



CALIFORNIA
High-Speed Rail Authority

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

Pre-Bid Conference

Request for Qualifications

Independent Safety Assessor Services

Monday, March 18, 2024

WELCOME AND AGENDA

- HSR Project Overview
 - » Alice Rodriguez, Deputy Director of External Affairs
- Small Business Program Overview
 - » Catrina Blair, Chief of the Process & Program Development Branch
- Procurement Overview
 - » Dominique Rulens, Deputy Chief of Rail and Operations Delivery
- Organizational Conflicts of Interest Overview
 - » Tawnya Southern, Attorney IV

TODAY'S PROCUREMENT EVENTS

- Now
 - » Virtual Pre-Bid for Independent Safety Assessor Services
- 1:00 – 2:00 p.m.
 - » Virtual Small Business Workshop (attendance is not mandatory)
 - » To Register:
 - Go to www.hsr.ca.gov, then [Business Opportunities](#), then [Independent Safety Assessor Services](#) under “Contract Opportunities”

PROCUREMENT PROCESS DETAILS

Webpage:

<https://hsr.ca.gov/business-opportunities/contract-opportunities/independent-safety-assessor-services/>

Or, go to www.hsr.ca.gov, then [Business Opportunities](#), then [Independent Safety Assessor Services](#) under “Contract Opportunities”

This webpage will include:

- Video of this Pre-Bid Conference and Small Business Workshop
- PowerPoint presentations
- Registrant lists

Submit procurement questions to Kristal McCain at isarail@hsr.ca.gov

Questions due by Friday, March 22, 2024





CALIFORNIA HIGH-SPEED RAIL: PROJECT OVERVIEW

Independent Safety Assessor Services Pre-Bid

Alice Rodriguez

Deputy Director of External Affairs

CONNECTING CALIFORNIA PROGRAM HIGHLIGHTS

- **Phase 1**
 - 494 Miles
 - San Francisco to Los Angeles/Anaheim
- **Phase 2**
 - After Phase 1 - Extends 300 Miles
 - Connections to Sacramento and San Diego

Travels at approximately 220 mph
Up to 24 Stations



SUBJECT TO CHANGE - AUGUST 2021

WHERE WE ARE TODAY

2023 PROGRESS

- 119 Miles Under Construction
- 52 miles under advanced design (north into Merced and South into Bakersfield)
- Environmentally Clearing Full 494 Miles Between San Francisco and Los Angeles Basin
 - Approximately 422 Miles Environmentally Cleared To-Date
- **Bookend Projects:**
 - Caltrain Electrification
 - Los Angeles Union Station Improvements
 - Statewide Grade Separations
- **Station Design for four Central Valley Stations**
 - Merced, Fresno, Kings/Tulare and Bakersfield
- **Memorandum Of Understanding with Brightline West**



PROGRAM UPDATE HIGHLIGHTS

- **12,900+ Construction Jobs Created Since Construction Began**
 - In 2024, Record Number of Workers Dispatched Daily
 - 24 Active Construction Sites in the Central Valley
 - Average 70% Workers from Disadvantaged Communities
- **840 Small Businesses Employed**
 - 291 are Disadvantaged Business Enterprises
 - 103 Disabled Veteran Business Enterprises
 - Wealth Creation for Residents of Disadvantaged Communities
- **Leading In Sustainability**
 - Currently Using Tier IV Equipment on Construction
 - Will Run on 100% Renewable Energy
 - Recognized as a Platinum Sustainable Infrastructure Project





California High-Speed Rail Independent Safety Assessor Services Contract

Small Business Program Overview

Catrina Blair

Chief of the Process & Program Development Branch

Small Business Program

sbprogram@hsr.ca.gov



Small Business Participation By the Numbers



SMALL BUSINESS PARTICIPATION (as of January 2024)

840 Certified Small Businesses working on the high-speed rail program statewide

291 Certified Disadvantaged Business Enterprises
103 Certified Disabled Veteran Business Enterprises

NORTHERN CALIFORNIA:
302 Certified Small Businesses

CENTRAL VALLEY:
223 Certified Small Businesses

SOUTHERN CALIFORNIA:
286 Certified Small Businesses

OUTSIDE OF CALIFORNIA:
29 Certified Small Businesses

Small Business Participation Goal Breakdown

 Blended State and Federal 	 100% State Funded	 100% Federal Funded (including grants)
<p align="center">3%</p> <p>Disabled Veteran Business Enterprise (DVBE) goal, which will be applied across the total contract value.</p>	<p align="center">3%</p> <p>DVBE goal</p>	<p align="center">17%</p> <p>Disadvantaged Business Enterprise (DBE) goal</p>
<p align="center">10%</p> <p>DBE goal, which will also be applied across the total contract value.</p>	<p align="center">25%</p> <p>Small Business goal using all categories that qualify under the state standard, which includes certified Small Business and SB-PW.</p> <ul style="list-style-type: none"> • Of that 25% we will designate 3% microbusiness 	
<p align="center">25%</p> <p>Small Business goal using all categories that qualify under the state standard, which includes certified Small Business and SB-PW.</p> <ul style="list-style-type: none"> • Of that 25% we will designate 3% microbusiness 		

Commitment to Diversify

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



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**



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

Small Business Workshop QR Code

Independent Safety Assessor Services Contract





CALIFORNIA HIGH-SPEED RAIL: Independent Safety Assessor Services

Procurement Overview

Dominique Rulens

Deputy Chief of Rail and Operations Delivery



Purpose

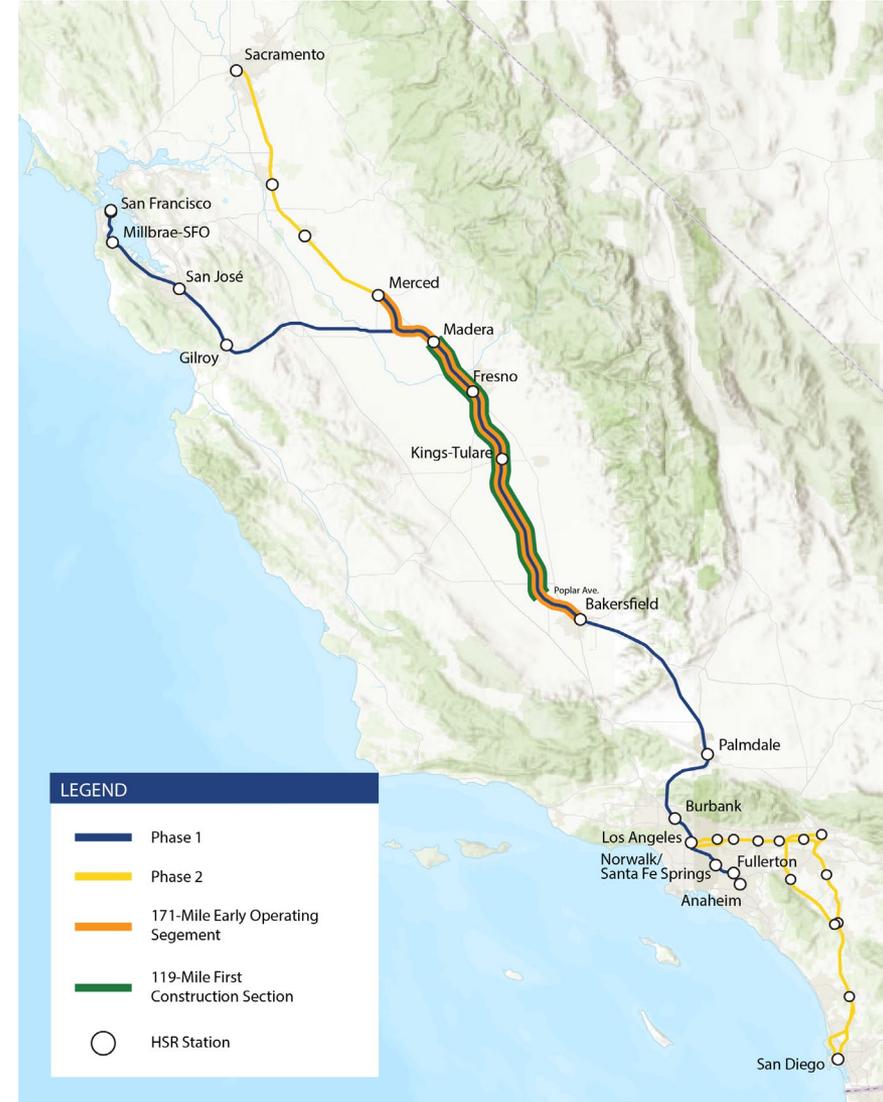
- The Authority is issuing a Request for Qualifications (RFQs) to receive Statements of Qualifications (SOQs) from qualified firms (Offerors) for Independent Safety Assessor Services.
- The purpose of this RFQ is to award an agreement (Agreement) to one successful Offeror (Consultant) to provide independent safety analysis of railway systems that verifies, through an independent certification process, that the System that is delivered into revenue services is safe and reliable for passengers, employees and the general public.
- This professional services contract is to provide independent safety analysis of railway systems and verify that the system delivered into revenue services is safe and reliable for passengers, employees, and the general public.

Draft Contract Terms:

- Contract term will be 6 years, 5 months.
- Total contract value is not to exceed \$9.4 million.
- This is a qualifications-based procurement; fair and reasonable fees and costs will be negotiated with the top-ranked Offeror prior to executing a contract.
- Comply with current Small Business Program requirements.

Scope of Work

- Provide independent safety analysis of railway systems that verifies, through an independent certification process, that the System that is delivered into revenue services is safe, secure and reliable for passengers, employees, and the general public.
- As the Authority's program evolves, and at its sole discretion, the Authority may add additional geographic locations to the Scope of Work as necessary. This includes but is not limited to, extending the Work from the 119-mile First Construction Section to include the entire 171-mile First Construction Section.
- See RFQ for full scope of work here <https://caleprocure.ca.gov/event/2665/HSR23-42>



Evaluation and Performance

- The Statements of Qualifications will be evaluated and scored by the Authority's Evaluation Selection Committee pursuant to established criteria in the RFQ.
- The Authority expects the Consultant to have experience in a position of responsibility related to the safety assessment of systems engineering and safety assessment of rail system delivery projects of similar scope and complexity as this Project.
- A pre-award review of the Cost Proposal/Rate Sheet will be conducted concurrently with negotiations prior to contract execution.
- The successful consultant and its subconsultants will earn a flat fixed fee of 9% during the term of the contract.

Procurement Process Details

California State Contracts Register

- The RFQ can be downloaded from the event webpage on the California State Contracts Register (CSCR):
- RFQ No. HSR23-42: www.caleprocure.ca.gov/event/2665/HSR23-42
- 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:
[https://hsr.ca.gov/business-opportunities/contract-opportunities/Independent-Safety-Assessor-Services /](https://hsr.ca.gov/business-opportunities/contract-opportunities/Independent-Safety-Assessor-Services/)
- Information from the Pre-Bid Conference and Small Business Workshop will be posted on the Authority's webpage with the following items:
 - » Presentations (PowerPoints)
 - » Videos
 - » Registration Lists

Submit procurement questions to Kristal McCain at ISArail@hsr.ca.gov by Friday, March 22, 2024

Procurement Schedule

Activity	Date
RFQ advertised on Cal eProcure	March 11, 2024
Virtual Pre-Bid Conference and Small Business Informational Workshop	March 18, 2024
Deadline for Questions	March 22, 2024
Statements of Qualifications Due	May 14, 2024
Invitations to Discussions sent	May 30, 2024
Discussions with Offerors held in Sacramento, CA	June 5-6, 2024
Anticipated Notice of Proposed Award Released	June 2024
Contract Execution and Issuance of NTP	August 2024

See Table 1 in Section 3 of the RFQ for additional details





CALIFORNIA HIGH-SPEED RAIL: Organizational Conflicts of Interest Overview

Tawnya Southern
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 (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 regulations.
- The OCOI Policy was originally adopted in 2011 and was last updated in 2023.

OCOI POLICY DEFINITION

An **“Organizational Conflict of Interest”** is defined in the OCOI Policy 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 current or prior work on the Project.
- While some conflicts cannot be mitigated, the vast majority of OCOI determinations find that a contractor may participate in the desired procurement and resulting 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 and the Authority's Organizational Conflict of Interest Policy:
<https://hsr.ca.gov/business-opportunities/general-info/organizational-conflict-of-interest-policy/>
- If 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 high-speed rail project nor a related project and has no financial affiliations with Authority Contractors*
- In conjunction with its participation in the SOQ submission, all interested Contractors will submit Form C: Organizational Conflicts of Interest Disclosure Statement in which it will either disclose potential OCOIs or indicate that it has none to disclose.
 - » *Current Authority 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 No. HSR23-42.
 - When submitting the determination request, please provide a response to the information requested in the Organizational Conflict of Interest Checklist, items 1-8, in RFQ Section 3.7.
- 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 OCOI Policy provisions.
 - A requestor who does not agree with an OCOI determination may contact the Chief Counsel to raise additional relevant facts and information.

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