

**METRO GOLD LINE FOOTHILL EXTENSION  
CONSTRUCTION AUTHORITY**

**Request for Bids (RFB)**

**UTILITY RELOCATION PROJECT  
RFB C2001**



**Issued July 5, 2017**

**Addendum #1 Issued August 17, 2017**

**Addendum #2 Issued August 24, 2017**

**VOLUME 1- REQUEST FOR BIDS**

**Key RFB Dates**

RFB Issue Date:	July 5, 2017
Bidder Deadline for Questions:	August <del>9</del> <sup>23</sup> , 2017
Authority Response to Questions:	August <del>18</del> <sup>24</sup> , 2017
Bid Due Date:	September 13, 2017
Anticipated Award, if any:	September 27, 2017

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## EXHIBITS

### Exhibit 1 – FORMS:

- Form A Certifications
- Form B Noncollusion Declaration
- Form C Bid Bond
- Form D Iran Contracting Certification
- Form E Responsible Bidder Questionnaire
- Form F Disclosure of Contributions
- Form G Affidavit Regarding Certain Prohibited Acts
- Form H Subcontractor Listing and Declaration
- Form I Bid Form
- Form J Conflicts of Interest Disclosure Statement
- Form K Bidder's SBE Subcontractor Information Form

Exhibit 2 – Excerpt from Authority's Administration Code

Exhibit 3 – Authority's Small Business Enterprise (SBE) Program

# **REQUEST FOR BIDS**

## **SECTION I – INFORMATION**

### **1. GENERAL**

This Request for Bids (“RFB”) is issued by the Metro Gold Line Foothill Extension Construction Authority (the “Authority”) to engage a firm for construction (the “Work”) of the Authority’s Utility Relocation Project (the “Project”), as more specifically described in the Contract Documents included in this RFB.

The RFB consists of the following volumes:

- Volume 1 – this RFB
- Volume 2 – Signature Agreement
- Volume 3 – General Conditions
- Volume 4 – Special Provisions
- Volume 5 – Contract Drawings
- [Volume 6 – Master Cooperative Agreements](#)
- [Volume 7 – Reference Documents](#)

“RFB” means either Volume 1 or Volumes 1 through [67](#), depending on the context.

[Volumes 2 through 6 constitute the Contract Documents. This RFB and the Reference Documents are not Contract Documents.](#)

[Reference Documents are for information only, and are not mandatory or binding on the bidder or Contractor. The Authority does not represent, warrant or guarantee the accuracy or completeness of the Reference Documents or the information contained in the Reference Documents or that such information is in conformity with the requirements of the Contract Documents, Governmental Approvals or Governmental Rules.](#)

### **2. BID DUE DATE AND LOCATION**

Bids shall be delivered in paper and electronic format under a sealed cover. Bids shall be delivered to:

Mitchell S. Purcell, Esq.  
Chief Contracting Officer and In-House Counsel  
Metro Gold Line Foothill Extension Construction Authority  
406 E. Huntington Dr., Suite 202  
Monrovia, CA 91016

Electronic copies of the bids shall be included on a CD, DVD, or flashdrive. Bids are due no later than 11:00 a.m. Pacific time on the bid due date indicated on the cover page of this RFB. It is each submitting firm’s sole responsibility to have its bid delivered to the Authority in paper and electronic formats by the due date and time. Bids submitted after this time will be returned unopened to the submitting bidder.

### **3. COMMUNICATIONS; QUESTIONS AND ANSWERS**

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 bidders during the procurement process. He will coordinate all managerial, administrative, and technical processes and decisions. Mr. Purcell is located at Metro Gold Line Foothill Extension Construction Authority, 406 E. Huntington Drive, Suite 202, Monrovia, CA 91016. His telephone number is (626) 471-9050. His e-mail address is [mpurcell@foothillextension.org](mailto:mpurcell@foothillextension.org).

During the procurement period commencing June 1, 2017, and continuing until execution of a contract under this RFB (the "Contract") or cancellation of this procurement, no employee, member or agent of any firm shall have any *ex parte* communications regarding the Project 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 RFB. 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.

Questions regarding this RFB, including any draft information issued, must be submitted in writing no later than 11:00 a.m. Pacific time on the date set forth on the cover page to this RFB. Questions must be submitted by email to the Authority's Chief Contracting Officer and In-House Counsel.

The Authority reserves the right to issue no response to any or all questions and to consolidate or rephrase questions in its discretion. Responses, if any, shall be provided on the Authority's website at [www.foothillgoldline.org](http://www.foothillgoldline.org) by close of business on or before the date set forth on the cover page of this RFB and shall not indicate the identity of the questioning bidder. Interpretations, corrections or revisions will be made only by issuing the final RFB or, after issuing the final RFB, by issuing addenda to the RFB posted on the Authority's website at [www.foothillgoldline.org](http://www.foothillgoldline.org). The Authority is not bound by any oral statements made, nor is it bound by any written information which is obtained other than through this RFB or its addenda. No employee of the Authority is authorized to interpret any portion of this RFB or give information as to the requirements of this RFB in addition to that contained in or amended to this RFB.

#### **4. EXAMINATION OF RFB AND JOB SITE**

By submitting a bid, the bidder represents that (a) it has thoroughly examined and has become familiar with the contents of this RFB and the job site, and (b) it is capable of providing quality work within the required timeframe. The bidder is responsible for requesting clarification of any deficiency, ambiguity, error or omission contained in this RFB, or of any provision in this RFB which the bidder fails to understand.

#### **5. PRE-CONTRACT EXPENSES**

Authority shall in no event be liable for any expenses incurred by the bidder in the preparation of its bid.

#### **6. BID SECURITY AND PAYMENT AND PERFORMANCE BONDS**

##### **a. Bid Bond**

Bid security is required in the amount of 10% of the Total Amount (Box 1C) of Exhibit 1, Form I. Security may be in the form of a certified check or cashier's check payable to Authority or a Bid Bond in the form included in RFB Exhibit 1, Form C.

If the successful bidder fails to execute the Contract and provide bonds, evidence of insurance and other documents as required by this RFB, such bidder's security shall be forfeited to Authority except as provided in Section I, Paragraph 11(g).

Authority shall retain each bidder's security until the Contract has been fully executed and delivered or the RFB has been canceled. Unless the bidder's security has previously been called upon, upon full execution and delivery of the Contract or RFB cancellation: (i) the Bid Bond will automatically be deemed of no further force and effect, and (ii) Authority will return the security (other than Bid Bond) provided by the unsuccessful bidders.

b. Payment and Performance Bonds

Concurrently with delivery of the executed Contract to Authority, the successful bidder shall furnish the following two bonds, each in the amount of 100% of the Total Amount (Box 1C) of Form I, issued by a surety meeting the requirements of Code of Civil Procedure § 995.660 (an "Eligible Surety"):

- 1) Payment bond in the form attached as Exhibit B to the Signature Agreement;
- 2) Performance bond in the form attached as Exhibit A to the Signature Agreement.

## 7. JOINT VENTURES

Where two or more firms desire to submit a single bid in response to this RFB, they shall do so on a prime-subcontractor basis rather than as a joint venture. Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

## 8. SBE GOAL

The Authority has adopted a Small Business Enterprise (SBE) program, a copy of which is appended to this RFB as Exhibit 3. The SBE goal for the Contract is 16.6%. In order for a bid to be considered responsive, the bidder must provide evidence either that it has met or exceeded the goal with identified SBE Subcontractors or that it has undertaken a good faith effort to meet or exceed the goal. Only firms meeting the qualification requirements for SBEs in Exhibit 3 will be counted towards meeting the goal.

If evidence of good faith efforts is required, the necessary information and supporting documents must be provided to the address specified in Section I, Paragraph 2 within two business days after the bid due date. As evidence of good faith efforts, the Authority recommends the following information and supporting documents:

1. Items of work made available to SBE firms. Identify the items of work normally performed by the Contractor work force and items that have been broken down into economically feasible units to facilitate SBE participation. For each item listed, show the dollar value and percentage of the total contract.
2. Dates of written notices sent to certified SBEs soliciting bids and the dates and methods used for following up initial solicitations to determine with certainty whether the SBEs were interested, including phone calls, email, and faxes.
3. Name and date of each publication in which SBE participation was requested. Attach copies of the published advertisements.
4. Names of agencies and dates on which the agencies were contacted to provide assistance in contacting, recruiting, and using SBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
5. List of efforts made to provide interested SBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to the solicitation. If information was provided, identify the SBE assisted, the nature of the information provided, the date of contact and include copies of relevant supporting documents.
6. List of efforts made to assist interested SBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the SBE subcontractor purchases or leases from the prime Contractor or its affiliate. Identify the SBE assisted, the nature of the assistance offered, and the dates of contact. Include copies of supporting documents as appropriate.
7. Name of each selected firm and its status as a SBE for each item of work, and the name, address, telephone number, and price quote of each SBE that provided a quote, even if not selected. If the firm selected for the item is not a SBE, provide the reasons for the selection.
8. Any additional data to support demonstration of good faith efforts.

## **9. PRE-BID MEETING**

Authority conducted a pre-bid meeting on May 31, 2017. A list of attendees can be obtained by contacting the Authority's document control department at (626) 305-7028.

Attendance at the pre-bid meeting is not mandatory and will not be taken into consideration in evaluating bids.

The successful bidder is required to report each small business hired to work on the Contract as a result of the pre-bid meeting.

## **10. PREPARATION OF BIDS**

Bids shall be prepared as specified in Section II. The bidder shall complete all required information and forms. Failure to do so may render the bid incomplete and non-responsive and may cause its rejection. Liquid or dry correction materials shall not be used.

As-built drawings provided by Authority may not show existing dimensions and conditions. Where new construction dimensions are dependent on existing bridge dimensions, verify the field dimensions and adjust the dimensions of the work to fit the existing conditions.

## 11. BID REVIEW/EVALUATION/AWARD

- a. **Initial Review.** The Authority will review all timely submitted bids to determine if they are complete. All bids must contain all required documentation. The Authority may reject any bid which is found to be conditional, incomplete, or contains irregularities.
- b. **Mistakes in Bids.** After the opening of bids, the Authority will examine all bids for mistakes. In cases of apparent mistakes and in cases where the Authority has reason to believe that a mistake may have been made, the Authority shall request from the bidder a verification of the bid calling attention to the suspected mistake. If the bidder alleges a mistake before or after award, the matter shall be processed generally in accordance with Public Contract Code Sections 5100 to 5107 inclusive concerning relief of bidders.
- c. **Responsiveness and Responsibility Review.** In accordance with this RFB and the Authority's Administrative Code, the Authority will conduct a review with respect to the bidder that submitted the lowest bid, to determine whether it is a responsible bidder and whether the bid is responsive (that is, whether the bid includes all required documentation, the bidder has either met the SBE goal or provided satisfactory evidence that it made good faith efforts to meet the SBE goal, and the bidder and its proposed key personnel meet the minimum requirements of this RFB). The Authority may consider a bidder's past failure to submit documents required after bid opening in determining a bidder's responsibility. If the lowest bidder is deemed non-responsive or its bid is found non-responsive, the Authority will notify the bidder of such determination and will proceed with a responsiveness/responsibility review for the next lowest bidder. Within three business days after receipt of notification of non-responsiveness or non-responsibility, the bidder may submit a request for administrative reconsideration to the Authority's Chief Contracting Officer and In-House Counsel in accordance with Section I, Paragraph 3. In considering requests for reconsideration, the Authority will follow the same process that applies to protests of award. If the bidder fails to request reconsideration within the time specified, or if the Authority confirms its original determination upon reconsideration, the bidder will no longer be considered the low bidder and the review and award process under this RFB will continue with the next lowest bidder.
- d. **Completion of Bid Review.** The bid review period will close upon the Authority's completion of its review of the bid documents and other relevant information. Notice of the close of the bid review period may or may not be given to bidders by the Authority.
- e. **Notice of Intent to Award.** If the Authority elects to proceed, at least seven days prior to award of the Contract the Authority will post a Notice of Intent to Award (NOIA) to the responsible bidder that has submitted the lowest responsive bid.
- f. **Award.** The Contract, if awarded, will be awarded to the responsible bidder submitting the lowest responsive bid.

- g. **Failure of Successful Bidder to Execute the Contract.** The Authority's Board may, on refusal or failure of the successful bidder to execute the Contract, award it to the next lowest responsible bidder. In such case, if the Board awards the Contract to the next lowest bidder, the amount of the defaulting bidder's security shall be applied by the Authority to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the surety on the lowest bidder's Bid Bond (or to the low bidder if another form of security was provided).

## 12. ADDITIONAL INFORMATION

The Authority may at any time request additional information or clarification from a bidder or may request a bidder to verify or certify certain aspects of its bid.

## 13. ADDENDA

The Authority may, from time to time, amend this RFB by issuing written addenda on its website at [www.foothillgoldline.org](http://www.foothillgoldline.org). Bidders shall comply with the terms, conditions and procedures set forth in the final version of the RFB and any subsequent addenda.

## 14. WITHDRAWAL OF BIDS

The bidder may withdraw its bid before the due date by submitting a written and signed request to the Authority's Chief Contracting Officer and In-House Counsel transmitted by both mail and email.

## 15. LICENSES AND PERMITS

To be considered for the Project, the bidder and any firms participating as subcontractors must have all necessary licenses, registration, and credentials required to perform the Work in the State of California, and must be eligible to bid on public works projects (see Pub. Cont. Code § 6109). Upon request by the Authority, prior to contract award, the bidder shall submit copies of the licenses and any permits required to perform the Work.

The Project requires a State of California Class A – General Engineering Contractor's License.

## 16. PERIOD FOR AWARD OF CONTRACT

The Authority may award a contract for any accepted bid up to 120 days after the bid due date.

## 17. INSURANCE

Concurrently with delivery of the executed Contract, the successful bidder shall provide evidence satisfactory to Authority that policies providing such coverages and limits of insurance as indicated in Volume 3, General Conditions, Section 6.18 are in full force or will be obtained by the bidder prior to issuance of the Notice to Proceed. For purposes of Contract delivery, satisfactory evidence may be demonstrated by a Certificate of Insurance ACORD Form 27 or letter, as approved by Authority, issued by the bidder's insurance agent or broker.

The following must be provided as a condition to issuance of the Notice to Proceed:

- 1) A copy of its commercial general liability policy and its excess policy, including the declarations page, applicable endorsements, riders, and other modifications in effect at the time of contract execution. Standard ISO form no. CG 00 01 or similar exclusions are allowed if not inconsistent with the insurance requirements set forth in this RFB and in the Contract. The allowance of additional exclusions is at the discretion of the Authority. If a copy of the policy is not available prior to Notice to Proceed, Authority may accept a binder for purposes of issuance of Notice to Proceed, with the policy to be delivered at a later date acceptable to Authority.
- 2) Certificate of insurance showing all other required coverages. Certificates of insurance, as evidence of required insurance for the auto liability and any other required policy, must set forth deductible amounts applicable to each policy and all exclusions that are added by endorsement to each policy. The evidence of insurance must provide that no cancellation, lapse, or reduction of coverage will occur without 10 days prior written notice to the Authority.
- 3) If the successful bidder uses any form of self-insurance for workers compensation in lieu of an insurance policy, the bidder must submit a certificate of consent to self-insure under Labor Code § 3700. If any policy includes a self-insured retention of \$50,000 or more, a declaration under the penalty of perjury by a certified public accountant certifying the accountant has applied GAAP guidelines confirming the successful bidder has enough funds and resources to cover the self-insured retention.

## **18. EXECUTION OF CONTRACT**

The bidder to whom an award is made shall execute (as required) and deliver the following documents within ten days after receipt of the conformed Contract Documents from the Authority:

1. Two originals of the Contract;
2. The payment and performance bonds described in this RFB, issued by an Eligible Surety;
3. Evidence of insurance as described in Section I, Paragraph 17;
4. Evidence of authorization to transact business in the State of California for the bidder and each subcontractor;
5. A copy of the bidder's executed organizational documents and, if the bidder is a limited liability company or partnership, executed organizational documents for each member or partner of the bidder;
6. Evidence that the persons executing the Contract are duly authorized and empowered to do so;
7. Evidence that bidder and its subcontractors hold all licenses required to perform the Work; and
8. Any other requirements reasonably determined by Authority prior to Contract execution.

## **19. AUTHORITY RIGHTS REGARDING RFB**

The Authority reserves the right to:

- Disqualify any bidder in accordance with the instructions herein;
- Reject any and all bids, at its discretion, including bids found to be conditional or incomplete, containing irregularities or not responsive to this RFB;
- Investigate the qualifications of any bidder under consideration;
- Require confirmation of information furnished by the bidder;
- Require additional evidence of ability to perform the Work;
- Postpone, amend or cancel the entire RFB or a portion thereof;
- Postpone the bid opening or award for its own convenience;
- Award a contract to other than the apparent low bidder if such apparent low bidder is found to be not responsible or its bid is found to be non-responsive;
- Award a contract in part or in combination of items;
- Issue subsequent requests for bids relating to the subject matter of this RFB or any part of it;
- Seek the assistance of outside technical, legal or commercial experts to review the bids;
- Disqualify a bid upon evidence of collusion, with intent to defraud, or other illegal practices on the part of the bidder;
- Waive any errors or informalities in any bid to the extent permitted by law;
- Require bidder to provide proof as to the equality, substitutability, and compatibility of any items proposed as alternates or equals;
- Determine, at the Authority's sole discretion, the equality, substitutability, and compatibility of any items proposed as alternates or equals; and
- Not issue a Notice to Proceed after execution of the Contract.

Subject to the Authority's right not to proceed with any RFB, the Authority has no obligation to consider any bid unless it is responsive to this RFB. This RFB does not commit the Authority to enter into a Contract.

## **20. PROTESTS REGARDING AWARD**

Protests regarding any award of the Contract shall be decided in accordance with Title III, Chapter 2, Section 10 of the Authority's Administrative Code, relevant excerpts from which are attached hereto as Exhibit 2.

## **21. PUBLIC RECORDS ACT**

Responses to this RFB become the exclusive property of the Authority. All bids submitted in response to this RFB become a matter of public record and shall be regarded as public records subject to the provisions of the California Public Records Act (Government Code sections 6250 et seq.). Authority's use and disclosure of its records are governed by this Act.

## **22. PUBLIC WORKS CONTRACTS AND NON-DISCRIMINATION**

All labor performed under the Contract shall conform to the laws of the State of California, as more specifically set forth in the Labor Code. This is a prevailing wage project. No bid may be

submitted by a firm that is ineligible to perform work on public works projects pursuant to § 1777.1 or 1777.7 of the Labor Code.

Bidder has an obligation to review Prevailing Rate of Per Diem Wages. Rates may be obtained directly from the Department of Industrial Relations (“DIR”) website at <http://www.dir.ca.gov>. It is the bidder's responsibility to use the correct classification determination published by the DIR.

In addition to Labor Code requirements, the bidder must comply with nondiscrimination and compliance requirements (2 CCR § 8201 and Government Code 12955 (a) or (d)).

## **23. DISCLOSURE OF CONTRIBUTIONS AND PROHIBITED ACTS**

Bidders are advised that Government Code 84308(d) provides as follows:

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

Refer to <http://codes.findlaw.com/ca/government-code/gov-sect-84308.html> for the full text of Section 84308, including definitions of terms used in Section 84308(d).

All bidders are responsible for determining whether disclosure is required. The bidder shall complete Form F included in Exhibit 1 and submit same with its bid. See Section II, Paragraph 11. The completed Form F shall identify all Authority officers (i.e., Board members and alternates) who received contributions subject to Section 84308(d), or affirm that no contributions were made that require disclosure. Form F shall name the contributor and amount and date of each contribution. The bidder must submit forms for any persons who are considered “parties” and “participants” under Section 84308 (use extra forms as required). The bidder is responsible for delivering an updated form(s) to the Chief Contracting Officer and In-House Counsel prior to any proceeding of the Board or committees of the Board concerning the Contract.

Each bidder shall also submit Form G included in Exhibit 1 to this RFB certifying that it has not committed or caused a violation of Government Code Section 1090 or Section 84308 in connection with the bid, and is not aware of any violation of such statutes by any person.

## **24. BUSINESS ENTITY REGISTRATION WITH THE STATE OF CALIFORNIA (LABOR CODE §1725.5)**

All business entities (corporations, limited liability companies or limited partnerships) must be registered with the Department of Industrial Relations pursuant to Labor Code §1725.5 and in good standing with the California Secretary of State in order to do business with the Authority.

**25. CONFLICT OF INTEREST**

Bidders are required to comply with the Authority's Conflict of Interest Code, which can be found in the Authority's Administration code. Excerpts are included in Exhibit 2 of this RFB. [THIS IS NOT INCLUDED IN EXHIBIT 2. SEE SECTION II, PARAGRAPHS 10 AND 14.]

**26. DEFINITIONS**

Unless otherwise defined in this RFB, capitalized terms and expressions used in this RFB have the meaning given to them in the Contract. In this RFB, the singular shall include the plural and the plural shall include the singular, except where the context otherwise requires.

**- END OF SECTION I -**

## SECTION II – REQUIREMENTS FOR BID

All bids must be in writing and sealed with appropriate markings identifying the package as a “Sealed Bid” with the RFB number prominently displayed. One original and four copies of each bid must be submitted to the Authority’s Chief Contracting Officer and In-House Counsel. Additionally, electronic copies of the bids shall be included as specified in Paragraph 2 of Section I.

The following items shall be included in the bid:

### 1. LETTER OF TRANSMITTAL

The bid shall include a letter transmitting the bid to Mitchell S. Purcell, Esq., Chief Contracting Officer and In-House Counsel and shall include:

- a. **Contact Information**. The bidder’s full legal name, address, and telephone number.
- b. **Contact Person**. The name, title, address, e-mail address, telephone number and fax number of the contact person for the bid evaluation period.
- c. **Validity Period**. A stated bid validity period of 120 days from the bid due date.
- d. **RFB Addenda**. An acknowledgment listing all RFB addenda issued, if any, and acknowledging receipt of each addendum.

### 2. CERTIFICATIONS

The bidder shall complete Form A included in Exhibit 1 and include the completed form in its bid.

### 3. SUBCONTRACTORS/SUPPLIERS

The bidder shall complete and submit with its bid the Subcontractor Listing and Declaration form set forth in Form H included in Exhibit 1, in accordance with the Subletting and Subcontracting Fair Practices Act, Sections 4100 et seq. of the California Public Contract Code. The bidder’s attention is directed to other provisions of the Act related to the imposition of penalties for a failure to observe its provisions by using unauthorized subcontractors or by making unauthorized substitutions.

### 4. BID SECURITY

The bid shall include bid security in accordance with Paragraph 6 of Section I of this RFB. If a bond is submitted, the bond shall conform to Form C included in Exhibit 1.

### 5. TECHNICAL INFORMATION

- a. **Key Personnel**. The bid shall include resumes for each bidder’s proposed Project Manager, Safety Manager, and Site Superintendent, each of whom shall have a minimum of (i) three years of experience on projects of similar size and complexity, (ii) two years in the proposed position, and (iii) one year working on projects located within

active freight railroad right-of-way. These individuals will be listed as key personnel in Exhibit D to the Contract.

- b. **Project Reference Information.** The bid shall include a list of the five most recent projects similar to the size and scope of the Work that the bidder performed or otherwise relevant for verifying key personnel experience, indicating the role in each such project of key personnel proposed for the Project, and providing current contact information for the project owner.

**6. BID PRICE**

The bidder shall complete the Bid Form included in Form I in Exhibit 1, and submit same with its bid.

**7. SIGNING OF BIDS**

The letter of transmittal and each other bid document requiring a signature shall be executed by the bidder or by its authorized representative.

**8. RESPONSIBLE BIDDER'S QUESTIONNAIRE**

The bid shall include the completed questionnaire set forth as Form E in Exhibit 1, regarding the responsibility of the bidder and its affiliates.

**9. NONCOLLUSION DECLARATION**

The bidder shall complete Form B included in Exhibit 1 and include the completed form in the bid.

**10. DISCLOSURE OF CONTRIBUTIONS**

The bidder shall complete Form F included in Exhibit 1 and submit same with its bid.

**11. AFFIDAVIT REGARDING CERTAIN PROHIBITED ACTS**

The bid shall include Form G included in Exhibit 1.

**12. IRAN CONTRACTING CERTIFICATION**

The bid shall include Form D included in Exhibit 1.

**13. SMALL BUSINESS ENTERPRISES**

The bid shall include Form K included in Exhibit 1.

**14. CONFLICTS OF INTEREST DISCLOSURE STATEMENT**

The bidder shall complete a Conflicts Disclosure Form on Form J included in Exhibit 1, and submit the same with its bid.

## **EXHIBIT 1**

- Form A: Certifications
- Form B: Noncollusion Declaration
- Form C: Bid Bond
- Form D: Iran Contracting Certification
- Form E: Responsible Bidder Questionnaire
- Form F: Disclosure of Contributions
- Form G: Affidavit Regarding Certain Prohibited Acts
- Form H: Subcontractor Listing and Declaration
- Form I: Bid Form
- Form J: Conflicts of Interest Disclosure Statement
- Form K: Bidder's SBE Subcontractor Information Form

**FORM A – CERTIFICATIONS**

**1. INFORMATION ABOUT THE BIDDER:**

---

Name and Address

---

Telephone No. Fax No.

---

Type of Business

---

License No. Business Identification No.

**2. NAME, TITLE, AND SIGNATURE OF AUTHORIZED REPRESENTATIVE:**  
(If bidder is a corporation, limited liability company (LLC) or partnership, attach evidence of the individual's authorization to commit bidder to the Contract)

---

Name	Title	Signature	Date
------	-------	-----------	------

**3. CORPORATION OR LLC:**  
(If the bidder's organization or any partner or member of the bidder is a corporation or LLC, complete the following for each such corporation.) [*Copy this item as necessary.*]

---

Name and Address of Entity

---

If the entity is not the bidder, relationship of entity to the bidder

---

State of Incorporation and Date

**4. PARTNERSHIP:**  
(If the bidder's organization or any partner or member of the bidder is a partnership complete the following for each such partnership.) [*Copy this item as necessary.*]

---

Name and Address of Firm

---

If the firm is not the bidder, relationship of firm to the bidder

---

State of Organization and Date

**5. OTHER LEGAL ENTITY:**

(If the bidder's organization or any partner or member of the bidder is any other form of legal entity, complete the following for each such entity.) [*Copy this item as necessary.*]

---

Name and Address of Entity

---

If the entity is not the bidder, relationship of entity to the bidder

---

State of Organization and Date

**6. INELIGIBLE OR SUSPENDED CONTRACTORS:**

The bidder certifies that neither the bidder nor any partner or member of the bidder has been put on notice of or is on any federal, state, or local list of suspended or ineligible contractors. The bidder further certifies that neither the bidder nor any partner or member of the bidder has been disqualified, debarred, removed, or otherwise prevented from bidding on or completing a federal, state or local contract. The bidder further certifies that it is eligible to bid on California public works projects.

**7. EXPERIENCE:**

The bidder certifies that it possesses experience in the field of the Work by having served as a prime contractor or major subcontractor for comparable contracts, and that the information provided in connection therewith is true, correct and complete in all material respects.

**8. CONTINGENT FEES:**

The bidder certifies that it has not engaged in prohibited practices such as the payment of "contingent fees" to obtain the Contract. "Contingent fees" as used in this section means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a public contract.

**9. PUBLIC WORKS CONTRACTOR REGISTRATION:**

The bidder certifies that it is registered with State of California in accordance with Labor Code Section 1725.5.

**10. BUSINESS ENTITY REGISTRATION:**

The bidder certifies it is registered and in good standing with the California Secretary of State.

**11. LICENSES:**

The bidder certifies that it has, on the bid due date, current and appropriate licenses, registration and credentials necessary to perform the Work in accordance with all federal, state and local requirements.

---

Types of Licenses (attach copies)

**12. SBE STATUS AND SBE PARTICIPATION:**

The bidder certifies that it is  / is not  a Certified SBE as of the bid due date.

The bidder certifies that it has  / has not  met or exceeded the SBE goal identified in the RFB, and that total SBE participation for this bid, as documented using Form K, represents \_\_\_% of the Total Amount (Box 1C) of Exhibit 1, Form I, -OR- the bidder certifies that it has  / has not  met the requirements for good faith efforts described in Section I, Paragraph 8.

I declare under penalty of perjury under the laws of the State of California that the foregoing certifications are true and correct.

---

Name	Title	Signature	Date
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**FORM B -- NONCOLLUSION DECLARATION**

The undersigned declares:

I am the \_\_\_\_\_ of \_\_\_\_\_, the party making the foregoing bid.  
(Position/Title) (Company)

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_\_ [state].

\_\_\_\_\_  
Name Title Signature Date

**FORM C - BID BOND**

Bond No. \_\_\_\_\_

WHEREAS, \_\_\_\_\_, a \_\_\_\_\_ (“Principal”), has submitted the accompanying bid to the Metro Gold Line Foothill Extension Construction Authority (“Obligee”), in response to Obligee’s Request for Bids C2001 the (“RFB”).

WHEREAS, Principal is required to furnish this bond as a condition to Obligee’s acceptance of the bid.

NOW, THEREFORE,

1. Principal and \_\_\_\_\_, a \_\_\_\_\_ (“Surety”), an admitted surety insurer in the State of California, are held and firmly bound unto Obligee in the amount of 10% of the Total Amount (Box 1C) of Exhibit 1, Form I, for payment of which sum Principal and Surety jointly and severally firmly bind themselves and their successors and assigns.

2. THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if Principal is awarded a contract in response to the RFB and does not execute and deliver to Obligee such contract and any other documents required therewith, then the Bonded Sum (or such lesser amount thereof as described in Paragraph 11 of Section I of the RFB) will be forfeited to Obligee as damages and not as a penalty;

3. The following terms and conditions shall apply with respect to this bond:

a. This bond shall not be subject to forfeiture in the event that Obligee disqualifies the bid based on a determination that it is non-responsive or the bidder is not responsible.

b. If suit is brought on this bond by Obligee and judgment is recovered, Principal and Surety shall pay all costs incurred by Obligee in bringing such suit, including without limitation reasonable attorneys’ fees as determined by the court.

c. Surety agrees that its obligation shall not be impaired by any extension(s) of the time for acceptance of Principal’s bid that Obligee may grant to Principal, in accordance with the RFB or otherwise, and waives any notice of such extension(s) to Surety.

d. Correspondence or claims relating to this bond should be sent to Surety at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN WITNESS WHEREOF, Principal and Surety have caused this bond to be executed and delivered as of \_\_\_\_\_, 2017.

Principal:

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Surety:

\_\_\_\_\_

[Seal]

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**FORM D**

**IRAN CONTRACTING CERTIFICATION**

Section 2200 et seq. of the California Public Contract Code prohibits a person from submitting a bid for a contract with a public entity for goods and services of \$1,000,000 or more if that person is identified on a list created by the Department of General Services (DGS) pursuant to Section 2203(b) of the California Public Contract Code. The list will include persons providing goods or services of \$20,000,000 or more in the energy sector of Iran and financial institutions that extend \$20,000,000 or more in credit to a person that will use the credit to provide goods or services in the energy sector in Iran. DGS is required to provide notification to each person that it intends to include on the list at least 90 days before adding the person to the list.

In accordance with Section 2204 of the California Public Contract Code, the undersigned hereby certifies that:

1. It is not identified on a list created pursuant to Section 2203(b) of the California Public Contract Code as a person engaging in investment activities in Iran described in Section 2202.5(a), or as a person described in Section 2202.5(b), as applicable; or
2. It is on such a list but has received permission pursuant to Section 2203(c) or (d) to submit a bid in response to this RFB.

Note: Providing a false certification may result in civil penalties and sanctions.

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

Entity: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

## FORM E

### RESPONSIBLE BIDDER QUESTIONNAIRE

The bidder shall respond either "yes" or "no" to each of the following questions. If the bidder's response is "yes" to any question(s), an explanation of the circumstances shall be provided in the space following the questions. The bidder shall attach additional documentation as necessary to fully explain said circumstances. Failure to either respond to the questions or provide adequate explanations may preclude consideration of the bid and require its rejection. The term "affiliate" shall mean any firm, corporation, partnership, limited liability company or association which is a member or partner of the bidder, or any such entity which owns a substantial interest in or is owned in common with the bidder or any of its members or partners, or any such entity in which the bidder or any of its members or partners own a substantial interest.

Within the past five years, has the bidder, any affiliate of the bidder, any officer, director, responsible managing officer or responsible managing employee of the bidder who has a proprietary interest in the bidder:

- a) Been disqualified, debarred, removed or otherwise prevented from bidding or proposing on or completing a federal, state or local contract anywhere in the United States or any other country because of a violation of law or safety regulation?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

- b) Been convicted by a court of competent jurisdiction of any criminal charge of fraud, bribery, collusion, conspiracy or any act in violation of California, federal or foreign antitrust law in connection with the bidding or proposing upon, award of or performance of any public works contract with any public entity?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

- c) Had filed against it, him or her, any criminal complaint, indictment or information alleging fraud, bribery, collusion, conspiracy or any action in violation of state or federal antitrust law in connection with the bidding or proposing upon, award of or performance of any public works contract with any public entity?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

- d) Had filed against it, him or her, any civil complaint (including but not limited to a cross-complaint) or other claim arising out of a public works contract, alleging fraud, bribery, collusion, conspiracy or any act in violation of state or federal antitrust law in connection with the bidding or proposing upon, award of or performance of any public works contract with any public entity?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

- e) Been found, adjudicated or determined by any federal or state court or Authority (including but not limited to the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs and the California Fair Employment and Housing Commission) to have violated any laws or Executive Orders relating to employment discrimination or affirmative action, including but not limited to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sections 2000e et seq.); the Equal Pay Act (29 U.S.C. Section 206(d)); Executive Order 11246; or the California Fair Employment and Housing Act (Government Code 12900 et seq.)?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

- f) Been found, adjudicated, or determined by any state court, state administrative Authority (including but not limited to the California Labor Commissioner, Department of Industrial Relations, Division of Labor Standards Enforcement), federal court or federal Authority to have violated or failed to comply with any law or regulation of the United States or any state governing prevailing wages (including but not limited to payment for health and welfare, pension, vacation, travel time, subsistence, apprenticeship or other training, or other fringe benefits) or overtime compensation?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

- g) Been convicted of violating a state or federal law respecting the employment of undocumented aliens?

If yes, please explain the circumstances. If no, so state.

Yes \_\_\_ No \_\_\_

Explain the circumstances underlying any "yes" answers for the aforementioned questions on separate sheets attached hereto.

3. Verification / Declaration

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct.

Executed \_\_\_\_\_, 2017.

\_\_\_\_\_

(Name Printed) (Title) (Signature)

**FORM F**

**METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY**

**Disclosure of Contributions**

To be completed with the submission of any bid.

Prime Firm's Name: \_\_\_\_\_

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

Party's Address: \_\_\_\_\_  
Street  
City \_\_\_\_\_ State \_\_\_\_\_  
Zip code \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Phone \_\_\_\_\_

Request for Bid C2001 Utility Relocation Project  
Board Member(s) or Alternate(s) to whom you and/or your agent made campaign contributions and dates of contribution(s) in the 12 months preceding September 13, 2017 (see attached list):

Name of Member: \_\_\_\_\_  
Name of Contributor (if other than Party): \_\_\_\_\_  
Date(s): \_\_\_\_\_  
Amounts(s): \_\_\_\_\_

Name of Member: \_\_\_\_\_  
Name of Contributor (if other than Party): \_\_\_\_\_  
Date(s): \_\_\_\_\_  
Amounts(s): \_\_\_\_\_

If no contributions are noted above, I hereby certify that no contributions have been made by the Party identified above to any of the Authority's Board(s) of Directors or their Alternates.

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

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

## **AUTHORITY BOARD OF DIRECTORS**

Douglas Tessitor, Chair  
Board of Directors

Sam Pedroza, Vice Chair  
City of Glendora, Council Member

Paul Leon, Voting Member  
City of Ontario, Mayor

John Fasana, Voting Member  
City of Duarte, Mayor Pro Temp

Marisol Rodriguez, Voting Member  
Board of Directors

Gene Masuda, Non-Voting Member  
City of Pasadena, Council Member

Daniel M. Evans, Non-Voting Member  
Board of Directors

Carrie Bowen, Non-Voting Member  
Board of Directors  
Cal Trans, Director – District 7

Alan Wapner, Non-Voting Member  
City of Ontario, Council Member

## **AUTHORITY BOARD ALTERNATES**

Deborah Robertson, Non-Voting Member  
Alternate for Alan Wapner  
City of Rialto, Mayor

Tim Sandoval, Voting Member  
Alternate for Sam Pedroza  
City of Pomona, Mayor



a member of an exempted Authority but is acting as a voting member of another Authority.

(4) "Officer" means any elected or appointed officer of an Authority, any alternate to an elected or appointed officer of an Authority, and any candidate for elective office in an Authority.

(5) "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.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an Authority shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the Authority and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an Authority, each officer of the Authority who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of any Authority shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the Authority if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party of his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an Authority involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the Authority. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use

pending before any Authority and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that Authority during the proceeding and for three months following the date a final decision is rendered by the Authority in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an Authority, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

_____	_____
(Signature)	(Signature)
_____	_____
(Name Printed)	(Name Printed)
_____	_____
(Title)	(Title)

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 2017.

[Seal]

\_\_\_\_\_  
Notary Public in and for  
said County and State

My commission expires: \_\_\_\_\_.

*[Duplicate or modify this form as necessary so that it accurately describes the entity making the bid and so that it is signed on behalf of all partners of the bidder.]*

**FORM H**

**SUBCONTRACTOR LISTING AND DECLARATION**

**1. LIST OF SUBCONTRACTORS**

Indicate the name, location, other contact information, California contractor license number and SBE status for each subcontractor who will perform work or labor or render service to the contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the contractor, will specially fabricate and install a portion of the work or improvement according to detailed drawings contained in the plans and specifications, with a subcontract value in an amount in excess of 0.5% of the Total Amount (Box 1C) of Exhibit 1, Form I. Provide a description of the type of work to be performed, including each subcontracted bid item number and corresponding percentage. Add additional pages as needed.

---

**Subcontractor Information**

**SBE: Yes**        **No**   

Name: \_\_\_\_\_

**Description of Work**

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

License No.: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

---

**Name and Address of Subcontractor**

**SBE: Yes**        **No**   

Name: \_\_\_\_\_

**Description of Work**

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

Contact Person: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**2. DECLARATION REGARDING SUBCONTRACTORS**

Bidder hereby certifies that it has not entered into any substantive negotiations resulting in an agreement to subcontract any portion of work or labor to be performed or services to be rendered in or about the construction of the Project or for special fabrication and installation of any portion of the Work with a price in excess of 1/2 of 1% of the Total Amount (Box 1C) of Exhibit 1, Form I, except for those listed in Section 1, "List of Subcontractors," above. Bidder agrees that it will follow the procedures set forth in the Contract Documents in subcontracting all other such work.

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct.

Executed \_\_\_\_\_, 2017.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name printed)

\_\_\_\_\_  
(title)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name printed)

\_\_\_\_\_  
(title)

BIDDER \_\_\_\_\_

**FORM I**

**BIDDING FORM**

**RETURN WITH BID PROPOSAL**

Contract Number C2001- Utility Relocation Project

**BID**

The undersigned Bidder, having become thoroughly familiar with the terms and conditions of the Contract Documents and with local conditions affecting the performance and the costs of the Work at the place where the Work is to be done, hereby proposes and agrees to fully perform the Work within the time stated in strict accordance with the Contract Documents (including the furnishing of any and all labor, materials, tools, expendable equipment, and utility and transportation services necessary to fully perform the Work and complete it in a workmanlike manner).

Provide the Bid Amount in Box 1A and the Total Amount in Box 1C in the following table, in U.S. dollars, rounded to the nearest dollar. The Bid Amount shall include all activities, items and work necessary to complete the Work. Allocate the Bid Amount to each item on the Bid Items List in the third column of the following table, showing the cumulative total in Box 1A. Payment for any Work which is not part of the Bid Item List shall be distributed through bid items 4-14. This information will become part of the Contract.

Box 1A: The amount set forth in Box 1A shall be the sum of all the amounts allocated to each item included on the Bid Item List

Box 1C: The amount set forth in Box 1C shall be the sum of the amount set forth in Box 1A plus the amount set forth in Box 1B.

ITEM NO.	BID ITEMS	AMOUNT
<b>GENERAL</b>		
1.	Mobilization	5% of bid items 4-14
2.	Pre-construction planning, engineering, and submittals	5% of bid items 4-14
3.	Bonds and insurance	
<b>SEWER FACILITIES</b>		
4.	<u>Oakbank Sewer</u> Construct protection for existing 8" VCP sewer with reinforced concrete encasement within the Authority right-of-way at Oakbank Drive west of Grand Avenue in the City of Glendora (refer to Drawing No US-001).	

ITEM NO.	BID ITEMS	AMOUNT
5.	<u>South of Route 66 Sewer</u> Construct protection for existing 8" VCP sewer with reinforced concrete west of Route 66 rail bridge in the City of Glendora (refer to Drawing No. US-002).	
6.	<u>Linfield Sewer</u> Construct protection for existing 8" VCP sewer with reinforced concrete within the Authority right-of-way between the Route 66 rail bridge and Lone Hill Avenue in the City of Glendora (refer to Drawing No. US-003).	
7.	<u>Acacia Sewer</u> Construct protection for existing 20" NRCP Los Angeles County Sanitation (LACSD) District sewer with reinforced concrete within the Authority right-of-way at Acacia Avenue between Eucla Avenue and Cataract Avenue in the City of San Dimas (refer to Drawing No. US-004).	
8.	<u>B Street Sewer</u> Relocate existing LACSD sewer manhole and construct protection for the balance of LACSD 8" VCP sewer with reinforced concrete within the Authority right-of-way at B Street between A Street and D Street in the City of La Verne (refer to Drawing No. US-005).	
9.	<u>Mills Sewer</u> Construct protection for existing 8" VCP sewer with reinforced concrete within the Authority right-of-way at Mills Avenue west of Claremont Boulevard in the City of Claremont (refer to Drawing No. US-006).	
<b>WATER FACILITIES</b>		
10.	<u>Acacia Water</u> Construct protection for existing Golden State Water 12" steel water line with split steel casing within the Authority right-of-way at Acacia Avenue between Eucla Avenue and Cataract Avenue in the City of San Dimas (refer to Drawing No. UW-001).	
11.	<u>Carrion Water</u> Abandon 6" CI water line crossing the Authority right-of-way at Carrion Road between San Dimas Canyon Road and Wheeler Avenue in the City of La Verne (refer to Drawing No. UW-002).	
12.	<u>West of Wheeler Water</u> Construct protection for existing 10" ACP water line with split steel casing within the Authority right-of-way west of Wheeler Avenue in the City of La Verne (refer to Drawing No. UW-003).	

ITEM NO.	BID ITEMS	AMOUNT
13.	<u>Park Water</u> Construct protection for existing 10" ACP water line with split steel casing within the Authority right-of-way at Park Avenue between Wheeler Avenue and A Street in the City of La Verne (refer to Drawing No. UW-004).	
14.	<u>B Street Water</u> Construct protection for 8" ACP water line with split steel casing within the Authority right-of-way at B Street between A Street and D Street in the City of La Verne (refer to Drawing No. UW-005).	
BID AMOUNT		\$ Box 1A
SUM OF ALL PROVISIONAL SUMS		\$150,000 Box 1B
TOTAL AMOUNT		\$ Box 1C

Respectfully submitted:

_____ Signature	_____ Address
_____ Title	_____ Date
_____ License Number	_____ Date of Expiration

Attest \_\_\_\_\_

Amount of Certified or Cashier's Check or Bid Bond

\_\_\_\_\_  
Name of Bonding Company

Bidder

**FORM J**

**ORGANIZATIONAL CONFLICTS OF INTEREST DISCLOSURE STATEMENT**

(To be executed by bidder and all identified subcontractors)

1. Policy

An organizational conflict of interest means that because of other activities, relationships, or contracts, a firm is unable, or potentially unable, to render impartial assistance or advice to the Authority; a firm's objectivity in performing the contract work is or might be otherwise impaired; or a firm 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 firm named below and its respective personnel which may result, or could be viewed as, an organizational conflict of interest in connection with the RFB.

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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

**FORM K**

**BIDDER'S SBE SUBCONTRACTOR INFORMATION FORM**

Provide the following information for all SBE Subcontractors (as that term is defined in Exhibit 3 to this RFB) with whom agreements have been reached.

Subcontractor Name: \_\_\_\_\_

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

Contact Person: \_\_\_\_\_

Telephone: \_\_\_\_\_

- Subcontractor
- Supplier
- Regular Dealer
- Broker
- Manufacturer

Description of Work: \_\_\_\_\_

Dollar Value of Work: \$\_\_\_\_\_

Percentage Value of Work: \_\_\_\_\_%

SBE Currently Certified:     Yes    No   

Certifying Agency:       \_\_\_\_\_

## EXHIBIT 2

### **EXCERPT FROM AUTHORITY'S ADMINISTRATIVE CODE**

#### PROTEST PROCEDURES

A. A party that has timely submitted a bid or proposal in response to any procurement of the Authority may file a Protest objecting to the award of a contract.

B. In order for a protest to be considered properly and timely filed, the protest must:

1. Be filed in writing with the Chief Executive Officer of the Authority, within five (5) calendar days after publication of the written recommendation for award.
2. Be filed by an actual bidder or proposer responding to the procurement. No other party has standing to protest.
3. Identify the specific procurement number involved.
4. Identify the specific recommended action or decision being protested.
5. Specify in detail the grounds of the protest, the facts supporting the protest and the status of the protester.
6. Include all relevant supporting documentation with the protest at the time of submittal.

If a protest does not comply with each and all of the above six (6) requirements, the protest will not be considered and will be returned to the protester.

C. The Chief Executive Officer of the Authority will attempt to resolve a properly filed protest or perform additional fact-finding. If the Chief Executive Officer is able to resolve the protest at this stage, a letter confirming resolution shall be sent to the protester. If the Chief Executive Officer is unable to resolve the protest within five (5) calendar days from receipt, he/she will establish an independent team to evaluate the merits of the protest. The Chief Executive Officer will review the recommendation of the evaluation team and notify the protester in writing of the decision on whether or not to deny the protest.

D. If the Chief Executive Officer's decision is to deny the protest, the contract shall be recommended to the Board for award, or executed, if previously awarded by the Board subject to resolution of the protest. If the Chief Executive Officer's decision is to uphold the protest, a recommendation will be made to the Board to reject all proposals or bids, cancel the Request for Proposals or Invitation for Bids and solicit new proposals or bids, or award the contact to another proposer.

#### SPECIFIC CONFLICT OF INTEREST PROVISIONS

##### **SECTION 1: PROHIBITION ON RECEIPT OF GIFTS IN EXCESS OF \$10 FROM CONTRACTORS, POTENTIAL CONTRACTORS AND THEIR SUBCONTRACTORS**

No Board Member or staff member of the Authority shall accept a gift valued at \$10 or more from contractors, potential contractors, or their subcontractors. The Chief Executive Officer shall develop guidelines for determining potential Authority contractors or subcontractors for purposes of this prohibition. For purposes of this Section, "staff member" shall mean all public officials of the Authority as defined in the Political Reform Act and the Regulations of the Fair Political Practices Commission.

## SECTION 2: BOARD MEMBER DISQUALIFICATION-GIFTS OF \$10 OR MORE

No Member of the Board shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$10 or more provided to, received by, or promised to the Board Member within 12 months prior to the time when the decision is made.

## SECTION 3: OFFICER DISQUALIFICATION-CAMPAIGN CONTRIBUTIONS

Every officer of the Authority shall comply with the requirements of Government Code Section 84308, except as modified herein. Each party or participant in an Authority proceeding who has made a contribution of \$250 or more to an officer of the Authority within 24 months prior to the proceeding shall disclose the contribution on the record of the Authority. The Chief Executive Officer shall provide a copy of Government Code Section 84308 and Section 18438.1, et seq., to each officer of the Authority. Notwithstanding Government Code Section 84308, no Board Member or other officer of the Authority shall make, participate in making or in any way attempt to use his or her official position to influence a decision in a proceeding, as described in Section 84308 of the Government Code if the person has willfully or knowingly received a contribution in the amount of more than \$250 within the preceding 24 months from a party or his or her agent, or from any participant or his or her agent if the party or participant has a financial interest in the decision. The Chief Executive Officer of the Authority shall provide each year a list of Officers covered by this provision to the Board and each officer of the Authority.

## SECTION 4: OFFICERS-LEGALLY REQUIRED PARTICIPATION

In compliance with Public Utility Code Section 132410 and notwithstanding the provisions of Government Code Section 87101 and Subsection (c) of Government Code Section 87302, no officer, including a Board Member, may participate in a decision in which he or she is financially interested under the Political Reform Act. In the case of a Board Member, the agency which appointed the Member may appoint a replacement to act in place of the disqualified Member on that matter. In the case of any other officer of the Authority, a different officer shall participate in that decision. If no other officer can participate in that matter, the Board shall appoint a replacement to act in place of the disqualified officer on that matter. The Chief Executive Officer of the Authority shall provide each year a list of Officers covered by this provision to the Board and each officer of the Authority.

## SECTION 5: VIOLATIONS

Any Authority officer or employee violating any provision of this Code of Conduct applicable to the officer or employee is subject to disciplinary action, including possible termination. Any consultant violating any provision of this Code of Conduct is subject to possible termination or penalties as provided in the contract between the Authority and the consultant. In addition, any violation of this Code of Conduct by a Board Member, officer, employee, or consultant may constitute a violation of the Political Reform Act, Government Code Section 1090 or the Authority Conflict of Interest Code and subject the violator to additional remedies provided therein.

**EXHIBIT 3**

**AUTHORITY'S SMALL BUSINESS ENTERPRISE (SBE) PROGRAM**

[See attached]