



# Request for Qualifications

## for On-Call General Legal Counsel Services

Date Issued	SOQs Due	Expected Duration	Budget	DBE Goal	Contact
May 7, 2019	June 6, 2019 at 2:00 p.m. (electronically)	Three years plus two one-year options	Transportation Authority: \$1,000,000; TIMMA: \$150,000	0%	Steve Stamos Management Analyst 415.522.4817 <a href="mailto:steve.stamos@sfcta.org">steve.stamos@sfcta.org</a>

### SECTION I – NOTICE

Notice is hereby given that the San Francisco County Transportation Authority (Transportation Authority) and the Treasure Island Mobility Management Agency (TIMMA), hereinafter collectively referred to as “Agencies”, are requesting Statements of Qualifications (SOQs) from qualified respondents (respondents) to provide on-call general legal counsel services on a task order basis. It is the intent of the Agencies to contract with two or more consultant firms and/or teams of firms that will collectively provide the best overall service packages for general legal counsel services.

Questions. Although a pre-submittal conference will not be held, questions may be submitted in writing by the stated deadline in Section II by e-mail to [info@sfcta.org](mailto:info@sfcta.org); please include “RFQ 18/19-11 – Legal Counsel Services” in the subject line. The Agencies’ responses will be posted to [www.sfcta.org/contracting](http://www.sfcta.org/contracting) by the date indicated in the schedule, and any addenda to the RFQ will also be made available on that webpage prior to the SOQ due date. Please see Section II for all important dates and deadlines.

### SECTION II – SELECTION PROCESS SCHEDULE

Date	Phase/Item Due
May 7, 2019	Release of RFQ
May 14 5:00 p.m.	Respondents to submit written questions to Agencies
May 17*	Agencies issue written responses to questions
<b>June 6 2:00 p.m.</b>	Responses to RFQ and separate cost proposals due electronically. Late submissions will not be accepted.
June 12	Invitation(s) to interview issued to short list of respondents* (if necessary)
Week of June 17*	Interviews* (scheduled if necessary)

June 26*	The selection committee's recommendation to Citizens Advisory Committee for award
To be determined*	Recommendation to TIMMA Committee for award
July 9*	Recommendation to Transportation Authority Board for award
July 23*	Transportation Authority Board awards contract
July 23*	TIMMA Board awards contracts

*\*Subject to change*

### SECTION III - BACKGROUND

The Transportation Authority was created in 1989 by the voters of the City and County of San Francisco (City) to impose a voter-approved transaction and use tax (i.e., sales tax) of one-half of one percent to fund essential traffic and transportation projects as set forth in the San Francisco County Transportation Expenditure Plan (Prop B Expenditure Plan) for a period not to exceed twenty years. Beginning July 1, 2017, the California Department of Tax and Fee Administration became the successor to the State of California Board of Equalization for administering and collecting sales tax revenues for the Transportation Authority. In November 2003, San Francisco voters approved a new 30-year Expenditure Plan (Prop K Expenditure Plan) that superseded Prop B, and continued the one-half of one percent sales tax.

The Transportation Authority Board consists of the eleven members of the Board of Supervisors (BOS) of the City, who act as Transportation Authority Commissioners; nonetheless, pursuant to California Public Utilities Code Section 131000 et seq., the Transportation Authority operates as a special purpose governmental entity, independent of the City.

The Transportation Authority is designated under State law as the Congestion Management Agency for San Francisco County. In this capacity, the Transportation Authority has a wide range of responsibilities which include preparing the long-range County-wide Transportation Plan, prioritizing state and federal transportation funds designated for San Francisco, developing and operating a computerized travel demand forecasting model, and implementing the state-mandated Congestion Management Program. The Transportation Authority is also the designated San Francisco Program Manager for the Transportation Fund for Clean Air Program, a state-mandated program that collects an annual vehicle registration surcharge and allocates the funds to transportation projects that improve air quality.

On November 2, 2010, San Francisco voters approved Proposition AA, establishing a new \$10 vehicle registration fee on motor vehicles registered in the City and designated the Transportation Authority as administrator of the fee. Revenues are used for local road repairs, pedestrian safety improvements, and transit reliability improvements throughout the City in accordance with the voter-approved Expenditure Plan.

On April 1, 2014, the BOS adopted a resolution designating the Transportation Authority as TIMMA to implement elements of the Treasure Island Transportation Implementation Plan (TITIP) in support of the Treasure Island/Yerba Buena Island Development Project. The TITIP calls for, and TIMMA will be responsible for implementing, the Treasure Island Mobility Management Program: a comprehensive and integrated program to manage travel demand on Treasure Island as the development project occurs,

including an integrated congestion pricing program with vehicle tolling, parking pricing, and transit pass components. Assembly Bill 141 (Ammiano), signed in 2014, established TIMMA as a separate entity, providing a firewall between TIMMA and the Transportation Authority's other functions.

The Transportation Authority maintains a contract with the City and County of San Francisco Office of the City Attorney for certain specialized services and has retained Nixon Peabody LLP and Squire Sanders & Dempsey LLP as bond counsel. The selected consultant(s) may be required to coordinate and consult with the Office of the City Attorney and bond counsel on specific issues. Respondents are encouraged to familiarize themselves with Proposition K, Proposition AA, and the pertinent statutes to the Transportation Authority's other roles.

#### SECTION IV - SCOPE OF SERVICES

It is the intent of the Agencies to contract with two or more consultant firms and/or teams of firms that will collectively provide the best overall service packages for general legal counsel services. Teams are comprised of a prime consultant and all subconsultants under one contract, and firms can be on more than one team. The establishment of contracts with one or more firms/teams will enable the Agencies to enlist the services of broad range of legal specialists on an on-call, as-needed basis. The Agencies will separately contract with the selected firm(s)/team(s) for a three-year term, with option to extends, which may be exercised at the discretion of the Agencies, for two additional one-year periods (up to a total of five years). The Transportation Authority has budgeted \$1,000,000 and TIMMA has budgeted \$150,000 for these contracts for the first three-year term, with the value of subsequent one-year extensions to be determined by future Transportation Authority and TIMMA budgets. Please note these are ceilings and not targets.

The Agencies are seeking the services of firms experienced in matters related to the operation of public entities. The below example task types are representative of needs in the coming three years – additional undetermined task types are anticipated to be needed and not all task types listed above will necessarily be produced under this contract. The Agencies may assign tasks on these qualifications as well as capabilities, experience, availability, and conflicts of interests, if any. No selected team/firm is guaranteed a task under this contract.

#### Task Types:

- 1. Parliamentary Procedure and Rules for Transportation Authority Board and Citizens Advisory Committee and TIMMA Board.** Attendance at board and committee meetings and consultation on Rules of Order, Ralph M. Brown Act, Administrative Code, City and County of San Francisco Elections Code, San Francisco Sunshine Ordinance, and conflict of interest issues. The selected firm(s)/team(s) will be expected to attend the monthly meetings of the Transportation Authority Board and Committees and the regular meetings of the TIMMA Board and Committee.
- 2. Administration. Personnel:** As needed, advise regarding all labor-related issues such as benefits, hiring, discipline, termination, and review of internal policies and procedures. **Contracts:** As needed, review and/or draft legal documents including procurements, contracts, specifications, and standard grant agreements, including necessary legal opinions on restrictions, revisions, claims, default liability, protests and appeals. **Public Records Act:** As needed, advise on public records requests regarding scope of request, reviewing records, and approach to retrieving/releasing records.

3. **Financial.** Assist in the review of financial, budgetary and debt program matters, including developing opinions on debt issuance documents and offering memoranda, Agencies' financial presentations, representations and audit documents, and review of investment, debt and fiscal policies.
4. **Sales Tax (Proposition K) and Vehicle Registration Fee (Position AA) Administration.** Address questions regarding the validity, collection, administration and use of sales tax and vehicle registration fee revenues. Assist with the Transportation Authority Strategic Plan funding requirements, categories and subcategories, requirements applicable to the Transportation Authority and sponsoring agencies; reimbursement eligibility; applicability of environmental and other state or federal requirements; and the like.
5. **Congestion Management Program, and Transportation Fund for Clean Air Programs.** Review issues of jurisdiction and legal authority, environmental requirements, restrictions, formation and legislation, and state and federal requirements.
6. **TIMMA Program.** Review issues of jurisdiction and legal authority; support environmental requirements; develop, review and/or advise on policy and operating agreements; develop and/or review vendor and operator procurement documents and contracts; and advise on local, state, and federal requirements and legislation.
7. **Planning and Project Development Support (e.g. Lombard Reservation System, Downtown Congestion Pricing, and U.S. 101/I-280 Managed Lanes).** Review issues of jurisdiction and legal authority; support environmental requirements; develop, review and/or advise on policy and operating agreements; develop and/or review vendor and operator procurement documents and contracts; and advise on local, state, and federal requirements and legislation.
8. **Legislation.** Assist in drafting or reviewing legislation and the legislative process, from the local to the federal level.
9. **Litigation.** Prepare necessary documents, provide legal representation in court as required to initiate and prosecute or respond to lawsuits, and support mediation and negotiations (settlement) as needed.
10. **General Advice.** Provide verbal or written advice, as requested by the Agencies, on questions concerning the conformity of any contemplated action of the Agencies with applicable law and other matters, including providing guidance on the Agencies' projects.
11. **Miscellaneous.** Provide verbal or written advice relating to California Environmental Quality Act/National Environmental Policy Act, construction (including construction manager general contractor), right of way, real estate and land use, state transportation finance, regional transportation planning and programming, and public private partnerships, among others.

Firms/teams must declare which of these task types they are qualified to support. The Agencies will favorably consider firms/teams that have capabilities in all task types, but specialized firms/teams may also submit responses for one or more task types that match their capabilities and experience. Should two or more firms/teams be selected, the Agencies may select one firm/team to serve as general legal counsel to the Transportation Authority and the other firm/team to TIMMA. The Agencies will also favorably consider firms/teams that have a local presence for in-person coordination meetings and are familiar with transportation projects in the City and County of San Francisco and greater Bay Area.

## Process and Deliverables

It is anticipated that specific tasks will be initiated by phone or email correspondence and that meetings will be held, as necessary, to address the issues at hand. The Executive Director or her designee will serve as the primary point of contact for the Transportation Authority, although the selected consultant(s) will be expected to work directly with staff and Transportation Authority Commissioners, in certain cases, as determined by the Executive Director. The selected consultant(s) will be expected to designate a project manager who will serve as key contact person, assign tasks to members of the legal services team, control costs, and report monthly on costs and services to date.

Written reports will be required, as follows:

- Monthly progress/cost reports summarizing activities performed by counsel, organized by category, staff assignment, and hours worked.
- Memoranda, legal opinions, and legal briefs on specific issues, as requested.
- Presentations to staff and/or the Agencies' Board and committees, as requested.

## SECTION V – RFQ RESPONSE REQUIREMENTS: CONTENT AND FORMAT

Interested parties responding to this RFQ are expected to submit one SOQ that responds to the specific activities described in this section for both Agencies' scopes of services. The process, terms and conditions will be in strict accordance with the requirements and guidance contained herein.

All SOQs should be clear, concise, and provide sufficient information to minimize questions and assumptions. SOQs should be limited to **10 pages** (no smaller than 12-point font shall be used and all page sizes greater than the letter size of 8.5" x 11" will be counted as two pages), excluding cover letter, table of contents, the cost proposal, and the following items, which should be included as attachments: résumés, Disadvantaged Business Enterprise (DBE) certifications, and required exhibits. The Agencies accept no financial responsibility for any costs incurred in the preparation of SOQs. Upon receipt by the Transportation Authority, all accepted SOQs submitted in response to this RFQ will become the property of the Agencies.

Time and Place for Submission of SOQs. By the SOQ submission deadline, the following must be delivered:

- **SOQ** (written SOQ, without cost proposal): one (1) electronic copy (PDF) including all information herein requested. Please clearly specify in the subject line of the e-mail transmittal: "Response to RFQ 18/19-11 for Legal Counsel Services".
- **Cost proposal** (in a separate electronic file): one electronic copy (XLS/XLSX format) including all information herein requested. Please name the file: "Cost Proposal for RFQ 18/19-11", and submit along with the SOQ.

The SOQs must be transmitted electronically to the Transportation Authority at the following address: [info@sfcta.org](mailto:info@sfcta.org).

All responses must be in writing and identified as to content and be received by the Transportation Authority by the due date. SOQs received later than the above date and time will be rejected.

Cover Letter. Respondents must submit a letter of introduction for the SOQ. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the SOQ. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the SOQ. The cover letter must also include the following content in the format as shown:

<p><b>1. Project Manager</b> (The individual in charge of the scope of services, and who will be the Agencies' contact throughout the contract duration)</p> <p>Name:</p> <p>Title:</p> <p>Address:</p> <p>City, State, ZIP:</p> <p>Phone Number:</p> <p>Email:</p>
<p><b>2. Selection Process Lead</b> (The individual to whom correspondence and other contacts should be directed during the consultant selection process)</p> <p>Name:</p> <p>Title:</p> <p>Address:</p> <p>City, State, ZIP:</p> <p>Phone Number:</p> <p>Email:</p>
<p><b>3. Negotiating Officer</b> (The individual who will negotiate with the Agencies and who can contractually bind the respondent's firm)</p> <p>Name:</p> <p>Title:</p> <p>Address:</p> <p>City, State, ZIP:</p> <p>Phone Number:</p> <p>Email:</p>
<p><b>4. Company Headquarter Office</b></p> <p>Address:</p> <p>City, State, ZIP:</p> <p>Phone Number:</p>
<p><b>5. List proposed co-venture arrangements or sub-consultants, if any:</b></p> <p>1. Company:</p> <p>DBE status:</p> <p>Percentage of involvement:</p> <p>Name:</p> <p>Title:</p> <p>Address:</p> <p>City, State, ZIP:</p> <p>Phone Number:</p> <p>Email:</p> <p>2. ...</p>
<p><b>6. <input checked="" type="checkbox"/> This letter is signed by an officer that is authorized to bind the respondent contractually.</b></p>

7.  **This SOQ is firm for a 120-day period from the SOQ submission deadline.**

Content. SOQs must contain the following five sections:

**1. Respondent Information and Understanding of Project Objectives.** In this section, the respondent must provide a discussion demonstrating an understanding of the services to be provided, the challenges for each task, and their significance to the Agencies.

**2. Technical and Management Approach.** In this section, the respondent must describe its approach to the delivery of the services included in Section IV. This section must (1) reflect the respondent's knowledge of, and ability to demonstrate, a sound approach to general legal counsel services.

Respondent must provide the names and positions of all staff for the proposed team. An organization chart should be included that clearly establishes principal team member firms and sub-consultants, if any. Respondent must also identify any specialty sub-consultants that would not necessarily be part of the core team, but would be available on an as-needed basis for specialty support. The SOQ should also designate the Project Manager in charge of the scope of services and the Agencies' contact throughout the contract duration. In addition, the SOQ should briefly address how the efforts of each of the team members will be coordinated. If the work is to be shared among firms and offices at different locations, indicate where each office is located and what work is to be performed in each office.

SOQs must discuss workload for all key team members, indicating their expected availability, the percentage of their time that will be devoted to the Agencies' contracts and any other assurances as to their ability to provide the requested services in a responsive and timely manner. The description of the management approach should address proposed response time standard and how the management and team structure will help to meet those standards.

**3. Capabilities and Experience.** Respondents must state the qualifications and experience of the proposed team, emphasizing the specific qualifications and experience acquired while providing services similar to those being sought by the Agencies, particularly for the Project Manager and other key project staff members assigned to the Project. Except under certain circumstances beyond the respondent's control, the Agencies will not accept substitutions of key members of the team put forth as part of the winning SOQ.

This section must include the following information regarding the firm/team:

- Identification of Project Manager and team members; including length of employment with firm, legal training, specialization, scholastic honors and professional affiliations, date of admittance to California Bar, and years of practice;
- Resumes of all technical personnel to be assigned to work within the scope of services as outlined in Section IV (provide as attachments; resumes will not count toward the page limit);
- Any significant developments in your firm within the last three (3) years, such as changes in ownership or restructuring, or any anticipated such changes in the near future;
- Current or known future professional commitments, in order for the Agencies to evaluate your continuing availability for providing legal services to the Agencies;
- Statement of respondent's background and experience related to activities and services being sought through this RFQ;
- Brief description of similar projects for which the respondent has provided services during the past five (5) years, including the following information:

- Client, including reference contact information
- Project description and location
- Description of services
- Total value of services provided
- Actual budget performance vs. projected
- Actual schedule performance vs. projected
- Key personnel involved
- Sub-consultants employed
- Knowledge of, and experience with California Municipal Law Years and description of other types of clientele represented;
- Knowledge and use of Alternative Dispute Resolution techniques; training and experience; and success record of advocacy in mediation and arbitrations;
- Experience and success record with litigation;
- Experience in the preparation and review of ordinances, resolutions and amendments to the City and County of San Francisco Charter;
- If the firm, or any of the attorneys employed by the firm, have ever been successfully sued for malpractice, been subject of complaints filed with the California State Bar, or had discipline imposed by the California State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results of the situation.

**4. Assurances and Miscellaneous Items.** In this section, SOQs must provide the following information:

- a. Respondents must complete and include the exhibits listed below within the submittal. These exhibits do not count toward the page limit; please provide as attachments to SOQ. Exhibit samples are attached to this RFQ.

<b>Exhibit</b>	<b>Prime Consultant</b>	<b>Subconsultant(s)</b>
Exhibit A – Debarment and Suspension Certification	X	X
Exhibit B – Terminated Contracts	X	X
Exhibit C – Workforce Data Spreadsheets	X	X
Exhibit 10-I – Notice to Proposers DBE Information		
Exhibit 10-O1 – Local Agency Consultant Proposal DBE Commitment	X	
Exhibit 10-O2 – Local Agency Consultant Contract DBE Information	X	
Exhibit 10-Q – Disclosure of Lobbying Activities	X	X

- b. Respondents must provide the names, telephone numbers, and e-mail addresses of at least three references, in addition to staff of the Transportation Authority or TIMMA, if any. The references



should cover work performed by the Project Manager and other key project staff members, should be for work recently performed and similar in nature to the services sought in this RFQ. The references must include a brief description of the projects involved, and the roles of the respective team members in successfully completing the project.

- c. Respondents must specify any potential or perceived conflicts of interest which would disqualify its firm from doing business with the Agencies. If respondents are unaware of existing or foreseeable conflicts of interest, a simple statement will suffice. However, respondents should provide a brief description of each apparent, existing or foreseeable conflict of interest, if any. In addition, list all relevant assignments completed for the City and County of San Francisco or other government agencies within the last five (5) years, and any involvement with Transportation Authority or TIMMA-funded projects, to enable the Agencies to identify any possible conflicts of interest.
- d. Respondents must list any political contributions of money, in-kind services, or loans made to any current member of the Agencies' Board of Commissioners within the last three (3) years by management positions of the proposed consultant or sub-consultant. If respondents are unaware of any political contributions, a simple statement will suffice. However, if respondents are aware of any political contribution, SOQs should include details, such as to whom, what type of contribution, the date and the amount.
- e. Respondents must clearly designate financial submittals or other materials in its submittal, if any, which it in good faith believes to be a trade secret or confidential proprietary information protected from disclosure. See Section IX below, for further details on public disclosure of responses and other materials.
- f. Respondents shall acknowledge receipt and understanding of the following Agencies' contracting requirements and state its ability and willingness to comply with each of them in its SOQ. The Agencies do not intend to deviate from its standard contract language.

- i. **Insurance**

Prior to commencement of work, the Agencies will require the successful respondent to provide evidence of appropriate insurance coverage. The Agencies' standard contract requires firms to maintain, during the full term of the contract term, insurance in the following amounts and coverages:

- (a) Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than \$1,000,000 each accident;
- (b) Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations;
- (c) Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable; and
- (d) Professional Liability Insurance with limits not less than \$2,000,000 per claim. Sub-consultants providing professional services under this Agreement shall be added to Contractor's policy as additional insured, or shall provide evidence of their own professional liability insurance which is acceptable to the Transportation Authority's Executive Director.

Such coverage must be provided by an insurance company authorized to do business in the State of California. Commercial General Liability and Business Automobile Liability insurance policies must name the San Francisco County Transportation Authority and Treasure Island Mobility Management Agency as an Additional Insured and that the policies will not be cancelled or materially changed without thirty (30) days prior notice in writing to the Transportation Authority. Describe if your firm's insurance coverage and amounts meet the above-stated contract limitations.

ii. **Indemnification**

Contractor shall indemnify and save harmless Transportation Authority/TIMMA and their officers, agents and employees from, and, if requested, shall defend them against any and all loss, damage, injury, liability, and claims thereof for injury to or death of a person, including employees of Contractor or loss of or damage to property, resulting directly or indirectly from Contractor's performance of this Agreement, including, but not limited to, the use of Contractor's facilities or equipment provided by Transportation Authority/TIMMA or others, regardless of the negligence of, and regardless of whether liability without fault is imposed or sought to be imposed on the Transportation Authority/TIMMA, except to the extent that such indemnity is void or otherwise unenforceable under applicable law in effect on or validly retroactive to the date of this Agreement, and except where such loss, damage, injury, liability or claim is the result of the active negligence or willful misconduct of the Transportation Authority/TIMMA and is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on Contractor, its subcontractors or either's agent or employee. The foregoing indemnity shall include, without limitation, reasonable fees of attorneys, consultants and experts and related costs and Transportation Authority/TIMMA's costs of investigating any claims against the Transportation Authority/TIMMA.

In addition to Contractor's obligation to indemnify Transportation Authority/TIMMA, Contractor specifically acknowledges and agrees that it has an immediate and independent obligation to defend the Transportation Authority/TIMMA from any claim which actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Contractor by the Transportation Authority/TIMMA and continues at all times thereafter.

Contractor shall indemnify and hold the Transportation Authority/TIMMA harmless from all loss and liability, including attorneys' fees, court costs and all other litigation expenses for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark, and all other intellectual property claims of any person or persons in consequence of the use by the Transportation Authority/TIMMA, or any of their officers or agents, of articles or services to be supplied in the performance of this Agreement.

iii. **Incidental and Consequential Damages**

Contractor shall be responsible for incidental and consequential damages resulting in whole or in part from Contractor's acts or omissions. Nothing in this Agreement shall constitute a waiver or limitation of any rights that the Agencies may have under applicable law.

**5. Cost.** The cost proposal will not count toward the page limit, and must be submitted as a separate electronic file. This contract will be on a cost-reimbursement basis, which provides for payment of the

successful proposer's allowable incurred costs, to the extent prescribed in the contract. The cost proposal must include a matrix with columns for hourly rates, classification, and name for all personnel and/or sub-consultants involved for the work described in Section IV above. The cost proposal may include a percentage of any expected salary increases or cost of living adjustments, not to exceed 3% annually. The cost proposal must include a method for establishing rates for personnel or classifications not listed. Sub-consultant costs, travel and all other direct costs will be reimbursed at cost with no markup allowed.

#### SECTION VI - EVALUATION CRITERIA AND METHOD OF AWARD

The SOQs will be evaluated by a selection committee appointed by the Executive Director and scored (maximum of 100 points) using the following criteria:

- 1. Respondent Information and Understanding of Project Objectives. (20 points)**
  - a. Responsiveness to all items requested in the RFQ, such as completeness of submission, adherence to required page limits, overall organization and clarity of SOQ; and
  - b. Understanding of the services to be provided, particularly in relation to the Agencies, and challenges for each task.
- 2. Technical and Management Approach. (30 points)**
  - a. Effectiveness of the proposed work plan, program and method of execution;
  - b. Technical solutions to meet the scope of services; insight and understanding of special issues, problems and constraints, approach towards mitigating and resolving them;
  - c. Effectiveness of the team's organizational structure in executing and managing the tasks;
  - d. Management approach in providing technically sound and cost-effective services; and
  - e. Ability to provide timely, qualified and adequate staffing and services to support project demands.
- 3. Capabilities and Experience. (50 points)**
  - a. Capability of project team, specific relevant experience, qualifications and expertise of each firm and subconsultant firm, especially the proposed key personnel; and
  - b. Client references as to past project performance.

Evaluation Process. The selection committee retains the right to independently verify and evaluate relevant experience and client references, including any sources not mentioned in the SOQ.

Submittals receiving an initial score of less than 70 points will not be considered further in the selection process. Respondents that have received a score of 70 points or higher may, at the Agencies' sole discretion, be invited to an interview with the selection committee. The Agencies reserve the right to not conduct oral interviews and determine the winning respondent based solely on the written SOQ. If oral interviews are held, individuals who are identified as key personnel in the SOQ are required to be in attendance at the interview. Based on the results of the interview, the selection committee may adjust initial scores on the evaluation criteria identified above to arrive at the final evaluation score. The respondent with the highest final evaluation score shall be determined as the top respondent. Respondents who do not arrive for a scheduled interview, if one is held, will no longer be considered further in the selection process.

Once the top respondent(s) have been identified and the respondent's cost and pricing data has been reviewed, the Agencies staff will start contract negotiations with those respondent(s). If contract

negotiations are not successful, the next-ranked respondent may be asked to negotiate with the Agencies. Each respondent's cost and pricing data will remain unopened until negotiations begin with that particular respondent. The goal of such negotiations will be to agree on a final contract that delivers the services and work described in this RFQ at a fair and reasonable cost to Agencies. The award(s), if any, will be made to the respondent(s) whose submittal is most responsive to the RFQ and deemed most advantageous to the Agencies. The Agencies reserve the right to modify and/or suspend any and all aspects of this procurement, to obtain further information from any firm or person responding to this procurement, to waive any informality or irregularity as to form or content of this procurement or any response thereto, to be the sole judge of the merits of the SOQs received, and to reject any or all SOQs.

**Task Order Assignment.** Consultants selected for a contract will remain eligible for consideration for task order negotiation on an as-needed basis for the three-year term. While the Agencies intend to engage the selected firm/team(s) based on capabilities, experience, availability, and conflict of interest, no selected firm/team is guaranteed a task order. This RFQ does not in any way limit the Agencies' right to solicit contracts for similar or identical services if, in the Agencies' sole and absolute discretion, they determine the on-call teams are inadequate to satisfy their needs.

Following the establishment of contracts with the selected consulting team(s), the Agencies, at their sole and absolute discretion, will contact consultant teams to negotiate task orders for specific projects and contracts. Consultant teams may be invited to submit bids and/or participate in oral interviews as part of the task order negotiation process. Interviews may consist of standard questions asked of each of the respondents, and specific questions regarding individual responses. The Agencies reserve the right to interview any, all, or none of the on-call consultant teams to negotiate task orders. The Agencies, in their sole discretion, have the right to approve or disapprove any staff person assigned to a task order before and throughout the contract term.

The Agencies do not have office space available for this contract and, with the exception of progress and coordination meetings, all work shall take place at the consultant offices. Respondents should be prepared to mobilize within 48 hours following contract negotiations and contract award by the Agencies' Boards.

#### SECTION VII – DBE FOR U.S. DEPARTMENT OF TRANSPORTATION ASSISTED CONTRACTS

**Terms.** The terms used in this Policy have the meanings as defined in U.S. Department of Transportation (DOT) Code of Federal Regulations Title 49 Section 26 (49 CFR § 26).

**DBE Objective/Policy Statement.** As the Agencies may receive federal financial assistance to fund a portion of this procurement from the United States Department of Transportation through the California Department of Transportation (Caltrans) acting on behalf of the Federal Highway Administration (FHWA), the Metropolitan Transportation Commission (MTC), or the Federal Transit Administration, this procurement is subject to Caltrans regulations in accordance with Code of Federal Regulations Title 49 Section 26 (49 CFR 26).

DBEs and other small businesses are strongly encouraged to participate in the performance of contracts financed in whole or in part with federal funds. The consultant should ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The respondent shall not discriminate on the basis of race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, or disability or AIDS/HIV status in the award and performance of subcontracts. Respondents are encouraged to use services offered by financial institutions owned and controlled by DBEs.

Nondiscrimination. The Agencies will never exclude any person from participation in, deny any person the benefit of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. The Agencies will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the Caltrans DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

Contract Goal. For this contract, the Agencies have established a DBE goal of **0%**. Respondents must document adequate good faith efforts to involve DBEs by completing and submitting the attached Exhibit 10-O1, *Consultant Proposal DBE Commitment*, and Exhibit 10-O2 *Consultant Contract DBE Information*.

DBE Regulations. Bidders shall be fully informed with respect to the requirements of the DBE regulations. The DBE regulations in their entirety are incorporated herein by reference. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program by the SOQ due date. A certified DBE may participate as a prime consultant, sub-consultant, joint venture partner with a prime or sub-consultant, vendor of materials or supplies, or as a trucking company. For more information, please refer to Exhibit 10-I, *Notice to Proposers DBE Information*.

#### SECTION VIII – PROCUREMENT PROTEST AND APPEAL POLICIES AND PROCEDURES

The Agencies have established protest procedures, which apply to all procurements of supplies, equipment, and services. Respondents must file protests with the Transportation Authority no later than five (5) business days after notice, actual or constructive, by the Transportation Authority's Executive Director or his/her designee, that either their bid (or SOQ) is not being considered further, or a recommendation has been made to the Board to award to another bidder. Copies of these policies and procedures are kept at the Transportation Authority's offices and are available upon written request.

#### SECTION IX – NOTE REGARDING PUBLIC DISCLOSURE OF RESPONSES AND OTHER MATERIALS

Under the California Public Records Act (PRA; Government Code sections 6250 *et seq.*), records, information and materials submitted to the Agencies, not otherwise exempt, are subject to public disclosure. Immediately after the contract has been awarded, the materials submitted by all respondents will be open to inspection. Each party submitting a response to the RFQ should clearly designate financial submittals or other materials, if any, which it in good faith believes to be corporate proprietary information, including trade secrets, protected from disclosure; if no materials are designated, the submitted SOQ in its entirety may be subject to the PRA. To the extent permitted by law, the Agencies will attempt to maintain the confidentiality of such information by providing the respondent with notice that it has received a request. If the respondent desires that such materials not be disclosed, it may, at its own expense, take appropriate legal action to prevent such disclosure. However, such confidentiality cannot be assured, and the Agencies will not be liable for the public disclosure of any material submitted to it.

#### APPENDICES AND EXHIBITS

The following documents are attached:

- Exhibit A – Debarment and Suspension Certification
- Exhibit B – Terminated Contracts
- Exhibit C – Workforce Data Spreadsheets

- Exhibit 10-I – Notice to Proposers DBE Information
- Exhibit 10-O1 – Consultant Proposal DBE Commitment
- Exhibit 10-O2 – Consultant Contract DBE Information
- Exhibit 10-Q – Disclosure of Lobbying Activities

**Exhibit A**

**Debarment and Suspension Certification**

Title 2, CODE OF FEDERAL REGULATIONS, PART 180

The Proposer's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that the Proposer has complied with Title 2 CFR, Part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (nonprocurement)", which certifies that he/she or any other person associated therewith in the capacity of owner, partner, director, officer or manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency,
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three (3) years,
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

Any exceptions to this certification must be disclosed to the Transportation Authority in the following space:

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Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining Proposer responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highway Administration.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Proposer are true and correct.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm Name

## Exhibit B – Terminated Contracts

Proposers must provide a list of contracts terminated (partially or completely) by clients for convenience or default within the past three (3) years. For each contract, the list must include the following information:

- Contract number;
- Contract value;
- Description of work;
- Sponsoring organization name; and
- Sponsoring organization key contact information, including name, title and current telephone number.

Proposer does not have any terminated contracts by clients for convenience or default within the past three (3) years.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm Name



**Exhibit C – Workforce Data Spreadsheet #1  
Breakdown of existing employees**

Name of firm: \_\_\_\_\_

Address: \_\_\_\_\_

EMPLOYEE * CATEGORIES	TOTAL EMPLOYEE		AFRICAN AMERICAN		HISPANIC		ASIAN/ PAC. ISL.		AMER. IND./ ALAK. NTV.		TOTAL MINORITY		PERCENTAGE WHITE		PERCENTAGE MINORITY	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials																
Managers																
Professionals																
Technicians																
Admin. Support																
Trainees																
Others																
Full-time																
Part-time																
<b>TOTAL</b>																

COMPLETED BY Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

\* If the list of occupations on the left side of the workforce data form does not match your occupation titles, please modify the data form to indicate occupations particular to your organization.

**Exhibit C – Workforce Data Spreadsheet #2**  
**Breakdown of employees hired in last 12 months**

Name of firm: \_\_\_\_\_

Address: \_\_\_\_\_

EMPLOYEE CATEGORIES	TOTAL EMPLOYEE		AFRICAN AMERICAN		HISPANIC		ASIAN/ PAC. ISL.		AMER. IND./ ALAK. NTV.		TOTAL MINORITY		PERCENTAGE WHITE		PERCENTAGE MINORITY	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials																
Managers																
Professionals																
Technicians																
Admin. Support																
Trainees																
Others																
Full-time																
Part-time																
<b>TOTAL</b>																

COMPLETED BY Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

\* If the list of occupations on the left side of the workforce data form does not match your occupation titles, please modify the data form to indicate occupations particular to your organization.

**EXHIBIT 10-I NOTICE TO PROPOSERS DBE INFORMATION**

The Agency has established a DBE goal for this Contract of     0    %

OR

The Agency has not established a goal for this Contract. However, proposers are encouraged to obtain DBE participation for this contract.

**1. TERMS AS USED IN THIS DOCUMENT**

- The term “Disadvantaged Business Enterprise” or “DBE” means a for-profit small business concern owned and controlled by a socially and economically disadvantaged person(s) as defined in Title 49, Code of Federal Regulations (CFR), Part 26.5.
- The term “Agreement” also means “Contract.”
- Agency also means the local entity entering into this contract with the Contractor or Consultant.
- The term “Small Business” or “SB” is as defined in 49 CFR 26.65.

**2. AUTHORITY AND RESPONSIBILITY**

- A. DBEs and other small businesses are strongly encouraged to participate in the performance of Contracts financed in whole or in part with federal funds (See 49 CFR 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”). The Consultant must ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The proposer must not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- B. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

**3. SUBMISSION OF DBE INFORMATION**

If there is a DBE goal on the contract, Exhibit 10-O1 *Consultant Proposal DBE Commitment* must be included in the Request for Proposal. In order for a proposer to be considered responsible and responsive, the proposer must make good faith efforts to meet the goal established for the contract. If the goal is not met, the proposer must document adequate good faith efforts. All DBE participation will be counted towards the contract goal; therefore, all DBE participation shall be collected and reported.

Exhibit 10-O2 *Consultant Contract DBE Information* must be included with the Request for Proposal. Even if no DBE participation will be reported, the successful proposer must execute and return the form.

**4. DBE PARTICIPATION GENERAL INFORMATION**

It is the proposer’s responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department’s DBE program developed pursuant to the regulations. Particular attention is directed to the following:

- A. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).

- B. A certified DBE may participate as a prime consultant, subconsultant, joint venture partner, as a vendor of material or supplies, or as a trucking company.
- C. A DBE proposer not proposing as a joint venture with a non-DBE, will be required to document one or a combination of the following:
  - 1. The proposer is a DBE and will meet the goal by performing work with its own forces.
  - 2. The proposer will meet the goal through work performed by DBE subconsultants, suppliers or trucking companies.
  - 3. The proposer, prior to proposing, made adequate good faith efforts to meet the goal.
- D. A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing, and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.
- E. A DBE must perform a commercially useful function pursuant to 49 CFR 26.55, that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- F. The proposer shall list only one subconsultant for each portion of work as defined in their proposal and all DBE subconsultants should be listed in the bid/cost proposal list of subconsultants.
- G. A prime consultant who is a certified DBE is eligible to claim all of the work in the Contract toward the DBE participation except that portion of the work to be performed by non-DBE subconsultants.

## 5. RESOURCES

- A. The CUCP database includes the certified DBEs from all certifying agencies participating in the CUCP. If you believe a firm is certified that cannot be located on the database, please contact the Caltrans Office of Certification toll free number 1-866-810-6346 for assistance.
- B. Access the CUCP database from the Department of Transportation, Office of Business and Economic Opportunity Web site at: <http://www.dot.ca.gov/hq/bep/>.
  - 1. Click on the link titled *Disadvantaged Business Enterprise*;
  - 2. Click on Search for a DBE Firm link;
  - 3. Click on *Access to the DBE Query Form* located on the first line in the center of the page.

Searches can be performed by one or more criteria. Follow instructions on the screen.

## 6. MATERIALS OR SUPPLIES PURCHASED FROM DBES COUNT TOWARDS THE DBE GOAL UNDER THE FOLLOWING CONDITIONS:

- A. If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies. A DBE manufacturer is a firm that operates or maintains a factory, or establishment that produces on the premises the materials, supplies, articles, or equipment required under the Contract and of the general character described by the specifications.
- B. If the materials or supplies purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the

purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.

- C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be, by a long-term lease agreement and not an ad hoc or Agreement-by-Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this section.
- D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

**EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT**

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_  
 3. Project Description: \_\_\_\_\_  
 4. Project Location: \_\_\_\_\_  
 5. Consultant's Name: \_\_\_\_\_ 6. Prime Certified DBE:

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %
<b>Local Agency to Complete this Section</b>		<b>11. TOTAL CLAIMED DBE PARTICIPATION</b>	%
17. Local Agency Contract Number: _____ 18. Federal-Aid Project Number: _____ 19. Proposed Contract Execution Date: _____ 20. Consultant's Ranking after Evaluation: _____	IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.  _____ 12. Preparer's Signature                      13. Date  _____ 14. Preparer's Name                              15. Phone  _____ 16. Preparer's Title		
Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.  _____ _____ _____			

DISTRIBUTION: Original – Included with consultant's proposal to local agency.

**ADA Notice:** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

**INSTRUCTIONS – CONSULTANT PROPOSAL DBE COMMITMENT****CONSULTANT SECTION**

- 1. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 2. Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
- 3. Project Location** - Enter the project location as it appears on the project advertisement.
- 4. Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
- 5. Consultant's Name** - Enter the consultant's firm name.
- 6. Prime Certified DBE** - Check box if prime contractor is a certified DBE.
- 7. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 8. DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
- 9. DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
- 10. DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
- 11. Total Claimed DBE Participation %** - Enter the total DBE participation claimed. If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
- 12. Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
- 13. Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
- 14. Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
- 15. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 16. Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

**LOCAL AGENCY SECTION**

- 17. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 18. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 19. Proposed Contract Execution Date** - Enter the proposed contract execution date.
- 20. Consultant's Ranking after Evaluation** - Enter consultant's ranking after all submittals/consultants are evaluated. Use this as a quick comparison for evaluating most qualified consultant.
- 21. Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
- 22. Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
- 23. Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
- 24. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 25. Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

**EXHIBIT 10-O2 CONSULTANT CONTRACT DBE COMMITMENT**

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_  
 3. Project Description: \_\_\_\_\_  
 4. Project Location: \_\_\_\_\_  
 5. Consultant's Name: \_\_\_\_\_ 6. Prime Certified DBE:  7. Total Contract Award Amount: \_\_\_\_\_  
 8. Total Dollar Amount for **ALL** Subconsultants: \_\_\_\_\_ 9. Total Number of **ALL** Subconsultants: \_\_\_\_\_

10. Description of Work, Service, or Materials Supplied	11. DBE Certification Number	12. DBE Contact Information	13. DBE Dollar Amount
<b>Local Agency to Complete this Section</b>			\$
20. Local Agency Contract Number: _____ 21. Federal-Aid Project Number: _____ 22. Contract Execution Date: _____			%
Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.			<b>14. TOTAL CLAIMED DBE PARTICIPATION</b>
IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.			
_____ 23. Local Agency Representative's Signature		_____ 24. Date	_____ 15. Preparer's Signature
_____ 25. Local Agency Representative's Name		_____ 26. Phone	_____ 16. Date
_____ 27. Local Agency Representative's Title			_____ 17. Preparer's Name
			_____ 18. Phone
			_____ 19. Preparer's Title

**DISTRIBUTION:** 1. Original – Local Agency  
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

**ADA Notice:** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



**INSTRUCTIONS – CONSULTANT CONTRACT DBE COMMITMENT**CONSULTANT SECTION

- 1. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 2. Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
- 3. Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
- 4. Project Location** - Enter the project location as it appears on the project advertisement.
- 5. Consultant's Name** - Enter the consultant's firm name.
- 6. Prime Certified DBE** - Check box if prime contractor is a certified DBE.
- 7. Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
- 8. Total Dollar Amount for ALL Subconsultants** – Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
- 9. Total number of ALL subconsultants** – Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
- 10. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 11. DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
- 12. DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
- 13. DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
- 14. Total Claimed DBE Participation - \$:** Enter the total dollar amounts entered in the "DBE Dollar Amount" column. **%:** Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
- 15. Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
- 16. Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
- 17. Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
- 18. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 19. Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

- 20. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 21. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 22. Contract Execution Date** - Enter the date the contract was executed.
- 23. Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
- 24. Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
- 25. Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
- 26. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 27. Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

**EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES**

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial  <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b>  year ____ quarter ____  date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity</b></p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee  Tier _____, if known</p> <p>Congressional District, if known _____</p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p> <p>Congressional District, if known _____</p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p>	
<p><b>10. Name and Address of Lobby Entity</b>  (If individual, last name, first name, MI)</p> <p style="text-align: center;">(attach Continuation Sheet(s) if necessary)</p>	<p><b>11. Individuals Performing Services</b>  (including address if different from No. 10)  (last name, first name, MI)</p>	
<p><b>12. Amount of Payment (check all that apply)</b></p> <p>\$ _____ <input type="checkbox"/> actual    <input type="checkbox"/> planned</p>	<p><b>14. Type of Payment (check all that apply)</b></p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other, specify _____</p>	
<p><b>13. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind; specify: nature _____  Value _____</p>		
<p><b>15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 12:</b></p> <p style="text-align: center;">(attach Continuation Sheet(s) if necessary)</p>		
<p><b>16. Continuation Sheet(s) attached:</b>      Yes <input type="checkbox"/>      No <input type="checkbox"/></p>		
<p><b>17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>		
		<p>Signature: _____  Print Name: _____  Title: _____  Telephone No.: _____ Date: _____</p>
<p>Authorized for Local Reproduction  Standard Form - LLL</p>		
<p><b>Federal Use Only:</b></p>		

Standard Form LLL Rev. 04-28-06

Distribution: Orig- Local Agency Project Files

**INSTRUCTIONS FOR COMPLETING EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient at the initiation or receipt of covered federal action or a material change to previous filing pursuant to title 31 U.S.C. Section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is or has been secured to influence, the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to: subcontracts, subgrants, and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state, and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant. or loan award number, the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered federal action where there has been an award or loan commitment by the Federal agency, enter the federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered federal action.
11. Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
12. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
13. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
14. Check all boxes that apply. If other, specify nature.
15. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with federal officials. Identify the federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
16. Check whether or not a continuation sheet(s) is attached.
17. The certifying official shall sign and date the form, and print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30-minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503. SF-LLL-Instructions Rev. 06-04