorporated as a pass/fail requirement in the Request for Qualifications
- Offerors shall provide information on their ESG efforts which may include any efforts, policies, or reports
- 30% Small Business utilization goal, inclusive of 10% DBE utilization goal, and 3% DVBE utilization goal

# ENVIRONMENTAL AND PRELIMINARY ENGINEERING SERVICES CONTRACT

## **The Environmental and Preliminary Engineering Services consultant will:**

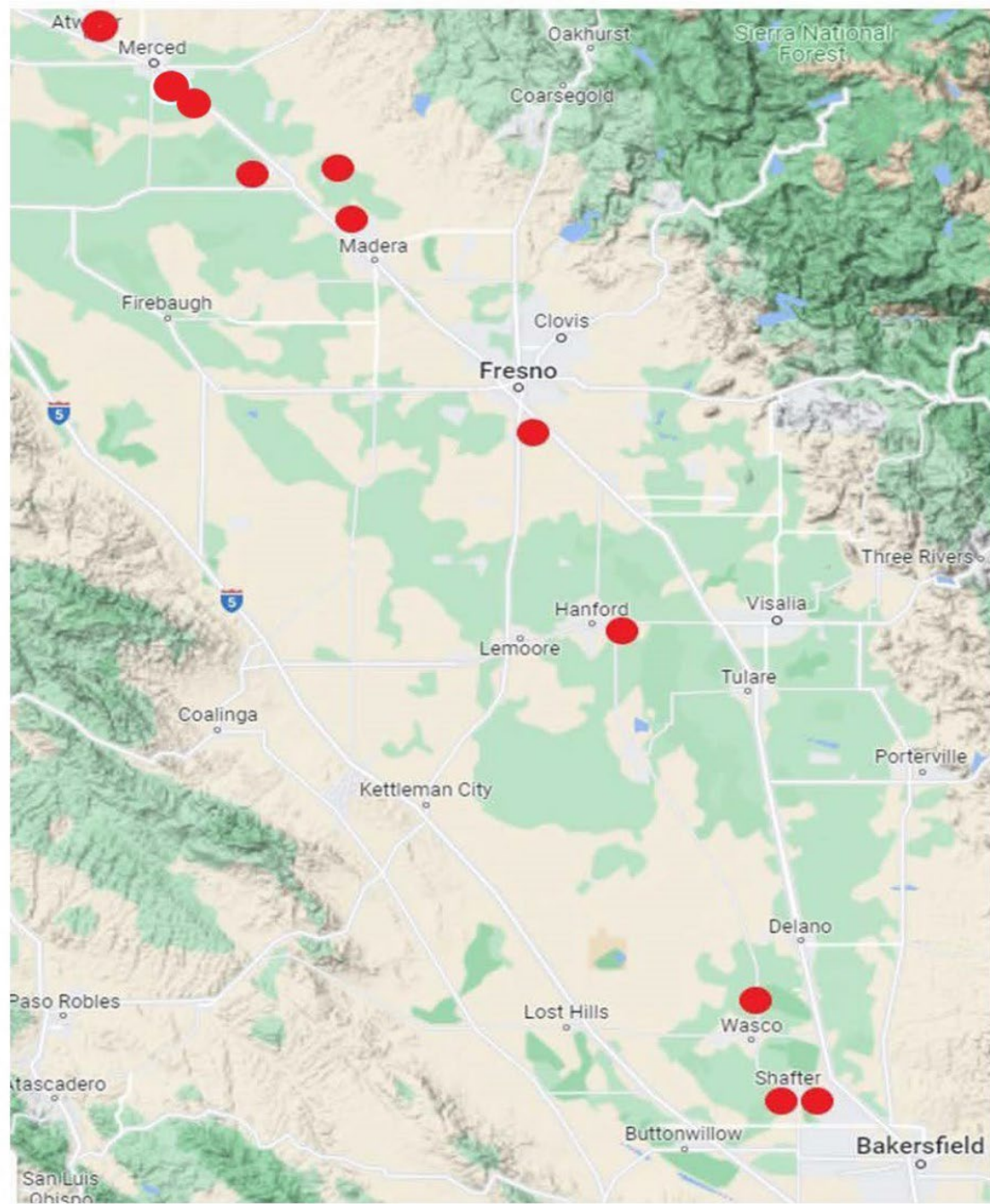
- The A&E consultant shall perform activities to prepare, evaluate and analyze CV-HMF design alternatives; identify and recommend preferred alternative for Board approval; develop draft environmental documents (EIR/EIS or other lower level or supplemental environmental document) as appropriate; coordinate alternative development and selection with public and stakeholders; and obtain Notice of Decision/Record of Decision and/or other appropriate CEQA/NEPA approvals.
- The CV-HMF is needed to allow for trainset assembly and preparation for passenger service, which includes testing, commissioning, and acceptance. The CV-HMF will also serve as the primary trainset equipment maintenance and repair facility during revenue service for the entire high-speed rail system.

# ENVIRONMENTAL AND PRELIMINARY ENGINEERING SERVICES CONTRACT

## Heavy Maintenance Sites to be Evaluated:

- The CV-HMF sites to be evaluated are located within the counties of Merced, Madera, Fresno, Kings, and Kern as shown in the figure on the following slide. Initially nine (9) sites were identified and evaluated in the Merced to Fresno Final EIR/EIS (2012) and the Fresno to Bakersfield Final EIR/EIS (2014). An additional two sites south of the City of Merced were added as potential sites for evaluation in 2019.
- The consultant will be asked to evaluate the previously identified sites that meet the Pass/Fail siting criteria, as well as to evaluate any additional qualifying sites.
- The Consultant will be asked to evaluate the previously identified sites that met the Pass/Fail siting criteria, as well as to evaluate any additional qualifying sites.

# HEAVY MAINTENANCE FACILITY SITE MAP



# PROCUREMENT PROCESS DETAILS

## California State Contracts Register

The Request for Qualifications (RFQ) may be downloaded from the event webpage on the California State Contracts Register (CSCR):

- RFQ No. HSR22-10:  
<http://www.caleprocure.ca.gov/event/2665/HSR22-10>
- Updates, including responses to written questions and any RFQ addenda, will be posted on the CSCR event webpage.

## Authority's Webpage and Email Address to Submit Questions

The Authority's webpage for this procurement is as follows:

<https://hsr.ca.gov/business-opportunities/contracts-out-for-bid/environmental-and-preliminary-engineering-services-for-the-central-valley-heavy-maintenance-facility/>

Information from the Pre-Bid Conference will be posted on the Authority's webpage and will include the following:

- Presentations (PowerPoints)
- Videos
- Registration Lists

**Submit procurement questions to [capitalprocurement@hsr.ca.gov](mailto:capitalprocurement@hsr.ca.gov)**

# ENVIRONMENTAL AND PRELIMINARY ENGINEERING FOR THE CENTRAL VALLEY HEAVY MAINTENANCE FACILITY SERVICES CONTRACT

## Procurement Schedule

<b>Activity</b>	<b>Date</b>
RFQ advertised on Cal eProcure	May 25, 2023
Virtual Pre-Bid Conference	June 1, 2023
Deadline for Questions	June 6, 2023
Statements of Qualifications Due	July 12, 2023
Anticipated Notice of Proposed Award Released	August 2023
Contract Execution and Notice to Proceed	October 2023

See Table 1 of the RFQ for additional details.





# CALIFORNIA HIGH-SPEED RAIL: Organizational Conflicts of Interest Overview

Lisa Crowfoot  
Attorney IV



# ORGANIZATIONAL CONFLICTS OF INTEREST

- All entities desiring to enter into an Authority contract must comply with its Organizational Conflict of Interest (OCOI) Policy.
- Why is the OCOI Policy necessary?
  - » Our federal grants require it;
  - » Ensures a fair and transparent procurement process, maximizing competition and minimizing exposure to bid protests; and
  - » Ensures compliance with state and federal procurement laws and regs.
- U.S. Supreme Court recognizes that such policies are "...directed not only at dishonor, but also at conduct that tempts dishonor. This broad prescription embodies a recognition of the fact that an impairment or impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government." (United States v. Mississippi Valley Co. (1961) 364 U.S. 520, 549, 81 S.Ct. 294, 5 L.Ed.2d 268, emphasis added)

# OCOI POLICY DEFINITION

An “Organizational Conflict of Interest” is defined as:

“...a circumstance arising out of a Contractor’s existing or past activities, business or financial interests, familial relationships, contractual relationships, and/or organizational structure (i.e., parent entities, subsidiaries, Affiliates, etc.) that results or would result in:

- **impairment or potential impairment of a Contractor’s ability to render impartial assistance or advice to the Authority or of its objectivity in performing work for Authority**
- **an unfair competitive advantage for any Contractor bidding or proposing on an Authority procurement, or**
- a perception or appearance of impropriety with respect to any of the Authority’s procurements or contracts or a perception or appearance of unfair competitive advantage with respect to a procurement by the Authority (regardless of whether any such perception is accurate).”

# ORGANIZATIONAL CONFLICTS OF INTEREST

- **Two general situations in which an organizational conflict of interest will be found to exist for a contractor:**
  - » **1. A contractor has an unfair competitive advantage**
    - *Example: A contractor has inside or non-public information about a procurement*
    - *Example: A contractor provides services related to a procurement and then bids on it*
  - » **2. A contractor's objectivity in performing its contractual obligations for the Authority would be compromised such that it could not provide impartial assistance**
    - *Example: A contractor on Contract A is in a position to oversee its own work on Contract B and mitigation is not possible*

# OCOI POLICY FLEXIBILITY

- A common misperception is that Contractors are generally “conflicted” out simply because of prior work on the Project.
- The vast majority of OCOI determinations find that a contractor may participate in the desired procurement and/or contract.
- The Policy states that “the Authority recognizes that its goals must be balanced against the need to not unnecessarily restrict the pool of potential proposers or bidders available to participate in Authority procurements and contracts.”
- If a potential conflict is recognized, the Policy requires consideration of numerous factors to determine whether the contractor may participate in the contract and whether mitigation or safeguards may be implemented to permit participation.
- Such safeguards are commonly applied to allow participation and include measures like ethical walls and release of work product.

# OCOI REVIEW PROCESS

- Interested Contractors should review Section 3.7 of the RFQ regarding Organizational Conflicts of Interest.
- Interested Contractors should review the Authority's Organizational Conflict of Interest Policy (the link is in Section 3.7).
- If, after reading the above information, the interested Contractor has any concerns that it may have an actual or perceived OCOI, it should request a determination from the Authority (instructions on next slide).
- Advanced or pre-clearance is not necessary if there are no concerns regarding an actual or perceived OCOI.
  - » *Example: a Contractor has never worked on the HSR project nor a related project (Caltrain, Link U.S.) and has no financial affiliations with HSR Contractors*
- In conjunction with its participation in the SOQ submission, all interested Contractors will submit Form B: Organizational Conflicts of Interest Disclosure Statement in which it will either disclose potential OCOIs or indicate that it has none to disclose.
  - » *Current HSR contracts should be disclosed on this form*

# HOW TO REQUEST AN OCOI DETERMINATION

- Requests for Organizational Conflict of Interest determinations should be submitted to the Authority's Chief Counsel, Alicia Fowler, at **Legal@hsr.ca.gov**, referencing the RFQ(s) of interest.
- The Authority's OCOI determination process includes the following steps:
  - » After the request is received, an investigation and analysis, including potential mitigation options, is performed by the attorneys
  - » The requestor will often be asked for additional information and/or documents necessary for the OCOI determination
  - » The Chief Counsel makes the final determination and informs the requestor by letter, which discusses the relevant facts and applicable Policy provisions
  - » A requestor who does not agree with an OCOI determination may contact the Chief Counsel to raise additional relevant facts and information

# QUESTIONS AND RESOURCES

Questions regarding this procurement should be emailed to:

- [capitalprocurement@hsr.ca.gov](mailto:capitalprocurement@hsr.ca.gov)
- Due by June 6, 2023

The webpage will include:

- » Video of this Pre-Bid
- » PowerPoint
- » Registrant List

## Business Opportunities

California's high-speed rail program offers numerous contracting opportunities across a broad spectrum of services and materials. The Authority also maintains a 30 percent small business participation goal, and those businesses are playing a major role in building the program.



**GENERAL INFO**

- [Community Benefits Agreement](#)
- [Cal eProcure](#)
- [National Competitive Bid Recovery Act Reporting](#)
- [Organizational Conflict Of Interest Policy](#)
- [Unsolicited Proposal Procedures](#)

**SMALL BUSINESS PROGRAM**

- [Overview](#)
- [Get Connected](#)
- [ConnectHSR - Vendor Registration](#)
- [ConnectHSR - Vendor Search](#)
- [Let's Get Your Business on Board](#)
- [Policy & Program Plan](#)
- [Business Advisory Council](#)
- [Info Center](#)
- [Newsletter](#)
- [Small Business Assistance Form](#)

**CONTRACTS OUT FOR BID**

- [Construction Management Services for Rail Design-Build-Maintain Contracts](#)
- [Design-Build Construction Packages](#)
- [Design Services for Central Valley Stations](#)
- [Design Services for Locally Generated Alternative](#)
- [Design Services for Merced to Madera](#)
- [Environmental Services for Merced to Fresno](#)
- [Program Delivery Support](#)
- [Rail Systems Engineering Services](#)
- [Right of Way Engineering and Survey Support Services](#)
- [Station Delivery Support and Technical Planning Services](#)
- [Sustainability Services](#)
- [Track & Systems](#)

Or go to: [www.hsr.ca.gov](http://www.hsr.ca.gov), then [Business Opportunities](#), then under “Contracts Out for Bid,” select: [Environmental and Preliminary Engineering Services for the Central Valley Heavy Maintenance Facility](#)