

# Metro Gold Line Foothill Extension Construction Authority



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## REQUEST FOR PROPOSALS (RFP) C2005 REAL PROPERTY CONSULTING SERVICES

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406 East Huntington Drive, Suite 202  
Monrovia, California 91016  
Phone (626) 471-9050  
Fax (626) 471-9049  
<http://www.foothillextension.org>

### KEY DATES

<b>RFP Issued:</b>	<b>August 7, 2017</b>
<b>Last Day for Submitting Written Questions:</b>	<b>August 18, 2017</b>
<b>Last Day Anticipated to Respond to Questions:</b>	<b>August 23, 2017</b>
<b>Last Day to Receive Proposals:</b>	<b>September 6, 2017</b>
<b>Interview Date (if required):</b>	<b>September 13, 2017</b>
<b>Board Award of Contract (anticipated):</b>	<b>September 27, 2017</b>

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APPENDIX 1      Form of Contract

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**SUBJECT: NOTICE OF REQUEST FOR PROPOSALS**

**RFP C2005: REAL PROPERTY CONSULTING SERVICES**

The Metro Gold Line Foothill Extension Construction Authority (“Authority”) hereby invites Proposals from qualified firms or teams to provide support services in connection with the Authority’s desire to see performed the above referenced consulting services.

In March 2013, the Authority’s Board of Directors certified the Final Environmental Impact Report (FEIR) for the approximately 12.3-mile extension of the Metro Gold Line Light-Rail Transit (LRT) alignment to the east, with service from the Azusa-Citrus Station to the Montclair Transcenter. It is a dual track system with overhead catenary lines for power. Traction power supply substations (TPSS) will be located every 1.0 to 1.5 miles along the tracks. The Project includes a number of at-grade roach crossings and several grade separations as well as six stations in Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair. Each station includes parking facilities (surface or structures) for riders arriving by car. The LRT track would be generally at-grade and would be generally within the existing Authority right-of-way in a corridor that is shared with Burlington Northern Santa Fe (BNSF) and, in part, Metrolink trains. East of the City of Pomona, the LRT tracks would be placed adjacent to tracks currently used by BNSF Railway freight trains and Metrolink commuter trains.

The Authority seeks to procure the services of a consultant to provide the services described herein in accordance with this Agreement.

**Proposals must be received by the Authority at or before 11 a.m., Pacific Time on the date indicated on the cover page of this RFP as the last day to receive Proposals.** Any Proposal received after the date and time specified above will be rejected, considered non-responsive, and returned to the Proposer(s) unopened.

Parties interested in obtaining a copy of this RFP may do so by visiting the Authority’s website at <http://www.foothillgoldline.org>, or by contacting the Authority’s document control department at (626) 471-9050. Please be prepared to provide the following information when requesting a copy of the RFP:

- Name of Firm
- Address
- Contact Person
- Contact Person’s Email Address, Telephone Number, and Facsimile Number
- Formal Title of this Request for Proposals

All Proposers will be required to comply with all the provisions of this RFP. After the Proposals are reviewed, the Authority will determine if interviews will be necessary.

## DEFINITIONS

- Authority – The Metro Gold Line Foothill Extension Construction Authority.
- Board Member – Any one of the voting or non-voting members of the Authority’s Board of Directors.
- Consultant – The Proposer selected to perform the Work pursuant to this RFP.
- Key Personnel – The Project Manager, Lead Individuals, and other individuals for whom resumes were provided.
- Lead Individual – An individual proposed to have primary responsibility for a particular task set forth in the Proposal.
- Project – The extension of the Metro Gold Line Foothill Extension light rail transit system from the City of Azusa to the City of Montclair.
- Proposal – The written response to this RFP provided by a Proposer.
- Proposer – Firm or team who submits a Proposal in response to this RFP.
- Work – The work called for in this RFP and more particularly set forth in Section 5.0 (“Scope of Services”).

## INTERPRETATION

In the RFP, where appropriate: the singular includes the plural and vice versa; references to statutes or regulations include all statutory or regulatory provisions consolidating, amending or replacing the statute or regulation referenced; and the words “including,” “includes” and “include” shall be deemed to be followed by the words “without limitation”. Words such as “herein,” “hereof” and “hereunder” shall refer to the entire document in which they are contained and not to any particular provision or section; words not otherwise defined that have well-known technical or construction industry meanings are used in accordance with such recognized meanings; references to persons or entities include their respective permitted successors and assigns and, in the case of governmental entities, any such governmental entity succeeding to their respective functions and capacities; and words of any gender used herein shall include each other gender where appropriate.

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## 1.0 INSTRUCTIONS TO PROPOSERS

### 1.1 PRE-PROPOSAL CONFERENCE

No pre-proposal conference is scheduled at this time.

### 1.2 EXAMINATION OF RFP DOCUMENTS

By submitting a response to this RFP, the Proposer represents that it has thoroughly examined and become familiar with the Work and the form of contract, and that it is capable of performing quality work within the established schedule to achieve the objectives of the Authority specified in this RFP and executing the contract as described in Section 3.4. Each Proposer is required to comply with all provisions of this RFP.

### 1.3 POINT OF CONTACT / *EX PARTE* COMMUNICATIONS

The Authority's Chief Contracting Officer and In-House Counsel, Mitchell S. Purcell, Esq., or his designee, will be the sole contact for the prospective Proposers during the procurement process. He will coordinate all managerial, administrative, and technical processes and decisions. Mr. Purcell is located at 406 East Huntington Drive, Suite 202, Monrovia, CA 91016. His telephone number is (626) 471-9050. His e-mail address is [mpurcell@foothillgoldline.org](mailto:mpurcell@foothillgoldline.org).

During the procurement period commencing on the date indicated on the cover page of this RFP as the date of the Pre-Proposal Conference (if any) or the date this RFP is issued, whichever is earlier, and continuing until execution of a contract or cancellation of this procurement, no employee, member or agent of any firm shall have any *ex parte* communications regarding this RFP with any member of the Authority's board members or staff, its advisors or any of its contractors or consultants involved with the procurement, except for communications expressly permitted by this RFP. Any firm engaging in such prohibited communications may be disqualified at the sole discretion of the Authority. The foregoing shall not preclude any firm from participating in public meetings of the governing board of the Authority, Pre-Proposal Conference, or formal interview as described herein.

### 1.4 ADDENDA / CLARIFICATIONS

#### 1.4.1 Questions and Answers in Writing Only

The Authority may at any time modify conditions or requirements of this RFP by issuance of addenda. Addenda and other information will be posted to the Authority's website at [www.foothillgoldline.org](http://www.foothillgoldline.org). Proposers bear the responsibility of obtaining all

addenda and such other information. The Authority shall make any changes to the requirements of this RFP by written addenda only and nothing included in a written answer pursuant to Section 1.4.2, stated at a pre-proposal conference (if any), or at any other time shall change or qualify in any way any of the provisions in this RFP. The Authority will not be bound by, and the Proposer shall not rely on, any oral communication or representation or any written communication except to the extent that it is an addendum to this RFP and is not superseded by a later addendum to this RFP.

Should a Proposer have questions about this RFP or require clarifications or comments, the Proposer shall notify the Authority in writing in accordance with Section 1.4.2. Summaries of the inquiries, responses or other information will be posted without attribution on the Authority's website at [www.foothillgoldline.org](http://www.foothillgoldline.org). Authority does not anticipate issuing any responses to inquiries later than the date set forth on the cover page of this RFP as the last day anticipated to respond to written questions. The responses will not be considered part of the RFP or Contract but may be relevant in resolving any ambiguities in the RFP or Contract. Inquiries resulting in any modifications to this RFP will be documented in Addenda. **Proposers are responsible for checking the Authority's website for addenda and other important information.**

#### 1.4.2 Process for Submittal of Questions, Clarifications, and Comments

All questions or requests for clarifications and/or comments must be received by the Authority **at or before 11 a.m., Pacific Time** on the date indicated on the cover page of this RFP as the last day for submitting written questions. All questions or requests for clarifications and/or comments shall be in writing, clearly labeled "Written Questions," and either (1) emailed to Mitchell S. Purcell, Esq., Chief Contracting Officer at [mpurcell@foothillgoldline.org](mailto:mpurcell@foothillgoldline.org) with the email subject line "RFP C2005 - Written Questions", or (2) mailed to Mitchell S. Purcell, Esq., Chief Contracting Officer, Metro Gold Line Foothill Extension Construction Authority, 406 East Huntington Drive, Suite 202, Monrovia, CA 91016 with the subject line "RFP C2005 - Written Questions". The Authority shall not be responsible for failure to respond to a question or request for clarification and/or comment that has not been properly labeled.

## 1.5 SUBMISSION OF PROPOSALS

### 1.5.1 Date and Time

**Proposals must be received at or before 11 a.m., Pacific Time on the date set forth on the cover page of this RFP as the last day to receive Proposals.** Any Proposals received after the above-specified time will be rejected, considered nonresponsive and returned to the Proposer(s) unopened.

### 1.5.2 Address

Proposals shall be addressed as follows:

METRO GOLD LINE FOOTHILL EXTENSION  
CONSTRUCTION AUTHORITY  
Attention: Mitchell S. Purcell, Esq., Chief Contracting Officer  
406 East Huntington Drive, Suite 202  
Monrovia, CA 91016

### 1.5.3 Identification of Proposals

The Proposer shall submit an **original and four copies** of its Proposal documents in a sealed package addressed as shown above, bearing the Proposer's name and address and clearly marked as follows:

Request for Proposals (RFP) C2005:  
Real Property Consulting Services  
Proposal Documents

### 1.5.4 Acceptance of Proposals

The Authority reserves the right to accept or reject any and all submittals, or any item or part thereof, or to waive any informalities or irregularities in submittals.

The Authority reserves the right to withdraw this RFP at any time without prior notice, and the Authority makes no representations that any contract will be awarded to any Proposer responding to this RFP. The Authority reserves the right to postpone for its own convenience the date for receipt of the Proposals or any aspect of the schedule.

### 1.5.5 Disqualification from Future RFPs

The Authority reserves the right to disqualify any Proposer from future RFPs for an undetermined amount of time for failure to accept a contract and/or unsatisfactory performance.

## 1.6 PRE-CONTRACTUAL EXPENSES

The Authority shall not pay or reimburse Proposers for any pre-contractual expenses incurred by any Proposer, including but not limited to those identified below:

- a) Attending pre-proposal conferences, if any, and preparing its Proposal in response to this RFP;
- b) Submitting a Proposal to the Authority;
- c) Negotiating with the Authority on any matter related to this RFP or its Proposals; and/or



- d) Any other expenses incurred by Proposer prior to the date of execution of contract documents constituting the agreement between the Proposer and the Authority.

## **1.7 TEAMING OFFERS**

Where two or more potential Proposers desire to submit a single Proposal responding to any or all of the required tasks contained in this RFP, they must do so on the basis of a prime-subconsultant relationship that forms a team rather than as a joint venture. As a matter of contracting policy on this procurement, the Authority intends to contract with a single firm or team and not with multiple firms doing business as a joint venture.

## **1.8 TAXES**

All Proposals are subject to state and local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes. The Proposals should take these facts into consideration.

## **1.9 LENGTH OF CONTRACT**

The Authority anticipates awarding the contract for a term of approximately 36 months, subject to revision based on schedules received from Proposers as well as other factors. The Authority will authorize Work as funds are available. The Authority may extend the contract by amendment.

## **1.10 PROTEST PROCEDURES**

The Authority has in its Administrative Code a set of written protest procedures applicable to this RFP that may be obtained by contacting the Authority's Document Control Department, per Section 1.14 of this RFP. Any protest filed by a Proposer in connection with this RFP must be submitted in accordance with the Administrative Code.

## **1.11 CONTACT WITH BOARD MEMBERS IS PROHIBITED**

In order to create a fair and orderly process, the Authority's Administrative Code bars contact by and with Board Members and prospective consultants during the selection process. In furtherance of this policy, from the date of issuance of this RFP until such time as the Authority selects a consultant, no Proposer or any of its employees, agents, subcontractors, lobbyists, or attorneys or other related entities shall contact any Board Member or Board Member's staff or agents regarding this RFP, its interest in this RFP, or any related issue, except as may be requested by the Authority or its staff as part of

the Authority's interview and evaluation process. This prohibition will be strictly applied. Failure to comply with this requirement may, at the Authority's election, result in disqualification of a Proposer.

## **1.12 NOT USED**

## **1.13 CONTRACT TYPE**

The agreement resulting from this RFP, if awarded, is attached hereto as Appendix 1 and is a time and materials contract with a stated not-to-exceed amount. Please see Section 3.4 for additional detail.

## **1.14 AVAILABILITY OF DOCUMENTS**

### **1.14.1 Additional Documents**

- a) Final EIR as of March 2013;
- b) FEIR Addendum 1 as of May 2014;
- c) FEIR Addendum 2 as of November 2014;
- d) The Authority's Project Management Plan as of December 2014;
- e) In-progress Draft Advanced Conceptual Engineering as of June 15, 2017;  
and
- f) The Authority's Administrative Code.

There will be a cost of Twenty-five Cents (\$0.25) per page for duplication of any document requested. If available, a compact disk can be purchased for \$10 per document noted above (except the Administrative Code for which there is no charge). Proposers must pay all shipping costs in addition to the aforementioned costs. Payment must be made prior to Authority delivering any documents. The Authority does not accept credit cards.

### **1.14.2 Contact Regarding Availability of Documents**

Regarding the availability of documents listed in Section 1.14.1 only, Proposers should contact the Authority's Document Control Department, (626) 471-9050.

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## 2.0 PROPOSAL CONTENTS AND FORMS

### 2.1 FORMAT AND CONTENT

#### 2.1.1 Presentation

Proposals shall be typed and single-spaced with a minimum 11-point font on 8 ½ x 11-size paper using a single method of fastening. Proposals shall not exceed 50 pages in length, excluding resumes, forms, conflict of interest responses as described below, and any appendices. In addition, a maximum of ten 11 x 17-size sheets of paper may be used. Proposals are in no way obligated to use the maximum number of pages. Proposals should not include any unnecessarily elaborate or promotional material. Lengthy narrative is discouraged, and presentations should be brief and concise.

#### 2.1.2 Letter of Transmittal

The Letter of Transmittal shall be addressed to Mitchell S. Purcell, Esq., Chief Contracting Officer, and must at a minimum contain the following:

- a) Identification of the Proposer, including **full legal name**, address, and telephone number;
- b) Proposed working relationship between the Proposer and subconsultants (with **full legal names**), if applicable;
- c) Acknowledgement of receipt of all RFP addenda, if any (if none, so state);
- d) Name, title, address, email, and telephone number of contact person during the period of evaluation of the Proposal;
- e) A statement to the effect that the Proposal shall remain valid for a period of not less than 90 days from the date of submittal; and
- f) The signature of the person authorized to bind the Proposer to the terms of the Proposal.

#### 2.1.3 Proposal

Generally: Section 5.0 (“Scope of Services”) of this RFP identifies the tasks required for this RFP. The Proposal must identify its approach to performing the Work in the most cost effective and efficient manner while ensuring the highest level of professionalism and quality.

Specifically: The Proposer must include the following four sections in the Proposal to be considered responsive:

### 2.1.3.1 Section 1 - Qualifications, Related Experience, and Financial Stability

This section of the Proposal should establish the ability of the Proposer to satisfactorily perform the required services by reasons of: (1) Demonstrated competence in the services to be provided; (2) Experience in performing services of a similar nature; (3) Strength and stability of the team; (4) Supportive client references; and (5) Financial condition and current and/or projected work load.

The Proposer shall:

- 1) Provide a brief profile of the Proposer emphasizing Proposer's qualifications to perform the Work, including the types of services offered; the year founded; form of the organization; number, size, and location of offices, with an emphasis on offices located within a one hour drive of the Authority's offices; and number of employees located in the area.
- 2) (i) Identify material subconsultants, if any, by company name (**full legal name**), address, contact person, telephone number, and any other relevant information and (ii) describe the Proposer's experience in working with each subconsultant.
- 3) Describe the Proposer's experience in performing services of a similar nature to that solicited in this RFP and highlight the participation in such work by the Project Manager, Lead Individuals, and other Key Personnel proposed for assignment to the services solicited in this RFP. The Proposer shall describe experience that includes, at a minimum (NOTE: if a subconsultant is providing a particular service relevant to the experience required below, identify the subconsultant, describe the service they will be providing, and describe such subconsultant's experience):
  - a) Significant experience conducting right-of-way acquisition services for public transit agencies on long linear projects across multiple jurisdictions, particularly on light rail projects within Los Angeles County;
  - b) Significant experience designing and executing a program to acquire real property rights to meet project schedule constraints;
  - c) Significant experience working closely with and at the direction of agency staff to achieve acquisition objectives;
  - d) Significant experience negotiating the acquisition of real property rights; and
  - e) Significant experience handling eminent domain matters.

- 4) A minimum of two references should be given from projects cited as related experience. Furnish the name, title, address, and telephone number of the person(s) at the client organization who is most knowledgeable about the work performed. Additionally, the Proposer may supply references from other work not cited in this section as related experience.
- 5) Provide a general description and evidence of the Proposer's financial condition and ability to manage the financial demands of performing the Work; and identify any conditions (e.g. bankruptcy, pending litigation, planned office closures, impending merger, impending loss of significant personnel) that may impede the Proposer's ability to complete the services solicited in this RFP. Include any relevant information regarding current and/or projected work load.

### **2.1.3.2 Section 2 – Staffing and Personnel / Team Organization**

This section of the Proposal should highlight the Proposer's management, technical team, and organization. The Proposer shall:

- 1) Identify the Project Manager with primary responsibility for all Work, each Lead Individual and their area of responsibility, and other Key Personnel proposed to perform the services solicited in this RFP and include major areas of subcontract work, if any. Indicate the extent to which each person will be undertaking a particular aspect of the Work themselves versus merely performing a supervisory role. The Project Manager also may be one of the Lead Individuals.
- 2) Provide a description of the experience, education, and applicable professional credentials of the Project Manager, Lead Individuals, and other Key Personnel, including a detailed description of their involvement in any experience described in Section 2.1.3.1(3).
- 3) Furnish brief resumes (not more than two pages each) for the proposed Project Manager, Lead Individuals, and other Key Personnel.
- 4) Include a personnel / team organization chart (and description, if needed) which clearly delineates communication and reporting relationships between the Project Manager, Lead Individuals, and other Key Personnel, including subconsultants.
- 5) Include a statement that the proposed Project Manager, Lead Individuals, and other Key Personnel will be available to the extent proposed for the term of contract and acknowledging that no Key Personnel shall be removed and/or replaced and/or materially less available than indicated in the Proposal without the prior written concurrence of the Authority's CEO or his designee.

### **2.1.3.3 Section 3 - Project Understanding, Plan, and Approach**

The Proposer shall provide a project work plan (the “Project Work Plan”) in the form of a detailed narrative that:

(a) addresses how the Proposer plans to manage the Work, including how the Proposer plans to (i) support the Authority’s real property acquisition efforts to maintain the Authority’s construction schedule, (ii) work in concert with and under the supervision and direction of the Authority’s In-House Counsel and his designee; and (iii) provide systems that will provide the Authority with clear and accurate tracking of all real property acquisition activities as well as detailed plans for upcoming activities to the Authority’s In-House Counsel on a weekly basis; and

(b) show the Proposers’ understanding of the needs and requirements of the Authority in this RFP, including (i) showing a keen ability to exercise full command of the Work while demonstrating creativity in execution of the work plan for all processes, activities, and outcomes of the Work, and (ii) representing the Authority in a manner consistent with the utmost levels of professionalism on behalf of all parties associated with the Work.

#### **2.1.3.4 Section 4 - Hourly Rates & Cost-Effective Approach**

The Proposer shall present a matrix showing each individual proposed as Project Manager, Lead Individual and other Key Personnel along with an indication of each person’s hourly rate along with an indication of the percentage of each individual’s time to be devoted to the Work; such matrix shall also show hourly rates for categories of persons or services proposed for the Work but who are not a Project Manager, Lead Individual or other Key Personnel. NOTE that the hourly rates should be the Proposers’ most favorable rates since selection and award may be made without discussion or negotiation with any Proposer. The Proposer shall also include a narrative indicating how it intends to manage Work in a cost-effective manner.

## **2.2 CONFLICT OF INTEREST**

In submitting a Proposal, the Proposer represents and warrants that it has not employed or retained any company or person, other than a *bona fide* employee working solely for the Proposer, to solicit or procure this assignment with the Authority. Further, the Proposer represents and warrants that it has not paid nor has it agreed to pay any company or person, other than a *bona fide* employee(s) working solely for the Proposer, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award of a contract pursuant to this RFP. For breach or violation of this representation and warranty, the Authority shall have the right to rescind any contract award without liability or cost to the Authority. For the term of the services solicited in this RFP, no member, officer or employee of the Authority, during the term of his or her service with the Authority, shall have any direct interest in any contract for such services, or obtain any present or anticipated material benefit arising there from.

The Authority seeks to obtain the best possible services for the Work. The Authority recognizes that many highly qualified firms and/or individuals may have worked for or have ongoing contractual relationships with the Authority. The relationships, if any, may or may not constitute a conflict of interest.

Proposers are required to disclose any possible conflicts of interests to the Authority. The Authority at any time and in its sole discretion may determine whether or not a conflict of interest exists, and qualify or disqualify a Proposer accordingly.

## **2.3 REQUIRED FORMS**

### **2.3.1 Required State of California Forms**

In conformance with the statutory requirements of California Government Code, Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Boards of Directors and governing bodies, Proposers, as part of their Proposals, are required, if applicable, to complete, sign and submit the forms provided as Attachments A, B, C, and D within Section 6.0 (“Attachments”) of this RFP. Proposers are required to submit one original of the completed form(s) as part of their original Proposal; Proposers shall submit copies of the form(s) in accordance with Section 1.5.

### **2.3.2 NOT USED**

### **2.3.3 Requirements for Completion of the Forms**

The prime consultant and all subconsultants, if any, must complete the form entitled “Party Disclosure Form” (Attachment A) and the form entitled “Gift Disclosure Form” (Attachment C). Lobbyists and/or agents representing the prime consultant in this solicitation must complete the form entitled “Participant Disclosure Form” (Attachment B) and the form entitled “Participant Gift Disclosure Form” (Attachment D).

If the prime consultant has no “disclosures” as defined, he/she should enter “None” on the first line, sign the Attachments A and C in the designated spaces, and include them only in the original Proposal along with copies in accordance with Section 1.5.3. The same guidance applies to lobbyists and/or agents working for the prime or subconsultants in terms of Attachments B and D.

The prime consultant must complete the form entitled “Drug Free Workplace Certificate” (Attachment E). All subconsultants, if any, must complete the form entitled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions” (Attachment F). The prime consultant and all subconsultants, if any, must complete the forms entitled “Certificate of Restriction on Lobbying” (Attachment G), [Attachment H is NOT USED], and “Organizational Conflicts of Interest Disclosure Statement” (Attachment I).

## 2.4 ATTACHMENTS

Information considered by the Proposer to be pertinent to this Project and which has not been specifically solicited in any of the sections of this RFP may be placed in a separate attachment section. Proposers are cautioned, however, that this is not an invitation to submit large amounts of extraneous material. All attachments should be relevant and directly tied to some specific section or subsection of the Proposal. Such attachments must comply with Section 2.1.1.

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## 3.0 EVALUATION AND AWARD

### 3.1 EVALUATION PROCEDURE

An evaluation team, that may consist of, but is not limited to, Authority staff, outside agency representatives and/or representatives from local cities and municipalities, will evaluate the Proposals based on the criteria set forth in Section 3.2. Score sheets, based on a maximum score of 100 points, will be completed for each of the Proposals submitted. The evaluators in applying the criteria to the Proposals may consider additional sub-criteria beyond those listed.

During the evaluation period, interviews may occur with some or all of the firms or teams. The date indicated on the cover page of this RFP as the Interview Date has been established as the time in which interviews may be conducted. All prospective Proposers are asked to keep this date available. If the Proposer is unable to attend the interview on the date of its scheduled interview, **its Proposal may be eliminated from further consideration.**

Based on the evaluation team's review and scoring of the Proposals and the interviews (if any), the evaluation team will rank the highest scoring Proposer first, the next highest scoring Proposer second, and so on and so forth.

Proposers are advised, however, that an award may be made without interviews or further communication with Proposers once all Proposals are received on the date specified above.

### 3.2 EVALUATION CRITERIA

The evaluation criteria, listed below, are described in terms of the evaluation factors along with a maximum score indicated in parenthesis:

#### 3.2.1 Qualifications, Related Experience, and Financial Stability(15 points)

Proposers (and their team members, as applicable) will be evaluated as to whether and to what degree they (a) are qualified to perform the Work, (b) have substantial and positive experience performing services similar to the Work, including as described in Section 2.1.3.1(3)(a)-(e)(listed in descending importance), and (c) are financially stable and able to handle the financial demands of performing the Work.

#### 3.2.2 Staffing and Personnel / Team Organization (20 points)

Proposers (and their team members, as applicable) will be evaluated as to whether and to what degree they present (a) a well-qualified and experienced Project Manager, Lead Individuals, and other Key Personnel, particularly as it relates to conducting services

similar to the Work, (b) a Project Manager, Lead Individuals, and other Key Personnel deeply involved with any experience discussed in Section 2.1.3.1(3), (c) a clear and logical personnel / team organization, (d) a reasonable labor hours commitment and indication of availability, and (e) a statement agreeing to the restrictions on changes in Key Personnel set forth in Section 2.1.3.2.

### **3.2.3 Project Understanding, Plan, and Approach**

**(25 points)**

Proposers (and their team members, as applicable) will be evaluated as to whether and to what degree they:

(a) demonstrate an ability to effectively manage the Work, including how the Proposer plans to (i) support the Authority's real property acquisition efforts to maintain the Authority's construction schedule, (ii) work in concert with and under the supervision and direction of the Authority's In-House Counsel and his designee, and (iii) provide systems that will provide the Authority with clear and accurate tracking of all real property acquisition activities as well as detailed plans for upcoming activities to the Authority's In-House Counsel on a weekly basis; and

(b) show the Proposers' understanding of the needs and requirements of the Authority in this RFP, including (i) showing a keen ability to exercise full command of the Work while demonstrating creativity in execution of the work plan for all processes, activities, and outcomes of the Work; and (ii) representing the Authority in a manner consistent with the utmost levels of professionalism on behalf of all parties associated with the Work.

### **3.2.4 Fees and Expenses**

**(40 points)**

Proposers (and their team members, as applicable) will be evaluated as to whether and to what degree they present a cost effective approach to the Work.

## **3.3 CONTRACT AWARD**

After the evaluation procedure described in Section 3.1 has been completed, the CEO may conduct negotiations with the Proposer ranked number one. In the event the CEO is unable to conclude negotiations with the Proposer ranked number one, the CEO will terminate negotiations with such Proposer and conduct negotiations with the second ranked Proposer, and so on and so forth. If the CEO successfully concludes negotiations with a Proposer, the CEO may make a recommendation for award of the contract to the Authority's Board of Directors. The Authority's Board of Directors will be responsible for making the decision to award the contract.

Prior to the negotiations and/or award of the contract, the selected Proposer team members may be required to submit to a pre-award audit of their financial records to confirm claims of financial stability and ascertain the capacity of the firms' accounting

systems to meet the internal controls necessary to account for state and local funds from various transportation sources.

The Authority reserves the sole right to determine whether or not a consultant will be selected and a contract awarded as a result of this RFP. The Authority may cancel this procurement or issue an addendum at any time. Issuance of this RFP does not guarantee that a contract for the services described herein will be awarded.

### **3.4 EXECUTION OF CONTRACT**

By submitting its Proposal, each Proposer commits to enter into the form of agreement included in the RFP as Appendix 1 (the “Contract”), without negotiation or variation, except to fill in blanks. Following award and the conclusion of negotiations, if any, the Authority will finalize the Contract by filling in blanks, correcting any errors, and including other necessary information. Within five business days after delivery by the Authority to the successful Proposer of the execution form of Contract, the successful Proposer shall deliver to the Authority the following:

- A) Signed Contract (4 executed duplicate originals);
- B) Insurance certificates showing compliance with coverages required in the Contract in a form satisfactory to Authority as well as any other evidence showing such required coverages as may be requested by Authority;
- C) Evidence as to the authority of the signatories to the Contract; and
- D) Evidence of licensing, including at a minimum:
  - (i) Certified Real Estate Appraiser licensed in the State of California; and
  - (ii) California Real Estate Broker or Real Estate Salesperson licensed in the State of California.

Failure to comply with the above may result in termination of negotiations and/or cancellation of award, in which case, the Authority may (but is not obligated to) proceed to negotiate with the next highest ranked Proposer in accordance with Section 3.3.

The Contract shall not be effective until it has been signed by both the Proposer and the Authority.

### **3.5 NOTIFICATION OF AWARD AND DEBRIEFING**

Each Proposer that submits a Proposal in response to this RFP shall be notified in writing regarding the successfully selected Proposer that was awarded the contract. Such notification shall be made within fourteen working days after the contract award is made.

Proposers that are not awarded the contract may obtain an explanation and/or response concerning the strengths and weaknesses of their Proposals. Unsuccessful Proposers that wish to be debriefed must request the debriefing in writing, and the CEO of the Authority must receive the request by U.S. mail or fax within three working days of their notification of the contract award to another firm or team.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**

## **4.0 EQUAL EMPLOYMENT OPPORTUNITY AND SMALL BUSINESS ENTERPRISE**

### **4.1 POLICY**

It is the policy of the Authority that Small Business Enterprises (SBEs) shall have a significant opportunity to participate in the performance of contracts. A firm is considered an SBE if it is certified as an SBE (i) by the State of California Departments of Transportation (“Caltrans”) or General Services (“DGS”), or the Los Angeles County Metropolitan Transportation Authority (“LACMTA”), or the City of Los Angeles; or (ii) by another recognized body acceptable to the Authority whose certification processes generally provide for a business size consistent with 13 CFR Part 121; a quality of SBE ownership that is real and substantial; and ownership discretion and control indicating true independence and discretion of the SBE. The Proposer shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin.

### **4.2 SBE OBLIGATION OF THE PROPOSER**

To the extent subcontractors are used in connection with its proposed performance under this RFP, the Proposer agrees to engage SBEs in a manner that is reasonably calculated to help the Authority to reach its Small Business Overall Project Aspirational Goal.

### **4.3 EQUAL OPPORTUNITY OBLIGATION OF THE PROPOSER**

In connection with its proposed performance under this RFP, the Proposer shall not discriminate against any employee or applicant for employment, or harass or allow harassment of any employee because of race, religion, color, sex, age or national origin. The Proposer shall ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, age or national origin. Such actions shall include, but are not limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

### **4.4 LABOR COMPLIANCE**

Consultant shall be required to submit timecards for the applicable period with their invoices for all staff and subconsultants.

## 5.0 SCOPE OF SERVICES

### 5.1 PROJECT BACKGROUND

In March 2013, the Metro Gold Line Foothill Extension Board of Directors certified the Final Environmental Impact Report (FEIR). The Project is a 12.3-mile extension of the Metro Gold Line Light-Rail Transit (LRT) alignment to the east, with service from the Azusa-Citrus Station to the Montclair Transcenter. It is a dual track system with overhead catenary lines for power. The project includes six stations: Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair as depicted on Figure 1. Each station includes parking facilities (surface or structures) for riders arriving by car. The LRT track would be generally at-grade and would be generally within the existing Authority right-of-way in a corridor that is shared with Burlington Northern Santa Fe (BNSF) and, in part, Metrolink trains. East of the City of Pomona, the LRT tracks would be placed adjacent to tracks currently used by BNSF Railway freight trains and Metrolink commuter trains. It is anticipated that the Project will require only limited land acquisitions.

To the extent possible, design standards used in the Pasadena to Azusa phase of the Metro Gold Line extension were used to develop the Project, including a minimum 18-foot (30-foot desired) track separation between LRT and BNSF/Metrolink. Traction power supply substations (TPSS) will be located every 1.0 to 1.5 miles along the tracks.

There are 28 existing at-grade road crossings in the corridor. The Project will also have several grade separations and new bridges. All stations except the Claremont Station would be constructed with center platforms (placed between the two LRT tracks) that would be 270 feet long, 16 feet and 2 inches wide (min), and 39 inches high (as measured from top of rail). Due to engineering constraints, the Claremont Station would instead use two side platforms (one on each side of the tracks) each 12 feet wide (min). Station parking would be provided at six parking facilities, five of which would be new parking structures:

- Glendora Station - new parking structure: 420 spaces
- San Dimas Station - new parking structure: 450 spaces
- La Verne Station - new parking structure: 600 spaces
- Pomona Station - new parking structure: 750 new spaces
- Claremont Station - new parking structure: 1,100 spaces
- Montclair Station - existing surface lot: 1,600 spaces

**Figure 1: Proposed Build Alternative Project Alignment**



## 5.2 CONSULTANT SCOPE OF SERVICES

Working in concert with and under the supervision and direction of the Authority’s In-House Counsel and his designee, the Consultant shall perform the following services:

**1. Property Acquisition Services, Generally.** Property Acquisition Services include but are not limited to:

- a) Pre-negotiation activities, including but not limited to preparation and coordination of appraisals, appraisal reviews, notices of intent to appraise, and site inspections;
- b) Preparing, maintaining, and routinely updating a schedule of major activities and milestones, including preparation of a weekly status report of all acquisitions identified by parcel number, property owner, address, assessor’s parcel map (APN), relocation status, and all other important information required to monitor progress of acquisition cases;

- c) Providing cost estimates and budgets to conduct proposed assignments;
- d) Reviewing appraisal reports to ensure conformity with the project's environmental approvals;
- e) Communicating with property owners, including but not limited to in-person meetings with each property owner;
- f) Conducting "Good faith negotiations" (including but not limited to in-person negotiations) with property owners for the purchase of right-of-way based on values established in the reviewed and approved appraisals;
- g) Adhering to all professional standards and ethics, and all applicable laws and regulations;
- h) Preparing all written correspondence, offer packages, purchase agreements, easements, grant deeds, and other documents necessary to complete the acquisitions;
- i) Performing notary services related to the signing of acquisition documents;
- j) Coordinating escrow with the Authority's selected title company, including securing re-conveyance and subordination agreements as necessary, and obtaining title insurance policies after close of escrow;
- k) Completing final close-out work per the Authority's requirements;
- l) Maintaining all acquisition files including acquisition logs, including accurate and current record of all-pertinent information and contacts concerning the property owners and tenants;
- m) Providing condemnation support activities, as necessary; and
- n) Performing work that is necessary or advisable in connection with the above.

2. Property Acquisition Services, Specifically. Responsibilities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") or Title 25, California Code of Regulations, its amendments, and other pertinent laws and regulations include but are not limited to:

- a) Ensuring establishment of just compensation by the Authority prior to initiation of negotiations;
- b) Presenting offer (in person, when possible) and engaging in expeditious negotiations within 30 days of approved appraisal;



- c) Presenting owner with a summary appraisal statement with offer, or full appraisal where required by law, and an informational pamphlet on eminent domain;
- d) Providing owner with reasonable time to consider Authority's offer and present material relevant to value determination;
- e) Preparing administrative settlements when it is reasonable and in the public interest;
- f) Preparing detailed diary entries including confirmation of delivering Title VI information;
- g) Providing all relocation services, where necessary, in accordance with the Uniform Act, while adhering to all professional standards and ethics, and all applicable laws and regulations;
- h) Preparing and distributing informational and other required notices, including notices of eligibility for relocation benefits and certificates of abandonment;
- i) Determining each displacee's eligibility for relocation benefits, including potential in-lieu payments and actual and reasonable search expenses;
- j) Preparing relocation claim packages;
- k) Identifying potential relocation sites and providing relocation site referrals to displacees;
- l) Obtaining moving bids and relocation construction cost estimates;
- m) Conducting inventory and documentation of items to be relocated;
- n) Evaluating moving and contractor licensing and eligibility;
- o) Providing property management services upon tenant displacement;
- p) Retaining Furniture, Fixture, and Equipment (FF&E) appraiser to prepare an inventory of Personal Property, and accompany the appraiser if requested;
- q) Retaining Business Goodwill appraiser, and accompany the appraiser if requested;
- r) Conducting final walk-throughs of the property and monitoring any relocation to ensure Authority-purchased items are not part of the move;
- s) Assisting the Authority with the sale of purchased FF&E items; and

t) Preparing a relocation plan, if necessary, in accordance with all state laws and regulations; and

u) Performing work that is necessary or advisable in connection with the above.

3. Property Management Services: Property Management Services include but are not limited to providing post-acquisition property management services during the transition from occupancy to demolition, including utility connections and disconnections, short-term rental agreements, rent collections, eviction assistance, property maintenance and security, monitoring environmental testing and demolition of structures and removal of underground storage tanks; and performing work that is necessary or advisable in connection with the above.

4. Other. Other services include performing and coordinating any other activities as directed by the Authority's In-House Counsel and his designee.

## 6.0 ATTACHMENTS

Attachments A-I below are a series of forms that constitute an important part of the Proposal. Completion and signature instructions are indicated below. To the extent a form is required, it is incorporated as part of the Proposal.

<b>ATTACHMENT A</b>	<b>PARTY DISCLOSURE FORM (This form must be completed and signed by the prime consultant and all of its subconsultants, if applicable).</b>
<b>ATTACHMENT B</b>	<b>PARTICIPANT DISCLOSURE FORM (This form is to be submitted by the prime consultant only if they have agents and/or lobbyists working for them on this project).</b>
<b>ATTACHMENT C</b>	<b>GIFT DISCLOSURE FORM (This form must be completed and signed by the prime consultant and all of its subconsultants, if applicable).</b>
<b>ATTACHMENT D</b>	<b>PARTICIPANT GIFT DISCLOSURE FORM (This form is to be submitted by the prime consultant only if they have agents and/or lobbyists working for them on this project).</b>
<b>ATTACHMENT E</b>	<b>DRUG FREE WORKPLACE CERTIFICATE (This form is to be completed and signed by the prime consultant).</b>
<b>ATTACHMENT F</b>	<b>CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS (This form is to be completed and signed by all subconsultants, if applicable).</b>
<b>ATTACHMENT G</b>	<b>CERTIFICATE OF RESTRICTION ON LOBBYING (This form is to be completed and signed by the prime consultant and all of its subconsultants).</b>
<b>ATTACHMENT H</b>	<b>NOT USED</b>
<b>ATTACHMENT I</b>	<b>ORGANIZATIONAL CONFLICTS OF INTEREST DISCLOSURE STATEMENT (This form is to be completed and signed by the prime consultant and all of its subconsultants).</b>

# ATTACHMENT A

## PARTY DISCLOSURE FORM

### Information Sheet

#### METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY

The attached Party Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the Authority or any of its affiliated agencies. (Please see next page for definitions of terms.)

#### Important Notice

Basic provisions of Government Code Section 84308 & Cal. Admin. Code tit. 2, § 18438.8

- I. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any Board Member of the Authority, or his or her alternate. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and ends three (3) months after the Board of Directors renders a final decision on the application or proceeding. In addition, no Board Member or alternate may solicit, accept or direct a campaign contribution of more than \$250 from you or your agent during this period.
- II. These prohibitions also apply to your intermediaries agents, and if you are a closely held corporation, to your majority shareholder. These prohibitions also apply to your subcontractor(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- III. You must file the attached Party Disclosure Form if you or your agent(s) have, in the aggregate contributed more than \$250 to any Board Member, or his/her alternate, or officer of an Authority affiliated agency, between the date your application is filed or the proceeding is otherwise initiated and three (3) months after the Authority renders a final decision on the application or proceeding. (The disclosure form will assist the Board Members in complying with the law.)
- IV. If you, your agent, or subcontractor have, in the aggregate, contributed more than \$250 to any Board Member or his/her alternate between the date your application is filed or the proceeding is otherwise initiated and three (3) months after the Authority renders a final decision on the application or proceeding, that Board Member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the Board Member or his/her alternate returns the campaign contribution within 30 days from the time the director knows, or should

have known, about the contribution and the fact that you are a party in the proceeding.

- V. The Party Disclosure Form should be completed and filed with your Proposal, or with the first written document you file or submit after the proceeding commences.

## DEFINITIONS

1. "License, permit, or other entitlement for use" means all business, professional, trade, and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. "Agent" is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a legal, architectural engineering, consulting firm, or similar business entity, both the business entity and the individual are your "agents".

To determine whether you have made a campaign contribution of more than \$250, contributions made by you between the date your application is filed or the proceeding is otherwise initiated and three (3) months after the Authority renders a final decision on the application or proceeding must be aggregated with those made by your agent between the date your application is filed or the proceeding is otherwise initiated and three (3) months after the Authority renders a final decision on the application or proceeding. Contributions made by your majority shareholder (if a closely held corporation), subcontractor(s), and partner(s) in the proceeding must also be included as part of the aggregation. Campaign contributions made to different Board Members or their alternates are not aggregated.

A list of the Board Members and their alternates of the Board of Directors is attached.

**PARTY DISCLOSURE FORM**

This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act and Section 18438.8 of Title 2 of the California Administrative Code Section 18438.8.

To be completed by a party only if campaign contributions have been made between the date your application is filed or the proceeding is otherwise initiated and three (3) months after the Authority renders a final decision on the application or proceeding. "Party" means any person who files an application for or is the subject. A proceeding involving a license, permit, or other entitlement for use. "Contributor" includes a party's agent, maturity shareholder (if a closely held corporation), subcontractor, or partner.

Party's Name: \_\_\_\_\_

Party's Address: \_\_\_\_\_

Application or Proceeding

Title and Number: \_\_\_\_\_

Board Member(s) or Alternate(s) to whom you and/or your agent made campaign contributions in excess of \$250 between the date your application is filed or the proceeding is otherwise initiated and three (3) months after the Authority renders a final decision on the application or proceeding.

Name of Member: \_\_\_\_\_

Name of Contributor (if other than Party): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Member: \_\_\_\_\_

Name of Contributor (if other than Party): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

*[Add additional sheets as necessary.]*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party and/or Agent

## **AUTHORITY BOARD OF DIRECTORS**

Doug Tessitor, Chair  
City of Glendora, Council Member  
116 E. Foothill Blvd.  
Glendora, CA 91741

Sam Pedroza, Vice Chair  
City of Claremont, Council Member  
207 Harvard Avenue  
Claremont, CA. 91711

Marisol Salguero, Alternate Voting  
Member  
City of Los Angeles  
5500 Hollywood Blvd., 4th Floor  
Los Angeles, CA 90028

Paul Leon, Voting Member  
City of Ontario, Mayor  
303 "B" Street  
Ontario, CA 91764

John Fasana, Voting Member  
City of Duarte, Council Member  
1600 Huntington Drive  
Duarte, CA 91010

Bill Bogaard, Non-Voting Member  
City of Pasadena, Mayor  
100 N. Garfield Avenue, Suite S228  
Pasadena, CA 91109

Daniel M. Evans, Non-Voting Member  
Board of Directors  
1427 Monterey Road  
South Pasadena, CA 91030

Carrie Bowen, Non-voting Member  
California Department of Transportation,  
District 7 Director  
100 S. Main Street, Suite 100  
Los Angeles, CA 90012

Alan Wapner, Non-Voting Member  
City of Ontario, Council Member  
303 E B Street  
Ontario, CA 91764

## **AUTHORITY BOARD ALTERNATES**

Mary Ann Lutz  
*Alternate for Sam Pedroza*  
City of Monrovia, Mayor  
415 S. Ivy Avenue  
Monrovia, CA 91016

Daniel M. Evans  
*Alternate for Doug Tessitor*  
1427 Monterey Road  
South Pasadena, CA 91030

## **ATTACHMENT B**

### **PARTICIPANT DISCLOSURE FORM**

#### Information Sheet

#### **METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY**

The attached Participant Disclosure Form must be completed by participants in any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the Authority, or any of its affiliated agencies. (Please see next page for definitions of these terms.)

#### Important Notice

Basic Provisions of Government Code §84308 + Cal. Admin. Code tit. 2, §18438.8

- I. If you are a participant, or his/her agent, in a proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any Board Member of the Authority, or his or her alternate. This prohibition begins on the date you begin to actively support or oppose an application for license, permit, or other entitlement for use pending before the Authority or any of its affiliated agencies, and ends three (3) months after the Board of Directors renders a final decision on the application or proceeding. In addition, no Board Member or alternate may solicit, accept, or direct a campaign contribution of more than \$250 from you or your agent during this period.
- II. You must file the attached Participant Disclosure Form if you or your agent(s) have, in the aggregate, contributed more than \$250 to any Board Member, or his/her alternate or officer of an Authority affiliated agency, between the date that you began to actively support or oppose the application for license, permit or other entitlement before the Authority, of any of its affiliated agencies, and three (3) months after the Authority renders a final decision on the application or proceeding. (The disclosure form will assist the Board Members in complying with the law.)
- III. If you or your agent have, in the aggregate, contributed more than \$250 to any Board Member or his/her alternate between the date that you began to actively support or oppose the application for license, permit or other entitlement before the Authority, or any of its affiliated agencies, and three (3) months after the Authority renders a final decision on the application or proceeding, that Board Member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the Board Member or his/her alternate returns the campaign contribution within 30 days from the time the director knows, or should have known, about the contribution and the fact that you are a participant in the proceeding.



IV. The Participant Disclosure Form should be completed and filed with the Proposal submitted by a party, or should be completed and filed the first time that you lobby in person, testify in person before, or otherwise directly act to influence the vote of the Board Members or officers of any MGLFECA affiliated agency.

## DEFINITIONS

1. A “Participant” means:

A. The individual or entity is not an actual party to the proceeding, but does have a financial interest in the decision involving a license or permit.

### **AND**

B. The individual or entity, directly or through an agent, does any of the following:

1. Communicates, either in person or in writing, with a Board Member, or alternate, or any officer of an Authority affiliated agency for the purpose of influencing the Board Member’s vote on the Proposal;
  2. Communicates, either in person or in writing, with an employee of the Authority or any of its affiliated agencies for the purpose of influencing a Board Member’s vote on the Proposal;
  3. Testifies in person before the Board of Directors of the Authority for the purpose of influencing a Board Members vote on the qualification
  4. Otherwise acts to influence the Board Members on the vote of the qualification.
2. “License, permit or other entitlement for use” means all business, professional, trade, and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.
3. “Agent” is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. If an individual agent acting as an agent is also acting in his/her capacity as an employee or member of a legal, architectural, engineering, or consulting firm, or similar business entity, both the business entity and the individual are “agents”.

To determine whether you have made campaign contributions of more than \$250, contributions made by you between the date that you began to actively support or oppose the application for license, permit or other entitlement before the Authority, or any of its affiliated agencies, and three (3) months after the Authority renders a final decision on the application or proceeding, must be aggregated with those made by your agent within the same period. Contributions made to different Board Members or their alternates are not aggregated.

A list of the members and alternates of the Board of Directors is attached.

**PARTICIPANT DISCLOSURE FORM**

This notice summarizes the major requirements of Government Code Section 84308 and Section 18438.8 of Title 2 of the California Administrative Code.

To be completed only if campaign contributions have been made while a proceeding involving the license, permit, or other entitlement for use is pending before the Authority and within three (3) months following the date the Authority renders a final decision in the proceeding.

Participant's Name: \_\_\_\_\_

Participant's Address: \_\_\_\_\_

Application or Proceeding  
Title and Number: \_\_\_\_\_

Board Member(s) or alternate(s) to whom you or your agent made campaign contributions in excess of \$250 while a proceeding involving the license, permit, or other entitlement for use is pending before the Authority or within three (3) months following the date the Authority renders a final decision in the proceeding:

Name of Member: \_\_\_\_\_

Name of Contributor (if other than Participant): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Member: \_\_\_\_\_

Name of Contributor (if other than Participant): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

*[Add additional sheets as necessary.]*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party and/or Agent

## **AUTHORITY BOARD OF DIRECTORS**

Doug Tessitor, Chair  
City of Glendora, Council Member  
116 E. Foothill Blvd.  
Glendora, CA 91741

Sam Pedroza, Vice Chair  
City of Claremont, Council Member  
207 Harvard Avenue  
Claremont, CA. 91711

Marisol Salguero, Alternate Voting  
Member  
City of Los Angeles  
5500 Hollywood Blvd., 4th Floor  
Los Angeles, CA 90028

Paul Leon, Voting Member  
City of Ontario, Mayor  
303 "B" Street  
Ontario, CA 91764

John Fasana, Voting Member  
City of Duarte, Council Member  
1600 Huntington Drive  
Duarte, CA 91010

Bill Bogaard, Non-Voting Member  
City of Pasadena, Mayor  
100 N. Garfield Avenue, Suite S228  
Pasadena, CA 91109

Daniel M. Evans, Non-Voting Member  
Board of Directors  
1427 Monterey Road  
South Pasadena, CA 91030

Carrie Bowen, Non-voting Member  
California Department of Transportation,  
District 7 Director  
100 S. Main Street, Suite 100  
Los Angeles, CA 90012

Alan Wapner, Non-Voting Member  
City of Ontario, Council Member  
303 E B Street  
Ontario, CA 91764

## **AUTHORITY BOARD ALTERNATES**

Mary Ann Lutz  
*Alternate for Sam Pedroza*  
City of Monrovia, Mayor  
415 S. Ivy Avenue  
Monrovia, CA 91016

Daniel M. Evans  
*Alternate for Doug Tessitor*  
1427 Monterey Road  
South Pasadena, CA 91030

# ATTACHMENT C

## GIFT DISCLOSURE FORM

### Information Sheet

#### METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY

The attached Gift Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the Metro Gold Line Foothill Extension Construction Authority or any of its affiliated agencies. (Please see next page for definitions of these terms.)

#### Important Notice

##### Basic Provisions of Government Code Sections 87100 and 87103

- I. If you are an applicant for, or the subject of, any proceedings involving a license, permit, or other entitlement for use, you are prohibited from making a gift, as defined in Section 82028, valued at \$10 or more to any Board Member of the Authority or his/her alternate during the 12 month period preceding the decision in the proceeding.
- II. These prohibitions also apply to your intermediaries or agents, and if you are a closely held corporation, to your majority shareholder. These prohibitions also apply to your subcontractor(s) and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- III. You must file the attached Gift Disclosure Form and disclose if you, your intermediary(ies) have in the aggregate, contributed \$10 or more to any Board Member, or his/her alternate, during the 12 month period preceding the decision in the proceeding.
- IV. If you, your intermediary or your agent have in the aggregate contributed \$10 or more to any individual Board Member or his/her alternate during the 12 months preceding the filing of the application or the initiation of the proceeding, that Board Member or alternate must disqualify himself for herself from the decision and abstain from making participating in making or using or attempting to use his or her official position to influence the Board of Directors decision.
- V. The Gift Disclosure Form should be completed and filed with your Proposal, or with the first written document you file or submit after the proceeding commences.

## DEFINITIONS

1. "License, permit or other entitlement for use" means all business, professional, trade, and land use licenses and permits, and all other entitlements for use, including all entitlements for land use; all contracts (other than competitively bid, labor, or personal employment contracts) and all franchises.
2. "Agent" is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. If an individual acting as an agent is also acting in his/her capacity as an employee or member of a legal, architectural, engineering, or consulting firm, or similar business entity, both the business entity or corporation and the individual are your "agents".

To determine whether you have made a gift of \$10 or more, gifts made by you within the preceding 12 months must be aggregated with those made by your intermediary or agent within the preceding 12 months. Contributions made by your majority shareholder (if closely held corporation), subcontractor(s), and partner(s) in the proceeding must also be included as part of the aggregation. Gifts or donations made to different members or alternates are not aggregated.

A list of the members and alternates of the Board of Directors is attached.

**GIFT DISCLOSURE FORM**

To be completed only if gifts or donations have been made in the preceding 12 months of the decision in the proceeding.

Party's Name: \_\_\_\_\_

Party's Address: \_\_\_\_\_

Application or Processing  
Title and Number: \_\_\_\_\_

Board Member(s) or Alternate(s) to whom you, your intermediary, and/or your agent made gifts in excess of \$10 in the preceding 12 months of the decision in the proceeding.

Name of Member: \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Person Making Gift (if other than Party): \_\_\_\_\_

Name of Member: \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Person Making Gift (if other than Party): \_\_\_\_\_

Name of Member: \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Person Making Gift (if other than Party): \_\_\_\_\_

*[Attach additional forms if necessary.]*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party and/or Agent

## **AUTHORITY BOARD OF DIRECTORS**

Doug Tessitor, Chair  
City of Glendora, Council Member  
116 E. Foothill Blvd.  
Glendora, CA 91741

Sam Pedroza, Vice Chair  
City of Claremont, Council Member  
207 Harvard Avenue  
Claremont, CA. 91711

Marisol Salguero, Alternate Voting  
Member  
City of Los Angeles  
5500 Hollywood Blvd., 4th Floor  
Los Angeles, CA 90028

Paul Leon, Voting Member  
City of Ontario, Mayor  
303 "B" Street  
Ontario, CA 91764

John Fasana, Voting Member  
City of Duarte, Council Member  
1600 Huntington Drive  
Duarte, CA 91010

Bill Bogaard, Non-Voting Member  
City of Pasadena, Mayor  
100 N. Garfield Avenue, Suite S228  
Pasadena, CA 91109

Daniel M. Evans, Non-Voting Member  
Board of Directors  
1427 Monterey Road  
South Pasadena, CA 91030

Carrie Bowen, Non-voting Member  
California Department of Transportation,  
District 7 Director  
100 S. Main Street, Suite 100  
Los Angeles, CA 90012

Alan Wapner, Non-Voting Member  
City of Ontario, Council Member  
303 E B Street  
Ontario, CA 91764

## **AUTHORITY BOARD ALTERNATES**

Mary Ann Lutz  
*Alternate for Sam Pedroza*  
City of Monrovia, Mayor  
415 S. Ivy Avenue  
Monrovia, CA 91016

Daniel M. Evans  
*Alternate for Doug Tessitor*  
1427 Monterey Road  
South Pasadena, CA 91030

## **ATTACHMENT D**

### **PARTICIPANT GIFT DISCLOSURE FORM**

#### Information Sheet

#### **METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY**

Participant in a proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the Authority, or any of its affiliated agencies, must complete the attached Participant Gift Form. (Please see next page for definitions of these terms.)

#### Important Notice

##### Basic Provisions of Government Code Sections 87100 and 87103

- I. If you are a participant in a proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a gift as defined in Section 82028 valued at \$10 or more to any Board Member of the Authority, or his or her alternate during the 12 months period preceding the decision in the proceeding.
- II. You must file the attached Participant Gift Disclosure Form if you, or your agent have, in the aggregate, made a gift of \$10 or more to any Board Member, or his/her alternate during the 12 month period preceding the decision in the proceeding.
- III. If you, your intermediary, or your agent have in the aggregate contributed \$10 or more to any Board Member or his/her alternate during the 12 months preceding the decision in the proceeding, that Board Member or alternate must disqualify himself for herself from the decision and abstain from making participating in, making, or using or attempting to use his/her official position to influence the Board of Directors decision.
- IV. The Participant Gift Disclosure Form should be completed and filed with the Proposal submitted by a party, or should be completed and filed the first time that you lobby in person, testify in person before, or otherwise directly act to influence the vote of the Board Members or any Authority affiliated agency.



## DEFINITIONS

### 1. A "Participant" means

A. The individual or entity is not an actual party to the proceeding, but does have a financial interest in the decision involving a license or permit.

#### **AND**

B. The individual or entity, directly or through an agent, does any of the following:

1. Communicates, either in person or in writing, with a Board Member, or alternate, or any officer of an Authority affiliated agency for the purpose of influencing the Board Member's vote on the Proposal;

2. Communicates, either in person or in writing, with an employee of the Authority or any of its affiliated agencies for the purpose of influencing a Board Member's vote on the Proposal;

3. Testifies in person before the Board Members of the Authority for the purpose of influencing a Board Members vote on the qualification

4. Otherwise acts to influence the Board Members on the vote of the qualification.

2. "License, permit or other entitlement for use" means all business, professional, trade, and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

3. "Agent" is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. If an individual agent acting as an agent is also acting in his/her capacity as an employee or member of a legal, architectural, engineering, or consulting firm, or similar business entity, both the business entity and the individual are "agents."

To determine whether you have made a gift of \$10 or more, gifts made by you within the preceding 12 months must be aggregated with those made by your intermediary or agent within the preceding 12 months. Gifts or donations made to different members or alternates are not aggregated.

A list of the members and alternates of the Board of Directors is attached

**PARTICIPANT GIFT FORM**

To be completed only if gifts or donations have been made in the preceding 12 months of the decision in the proceeding.

Participant's Name: \_\_\_\_\_

Participant's Address: \_\_\_\_\_

Application or Processing: \_\_\_\_\_

Title and Number:

Board Member(s) or alternates(s) to whom you , your intermediary and your agent made gifts in excess of \$10 in the preceding 12 months of the decision in the proceeding.

Name of Member: \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of person making gift (if other than the party)

Name of Member: \_\_\_\_\_

Name of Contributor (if other than Participant): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

*[Attach additional forms if necessary.]*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party and/or Agent

## **AUTHORITY BOARD OF DIRECTORS**

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Monrovia, CA 91016

Daniel M. Evans  
*Alternate for Doug Tessitor*  
1427 Monterey Road  
South Pasadena, CA 91030

## **ATTACHMENT E**

### **DRUG FREE WORKPLACE CERTIFICATE**

The undersigned applicant, or person who is the subject of the proceeding involving a license, permit, or other entitlement for use pending before the board of directors of the Authority, or any of its affiliated agencies, hereby certifies that it will provide a drug-free workplace program by:

1. Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace, and specifying the actions that will be taken against employees for violations of such prohibition;
2. Establishing a continuing drug-free awareness program to inform its employees about:
  - a. The dangers of drug abuse in the workplace;
  - b. The Applicant's policy of maintaining a drug-free workplace;
  - c. Any available drug counseling, rehabilitation, and employee assistance programs;  
and
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Giving all employees engaged in performance of the contract a copy of the statement required by paragraph 1;
4. Notifying all employees in writing that as a condition of employment on a covered contract, the employee shall:
  - a. Abide by the terms of the statement; and
  - b. Notify the applicant in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than five (5) calendar days after such conviction;
5. Notifying the Authority in writing within ten (10) calendar days after receiving notice under paragraph 4(b) above, from an employee. The notice shall include the position and/or title of the employee;
6. Within thirty (30) calendar days after receiving notice under paragraph 4(b) of a conviction, taking one of the following actions with respect to said employee.

- a. Taking appropriate personnel action against such employee, up to and including termination; and/or
- b. Requiring said employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

7. Making a good faith effort to maintain a drug-free workplace program through implementation of paragraphs 1 through 6.

Applicant: \_\_\_\_\_  
 (Please print or type)

By: \_\_\_\_\_  
 Authorized Signature

\_\_\_\_\_  
 Name of Authorized Signature Date

\_\_\_\_\_  
 County Of Affix Corporate Seal

\_\_\_\_\_  
 State Of (If Applicable)

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_\_.

By \_\_\_\_\_

\_\_\_\_\_ An individual acting in their own right;

\_\_\_\_\_ Of \_\_\_\_\_  
 Title Corporation/Company

a \_\_\_\_\_ Corporation, on behalf of the corporation.  
State

\_\_\_\_\_ Acknowledging partner/agent on behalf of \_\_\_\_\_  
Name of partnership  
a partnership.

This person is personally known me or has produced \_\_\_\_\_ as  
identification and who (did/did not) take an oath.

\_\_\_\_\_  
Signature of Person Taking Acknowledgment

Place Notary Seal Here

In lieu of Stamp: \_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Expiration

## **ATTACHMENT F**

### **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

#### **- LOWER TIER COVERED TRANSACTIONS-**

1. By signing and submitting this certification with the Proposal, the prospective lower tier applicant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Authority may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier applicant shall provide immediate written notice to the Authority if at any time the prospective lower tier applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “debarment,” “suspension,” “ineligible,” and “voluntary exclusion,” as used in this clause, have the meanings set out in the Definitions section of rules implementing Executive Order 12549 [2 C.F.R. Part 1200 (formerly 49 C.F.R. Part 29) and 2 C.F.R. Part 180]. You may contact the Authority for assistance in obtaining a copy of those regulations.
5. The prospective lower tier applicant agrees by submitting this Proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by the Authority.
6. The prospective lower tier applicant further agrees by submitting this qualification that it will include the clause entitled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction -” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. An applicant in a covered transaction may rely upon a certification of a prospective applicant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. An applicant may decide the method and frequency by which it determines the eligibility of its principals. Each applicant may, but is not required to, check the Nonprocurement List issued by U.S. General Services Administration.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of an applicant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transaction authorized under paragraph 5 of these instruction, if a applicant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the Authority may pursue available remedies, including suspension and/or debarment.

**"Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion**

**- Lower Tier Covered Transaction"**

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, hereby attest and swear that I am

\_\_\_\_\_ of \_\_\_\_\_ and the  
(Title) (Firm)

named firm is submitting the attached bid for the project(s) identified as follows:

Metro Gold Line Foothill Extension RFP C2005.

I further hereby certify that:

1) I am either an officer, director, owner, partner, key employee, or other person within the prospective lower tier applicant with primary management or supervisory responsibilities; and

2) To the best of my knowledge and belief, the prospective lower tier applicant and its "principals" [as defined at 49 C.F.R. § 29.105(p)]:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.



When the prospective lower tier applicant is unable to certify to any of the statements in this certification, such prospective applicant shall attach an explanation to this bid.

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Affiant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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Notary

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My commission expires

# ATTACHMENT G

## CERTIFICATE OF RESTRICTION ON LOBBYING

The applicant certifies, by signing this certification, to the best of their knowledge and belief that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any person of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit the attached Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction.

This certification is a material representation of fact upon which reliance will be placed when this transaction is made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352 of Title 31 of the United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

The Proposer also agrees by submitting its Proposal that it shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subconsultants shall certify and disclose accordingly.

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Name of Authorized Signature	Date
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Signature

**ATTACHMENT H**

**NOT USED**

# ATTACHMENT I

## ORGANIZATIONAL CONFLICTS OF INTEREST DISCLOSURE STATEMENT

### METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY

1. Policy

An organizational conflict of interest means that because of other activities, relationships, or contracts, an applicant is unable, or potentially unable, to render impartial assistance or advice to the Authority; a consultant's objectivity in performing the contract Work is or might be otherwise impaired; or a consultant has an unfair competitive advantage.

2. Disclosure

In the space provided below, and on supplemental sheets as necessary, identify all relevant facts relating to past, present or planned interest(s) of the Applicant's team (including proposed consultants, subconsultants and their respective personnel) which may result, or could be viewed as, an organizational conflict of interest in connection with the RFP.

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3. Explanation

In the space below, and on supplemental sheets as necessary, identify steps that have been or will be taken to avoid or mitigate any organizational conflicts of interest described herein.

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4. Certification

The undersigned hereby certifies that, to the best of his or her knowledge and belief, no interest exists that is required to be disclosed in this Organizational Conflicts of Interest Disclosure Statement, other than as disclosed above.

---

Signature

---

Name

---

Title

---

Firm Name

**APPENDIX 1**

Form of Real Property Consulting Services Contract

[*See Attached*]