



**Request for Qualifications**  
Ballard-to-Downtown Seattle High-Capacity (HCT)  
Planning Study

RFQ NO. RTA/AE 0169-12

SEPTEMBER 2012

# Request for Qualifications

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Planning Study

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## REQUEST FOR QUALIFICATIONS

### Ballard-to-Downtown Seattle High-Capacity (HCT) Planning Study

#### SECTION 1 INSTRUCTIONS TO SUBMITTERS

##### 1.1. INTRODUCTION

The Central Puget Sound Regional Transit Authority (Sound Transit) is requesting Statements of Qualifications (SOQs) from firms qualified and interested in providing consultant services to {to conduct the Ballard to Downtown Seattle High Capacity Transit (HCT) Planning Study. This collaborative study with Sound Transit and the City of Seattle will help to inform future decisions regarding mode, alignment and implementation responsibilities to be included in an updated Sound Transit Long Range Plan and establish priorities for the next phase of HCT system development or a technology (e.g., rapid streetcar) to possibly be implemented by the City of Seattle.

The initial term of the contract to be awarded is expected to be two (2) year(s). Sound Transit will evaluate the option to extend for one (1) additional one-year period(s) at Sound Transit's discretion.

This Request for Qualifications (RFQ) outlines the information necessary to understand the consultant selection process and the required documentation in submitting SOQs for this project. The procurement of these services will proceed as follows:

1. SOQs shall be submitted to Sound Transit on or before the date specified in Section 1.7, Schedule, after which time they will be reviewed and evaluated.
2. Interviews may be requested from firms qualifying as finalists. Interviews, if held, will be in accordance with the schedule contained in this RFQ.

Interested firms are encouraged to attend a pre-proposal meeting that will be held to discuss this project, the consultant selection process and schedule, and elements of the contract. **The time, date, and location of the meeting are specified in Section 1.7, Schedule.**

All information shall be submitted at the dates and times indicated herein to Sound Transit, Procurement & Contracts Division, 401 South Jackson Street, Seattle, Washington 98104-2826. Inquiries concerning this solicitation shall be directed only to Brian Barson, Design & Construction Contracts Specialist, at 206-398-5194. **Communications with Sound Transit officials other than that listed above may cause the firm involved to be subject to disqualification.**

##### 1.2 BACKGROUND

Voter-approved in 1996, Sound Transit is implementing a three-county regional transit system plan known as *Sound Move*. *Sound Move* is a seamless blend of three transportation systems: Sounder commuter rail, running 82 miles from Everett to Tacoma/Lakewood; Link light rail, a 14-mile initial segment connecting the cities of Seattle and Tukwila (under construction) with a 1.2 mile Airport Link extension to SeaTac and a 1.6 mile line in Tacoma (in operation); and Regional Express, featuring 18 new ST Express limited stop, long-haul bus routes and numerous improvements to transit centers, park-and-ride lots and HOV direct access ramps throughout the region.

On November 4, 2008, voters of the Central Puget Sound region approved a ballot measure, Sound Transit 2, (ST2), to add regional express bus and commuter rail service while building up to 36 additional miles of light rail to form a 55-mile regional system. The ST2 measure also included funding to begin planning for the next phase of HCT implementation by studying a number of potential High Capacity Transit (HCT) corridors. Washington RCW 81.104.015 states that "high-capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high-occupancy vehicle (HOV) lanes, which, taken as a whole, provide a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways. As a regional transit authority, Sound Transit follows this RCW provision in planning its high-capacity transit system. One of those corridors is the U-District-to-Ballard-to-Downtown Seattle corridor. This study will focus on a component of that corridor, specifically Ballard-to-Downtown Seattle.

The Seattle Transit Master Plan (TMP), which was adopted in April 2012, recognizes the important role transit plays in the City's growth management and sustainability goals. The TMP prioritized several transit corridors throughout the city and identified the Ballard-to-Downtown corridor as the transit corridor having the greatest potential for additional net new transit riders. The TMP identifies high-capacity transit corridors, but does not require that they meet the state definition of HCT per RCW 81.104.015 for regional transit authorities. This provides flexibility to implement high capacity transit within dense urban and pedestrian-oriented areas, where grade separation and/or exclusive guideways are not always feasible.

### 1.3. GENERAL PROCUREMENT PROCESS

The procurement of these consultant services will be in accordance with Sound Transit and other applicable federal, state, and local laws, regulations, and procedures.

After reviewing this RFQ, any firm that determines it has the necessary expertise, experience, and ability to successfully perform the required services may submit an SOQ addressing the items set forth herein. Sound Transit will then evaluate the SOQs and determine the most qualified Submitter. Sound Transit reserves the right to reject any and all SOQs received. The final selection, if any, will be that SOQ which, in the opinion of Sound Transit, best meets the requirements set forth in the RFQ and is in the best interest of Sound Transit. Firms are discouraged from presenting lengthy SOQs; Sound Transit requires that SOQs be concise and clearly written containing only essential information. Submitters are urged to use recycled/recyclable products and both sides of paper for printed and photocopied materials whenever practical. Use of plastic covers and binders is discouraged. All costs incurred in the preparation of an SOQ and participation in this RFQ process shall be borne by the proposing firms. SOQs made in response to this RFQ shall become the property of Sound Transit and be considered public documents under applicable Washington State laws.

Any firm failing to submit information in accordance with the procedures set forth herein may not be considered responsive and therefore be subject to disqualification by Sound Transit.

### 1.4 SOUND TRANSIT DIVERSITY PROGRAM OBJECTIVES

#### A. Non-Discrimination in Employment and Contracting

1. Sound Transit has adopted Guiding Principles for Employment and Contracting identifying key objectives that Sound Transit will promote and encourage through its policies. The Guiding Principles are implemented in accordance with applicable federal, state and local laws and regulations, including grant agreements. To the extent applicable, the Guiding Principles are the basis for certain provisions set forth in this RFQ and Agreement including employment and contracting goals and objectives.
  - a. It is the policy of Sound Transit that practices of employment discrimination against any person on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin or the presence of any sensory, mental or physical disability in an otherwise qualified disabled person are prohibited. The Consultant shall adhere to non-discrimination provisions and shall make reasonable efforts to meet Sound Transit's workforce diversity objectives on this Agreement. Such efforts shall apply to the employment of persons on the permanent or core employee workforce, the employee workforce secured solely for this Agreement, and interns or trainees secured for this Agreement.
  - b. It is the policy of Sound Transit that no one doing business or offering to do business with Sound Transit shall deny any person, on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin or the presence of any sensory, mental or physical disability in an otherwise qualified disabled person, the benefits of, or exclude any person from participation in, the award and performance of any work under contracts and agreements awarded by Sound Transit, and that one doing business or offering to do business with Sound Transit shall afford equal, non-discriminatory opportunities to potential joint venture partners, subcontractors, subconsultants and suppliers on contracts and agreements awarded by Sound Transit.
  - c. In addition, Submitters are reminded that they shall comply with applicable obligations and requirements under Chapter 49.60 RCW, the Washington State "law against discrimination", including rules and regulations promulgated pursuant to such law. In particular, Submitters as employers shall not commit any unfair practices prescribed in RCW 49.60.180.
  - d. Submitters on this RFQ, and the Consultant, shall comply with the non-discrimination provisions and the requirements set forth in this RFQ and Agreement related to equal employment opportunity and the Disadvantaged Business Enterprise Program.
  - e. The Consultant shall cooperate in any studies or surveys as may be conducted by Sound Transit and as may be necessary to determine the extent of the Consultant's compliance with Sound Transit's Diversity Program policies.
2. As a recipient of financial assistance from the Federal Department of Transportation (DOT), Federal Transit Administration (FTA), Sound Transit developed and administers a Disadvantaged Business Enterprise (DBE) Program in accordance with 49 Code of Federal

Regulations (CFR) Part 26. Submitters shall review and take into account the provisions in 49 CFR Part 26.

3. Submitters are advised that any agreement, including subcontracts, awarded pursuant to this RFQ shall include the following assurance:

"The consultant, sub-recipient or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The consultant shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."

B. Disadvantaged Business Enterprise (DBE) Program

1. It is the policy of Sound Transit to ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 Code of Federal Regulations (CFR) Part 26, have an equal opportunity to receive and participate in federal Department of Transportation-assisted contracts. Sound Transit promotes and encourages participation by DBEs and other Small Businesses on its contracts. Sound Transit is interested in Submitters that include participation by DBEs and other Small Businesses as joint venture partners or subconsultants, including sub-subconsultants. Submitters shall afford DBEs and other Small Businesses an equal, non-discriminatory opportunity to compete for business as joint venture partners, subconsultants or suppliers and shall ensure subconsultants also afford DBEs and other Small Businesses such opportunities.

Sound Transit's DBE Program includes:

- a. Ensuring non-discrimination in the award and administration of federal Department of Transportation-assisted contracts;
  - b. Creating a level playing field on which DBEs can compete fairly for such contracts;
  - c. Ensuring that the Sound Transit DBE Program is narrowly tailored in accordance with applicable laws;
  - d. Ensuring that only firms that fully meet eligibility standards as set forth in 49 CFR Part 26 are permitted to participate as DBEs;
  - e. Helping remove barriers to the participation of DBEs and other Small Businesses in such contracts; and
  - f. Assisting in the development of DBEs and other Small Businesses that can compete successfully in the marketplace outside of the DBE Program.
2. Pursuant to its Diversity Programs objectives and 49 CFR Part 26, Sound Transit promotes and encourages participation by DBEs and other Small Businesses on its contracts and agreements. In preparing SOQs, including Submittal Form 3, DBE/Small Business Commitment Form, and Submittal Form 4, DBE/Small Business Good Faith Efforts Documentation Form, Submitters shall afford DBEs and other Small Businesses an equal, non-discriminatory opportunity to compete for business as joint venture

partners or subconsultants, and shall ensure their proposed subconsultants also afford DBEs and other Small Businesses such opportunities.

- a. Consistent with 49 CFR Part 26, Sound Transit has established DBE and Small Business Goals for the Agreement to be awarded under this RFQ.
- b. Participation by DBEs and Small Businesses is not required for consideration of an SOQ. However, Submitters shall make Good Faith Efforts to reach out to DBEs and other Small Businesses to solicit and achieve participation by DBEs and other Small Businesses. Submitters shall maintain documentation of their efforts. Sound Transit has established the following goals for participation by DBEs and other Small Businesses:
  - i. The DBE Goal for this Agreement is 0% of the Total Agreement Price.
  - ii. The Small Business Goal for this Agreement is 16% of the Total Agreement Price.

**NOTE: DBEs may be counted toward the DBE and Small Business Goals, but Small Businesses that are not DBEs may only be counted toward the Small Business Goal.**

- c. On Submittal Form 3, DBE/Small Business Commitment Form, the Submitter shall identify each DBE and other Small Business to whom the Submitter has committed to participating if an agreement is awarded under this RFQ. In considering the commitments for participation by DBEs and other Small Businesses made by a Submitter, Sound Transit will, under Evaluation Criterion 4, “Good Faith Efforts and Commitment to DBE & Small Businesses”, evaluate the extent to which the roles and tasks to be assigned to DBEs and other Small Businesses are significant and meaningful in relationship to their capacity and expertise and the Submitter’s approach for monitoring, mentoring and supporting the DBEs and other Small Businesses.
- d. Sound Transit may establish contractual levels of participation by DBEs and other Small Businesses based on the commitments included by the Submitter on Submittal Form 3, DBE/Small Business Commitment Form.
- e. On Submittal Form 4, DBE/Small Business Good Faith Efforts Documentation Form, the Submitter shall identify each DBE and other Small Business to whom the Submitter reached out for possible participation under this RFQ. In considering the efforts made by a Submitter to reach out to DBEs and other Small Businesses to participate, Sound Transit will, under Evaluation Criterion 4, evaluate the extent to which such firms are provided an equal, non-discriminatory opportunity to compete for business as joint venture partners and subconsultants.

3. For purposes of this RFQ, DBEs are those businesses certified as DBEs by the Washington State Office of Minority and Women’s Business Enterprises (OMWBE). To facilitate outreach efforts to DBEs, Submitters may obtain a listing

of DBEs certified by OMWBE on the Internet at <http://www.omwbe.wa.gov/biznetwas/mainmenu.asp> or by calling 360-753-9693.

4. Small Businesses are firms that:

- a. Are organized for profit;
- b. Have places of business in the United States;
- c. Are independently owned and operated;
- d. Are not dominant in their fields of operation;
- e. For their industries, do not exceed the numerical size standard established by the federal Small Business Administration pursuant to 13 Code of Federal Regulations Part 121;and
- f. Do not exceed an average annual gross receipts limit of \$22.41 million for the previous three fiscal years if the particular size standard is above \$22.41 million.

Submitters are advised that in assessing whether a business meets the size standard, annual receipts are averaged over the business' last three (3) completed fiscal years to determine its average annual receipts. If a business has not been in business for three (3) years, the average weekly revenue for the number of weeks it has been in business is multiplied by 52 to determine its average annual receipts. If there are questions or issues about whether a business meets the applicable size standard, Sound Transit and the Submitter, as applicable, will consult and to the extent practicable follow the methodologies established by the federal Small Business Administration (SBA) in determining whether a business is within or exceeds an applicable size standard.

5. A business shall be presumed to meet the Small Business size standard and be a Small Business if the business comes within one of the following categories:
  - a. Is certified by the Washington State Office of Minority and Women Business Enterprise (OMWBE). To obtain a listing of firms certified by OMWBE, contact OMWBE at 360-753-9693 or access a listing on the Internet at <http://www.omwbe.wa.gov/biznetwas/mainmenu.asp>;
  - b. Is certified by a public agency other than OMWBE and a size standard that is no greater than the Small Business Administration Size Standard (nor the limit of \$22.41 million for the previous three fiscal years if the particular size standard is above \$22.41 million), which is a criterion for certification or participation in that public agency program.
6. If a business does not fall within one of the categories supporting the presumption of small business status, set forth in paragraphs above, the Submitter may include participation by the business toward the Small Business Goal if the Submitter assures itself, before including the business as part of the Submitter's DBE/Small Business Commitment, that the business does in fact meet the eligibility criteria, including the applicable size standards. Such assurance could involve reviewing

business records, tax records or certified annual audit reports of the business and taking other actions reasonably related to assessing whether the business meets the eligibility criteria, including size standards. The Submitter shall bear full responsibility for performing due diligence related to whether a business meets the eligibility criteria and size standards prior to including the business as part of the Submitter's DBE/Small Business Commitment.

7. To facilitate the inquiry regarding the applicable size standards for businesses that may be considered Small Businesses, Submitters shall use the following size standards listed in the NAICS Codes for architectural and engineering professional consulting services, which are areas in which potential Small Businesses may participate.

Industry Group	Size Standard
Architectural Services (NAICS 541310)	\$ 7.0 Million
Landscape Architectural Services (NAICS 541320)	\$ 7.0 Million
Engineering Services (NAICS 541330)	\$ 14.0 Million
Geophysical Survey and Mapping Services (NAICS 541360)	\$ 14.0 Million
Survey and Mapping (except Geophysical) Services (NAICS 541370)	\$ 14.0 Million
Drafting Services (NAICS 541340)	\$ 7.0 Million
Environmental Consulting Services (NAICS 541620)	\$ 14.0 Million
Commercial and Institutional Building Construction (NAICS Code 236220)	\$ 22.41 Million*
Heavy and Civil Engineering Construction (NAICS Codes 237110, 237120, 237130, 237310, 237990)	\$ 22.41 Million*
Dredging and Surface Cleanup Activities (Exception to NAICS Code 237990)	\$ 20.0 Million
Specialty Trade Contractors (NAICS Subsection 238)	\$ 14.0 Million

NOTE: The new DBE Regulations provide that a business may not exceed an average annual gross receipts limit of \$22.41 million for the previous three fiscal years if the particular size standard is above \$22.41 million. \*For example, the Commercial and Institutional Building Construction and the Heavy and Civil Engineering Construction size standards listed above are higher than the \$22.41 limit (previously \$31.0 Million, now \$33.5 Million) but are listed at the limit for DBEs and small businesses under this RFP and Agreement.

8. These size standards are provided only to facilitate the Submitter's search for Small Businesses beyond the OMWBE Directory or SBA listings. There may be other firms and disciplines that a Submitter may seek, and the above listing should not be considered as exhaustive. However, the Submitter is reminded that the Small Business may not exceed an

average annual gross receipts limit of \$22.41 million for the previous three fiscal years if the particular size standard is above \$22.41 million.

9. As provided in this Section 1.4.B, Sound Transit established a DBE Goal for participation by DBEs and a Small Business Goal for participation by other Small Businesses. Submitters shall make Good Faith Efforts to implement the DBE Program, including meeting or exceeding the DBE Goal and Small Business Goal. Participation by DBEs can be counted toward the DBE Goal and the Small Business Goal. The DBE Goal is part of and not additive to the Small Business Goal. Participation by Small Businesses that are not DBEs can be counted only toward the Small Business Goal.

For purposes of evaluation of Submittals and award and performance under the Agreement, the DBE Goal and Small Business Goal shall apply to the total amount under the Agreement to which Sound Transit is obligated to pay for the successful completion of the work.

10. To be counted toward achievement of the DBE Goal or Small Business Goal, DBEs and Small Businesses shall perform a commercially useful function. If the owner(s) of the DBE or Small Business do(es) not or is(are) unable to demonstrate ownership, control or legitimate performance, Sound Transit will not count the participation toward the DBE/Small Business Commitment and applicable DBE or Small Business Goal. Sound Transit will use the regulations in 49 CFR Section 26.55 as guidance for evaluating and monitoring the participation of all businesses toward meeting the DBE Goal and the Small Business Goal and for determining how to count such participation.

11. Good Faith Efforts means the Submitter in preparing its SOQ took all necessary and reasonable steps, which by their scope, intensity, and appropriateness could reasonably be expected to achieve the applicable DBE and Small Business Goals. Sound Transit will consider the quality, quantity, and intensity of the different kinds of efforts that were made to demonstrate that Submitters actively and aggressively tried to obtain participation by DBEs and Small Businesses. The following is a list of actions that could be made:

- a. Select portions of the Work to be performed by DBEs and Small Businesses in order to increase the likelihood that the DBE and Small Business Goals will be achieved. This includes, where appropriate, breaking out work items into economically feasible units to facilitate participation by DBEs and Small Businesses, even when the Submitter might otherwise prefer to perform these work items with its own forces. Solicit through all reasonable and available means the interest of DBEs and Small Businesses that are available and have the capabilities to perform portions of the Work. These solicitations must be made within sufficient time to allow DBEs and Small Businesses to respond to the solicitation.

- b. Provide interested DBEs and Small Businesses with adequate information about the plans, specifications, and contractual requirements (e.g., bonding, insurance, labor requirements, and other requirements to be required by the Submitter in any subcontract) of the Work in a timely manner to assist them in

responding to a solicitation or proposed Change Order, as applicable. Failure to inform DBEs and Small Businesses of such contractual requirements shall be considered to be a lack of Good Faith Efforts.

- c. Negotiate in good faith with interested DBEs and Small Businesses. It is the Submitter's responsibility to make a portion of the Work available to DBEs and Small Businesses and to select those portions of the Work consistent with the available businesses, so as to facilitate DBE and Small Business participation.
  - d. Not reject DBEs and Small Businesses as being unqualified without sound reasons based on a thorough investigation of their capabilities.
  - e. Make efforts to assist interested DBEs and Small Businesses in obtaining bonding, lines of credit, or insurance.
  - f. Make efforts to assist interested DBEs and Small Businesses in obtaining necessary equipment, supplies, materials, or related assistance or services.
  - g. The Submitter shall prepare and maintain records and documentation of their efforts to solicit and achieve participation by DBEs and Small Businesses. After SOQs (including the DBE/Small Business Good Faith Efforts Documentation Form) have been opened, Sound Transit may direct Submitters to submit additional documentation of their efforts to solicit and achieve participation by DBEs and Small Businesses. Failure by the Submitter to prepare, maintain and submit adequate records and documentation may result in the SOQ not being considered for award.
12. The fact that there may be some additional costs involved in finding and using DBEs and Small Businesses is not in itself sufficient reason for a Submitter's failure to meet the DBE and Small Business Goals, as long as such costs are reasonable. Also, the ability or desire of the Submitter to perform the Scope of Work with its own organization does not relieve the Submitter of the responsibility to make Good Faith Efforts. The Submitter is not required to accept higher quotes from DBEs and Small Businesses if the price difference is excessive or unreasonable; provided that, upon Sound Transit's direction, the Submitter shall submit to Sound Transit the analysis from which it was concluded that the price difference was excessive or unreasonable.
13. Submitter shall not, for any reason whatsoever, terminate, in whole or in part, participation by a DBE included in the Submitter's DBE/Small Business Commitment submitted as part of its SOQ, without prior written consent by Sound Transit's Diversity Program Director. Termination includes requests to substitute for, delete in whole or in part, or remove in any other manner a DBE included by the Submitter as part of its commitment to DBE participation.

If the Diversity Program Director gives written consent for termination of participation by a DBE, Submitter shall make Good Faith Efforts to find another DBE to substitute for the terminated DBE. Such Good Faith Efforts shall be directed at finding another DBE, as applicable, to perform at least the same dollar amount of work as the terminated DBE to the extent needed to meet the DBE Goal established in this RFQ.

14. The provisions of this Section 1.4 apply to DBE and Small Business Submitters. In determining whether a DBE/Small Business Submitter has met a DBE or Small Business Goal, Sound Transit will count the work the DBE/Small Business Submitter has committed to perform with its own forces as well as the work it has committed to be performed by other DBEs and Small Businesses, as applicable.
15. Notwithstanding any other provision in this RFQ, in order to ensure compliance with 49 CFR Part 26, the provisions of this Section 1.4 shall prevail in the event of any inconsistency, dispute or contradiction of any sort with any other provisions of this RFQ. Sound Transit's Diversity Program Director shall make final decisions on the applicability of this Section 1.4 vis-à-vis other provisions in the RFQ.

C. Equal Employment Opportunity (EEO)

Sound Transit is interested in SOQs from firms that demonstrate a commitment to equal employment opportunity. Sound Transit encourages SOQs from firms that employ a workforce that reflects the region's diversity. Submitters are advised that they shall adhere to the following non-discrimination provisions:

"The Consultant will not discriminate against any employee, applicant for employment, or subconsultant because of race, religion, creed, sex, sexual orientation, age, nationality, or the presence of any sensory, mental, or physical disability, unless based upon a bona fide occupational qualification. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, creed, sex, sexual orientation, age, nationality, or the presence of such disability."

Under Evaluation Criterion 5 for this RFQ, in addition to other submittal requirements, Submitters shall provide a copy of their EEO Programs. Sound Transit advises Submitters that EEO Programs should include, at a minimum, the following major components: (a) Submitter's EEO policy statement; (b) dissemination of EEO policy statement within the Submitter's organization; (c) designation of personnel responsibility; (d) utilization analysis; (e) goals and timetables; (f) assessment of employment practices and affirmative action to remedy problem areas; and (g) monitoring and reporting system.

1.5 PUBLIC DISCLOSURE

Pursuant to Chapter 42.56 RCW, SOQs submitted under this RFQ shall be considered public records and with limited exceptions will be available for inspection and copying by the public. Submitters shall specifically designate and clearly label as "CONFIDENTIAL" any and all materials or portions thereof which they deem to contain trade secrets or other proprietary information, which is exempt from public inspection and copying. The Submitter shall provide the legal basis for the exemption to Sound Transit upon request. If an SOQ does not

clearly identify the "CONFIDENTIAL" portions, Sound Transit will not notify the Submitter that its SOQ will be made available for inspection. If a request is made for disclosure of material or any portion marked "CONFIDENTIAL," Sound Transit will determine whether the material should be made available under the law. If Sound Transit determines that the material is not exempt and may be disclosed, Sound Transit will notify the Submitter of the request and allow the Submitter ten (10) business days to take appropriate action pursuant to RCW 42.56.540. If the Submitter fails or neglects to take such action within said period, Sound Transit may release the portions of the SOQ deemed subject to disclosure. To the extent that Sound Transit withholds from disclosure all or any portion of Submitter's documents at Submitter's request, Submitter shall agree to fully indemnify, defend and hold harmless Sound Transit from all damages, penalties, attorneys' fees and costs Sound Transit incurs related to withholding information from public disclosure. By submitting an SOQ, the Submitter consents to the procedure outlined in this paragraph and shall have no claim against Sound Transit by reason of actions taken under this procedure.

## 1.6 SUBMITTAL

1. **One original (unbound) and ten (10) copies (stapled or comb-bound only) and one (1) electronic PDF version** of the SOQ shall be submitted. SOQs must be received by Sound Transit on or before the date and time specified in Section 1.7, Schedule, at the following address:

**Attn. Brian Barson, Design & Construction Contract Specialist  
Sound Transit Procurement & Contracts Division  
401 South Jackson Street  
Seattle, Washington 98104-2826**

2. Sound Transit may reject late SOQs. Sound Transit also reserves the right to postpone the Submission Date and/or Time at its sole discretion.
3. **SOQs shall not include any explanation, reference, identification or description of prices and/or costs.** SOQs that contain any such explanation, reference, identity and/or description may deem the SOQs as non-responsive and disqualify the SOQs from further consideration.
4. SOQs shall be submitted in a sealed box or envelope that is labeled with the Submitter's name and identified as containing an SOQ responding to "**Sound Transit's Request for SOQs for Ballard-to-Downtown Seattle High-Capacity (HCT) Planning Study , RFQ No. RTA/AE 0169-12.**" No oral, FAX, electronic (e.g. e-mail), telegraphic or telephonic SOQs or subsequent modifications to such SOQs will be considered except as specified herein. **Boxes or packages used to deliver SOQs to Sound Transit shall weigh no more than approximately 25 pounds per box or package.**
5. **Cost Proposals are not required at this time.** After evaluation and ranking of the SOQs is completed, Sound Transit staff will notify the Highest Rank firm, which will be given one (1) week after notification to submit its Cost Proposal. The Highest Ranked firm must submit one (1) original and two (2) copies and one (1) electronic PDF version of the Cost Proposal. The Cost Proposal shall be submitted in a sealed box

or envelope that is labeled with the Submitter's name and identified as containing a Cost Proposal, as follows: "**COST PROPOSAL – Sound Transit's Request for Qualifications for Ballard-to-Downtown Seattle High-Capacity (HCT) Planning Study, RFQ No. RTA/AE 0169-12**".

6. Sound Transit prefers the use of double-sided, recycled/recyclable paper. Elaborate, decorative, extraneous and non-recyclable materials are strongly discouraged.
7. Sound Transit is not responsible for any costs associated with preparing or submitting an SOQ. SOQs become the property of Sound Transit upon submission.

## 1.7 SCHEDULE

The selection process will proceed as outlined below. Sound Transit reserves the right to modify the schedule as circumstances may warrant.

Date	Selection Process
9/14/2012	Public Announcement for Statements of Qualifications (SOQs)
9/19/2012	Pre-Proposal Meeting 10:00 AM., Sound Transit's Ruth Fisher Board Room, 401 South Jackson Street, Seattle, Washington
9/27/2012	Last day to submit Requests for Information (RFIs) and/or Questions
10/04/2012	SOQs Due (on or before 2:00 p.m. local time)
Week of 10/12/2012	SOQs reviewed / finalists selected
Week of 10/16/2012	Interviews and ranking of firms, if necessary
December 2012	Approval of Award by Finance Committee/Board
January 2013	Execute Contract and Notice to Proceed

## 1.8 REQUESTS FOR INFORMATION

1. After complete review of the solicitation documents, if a Submitter has questions or needs clarification of the solicitation documents, the Submitter shall submit a written Request for Information (RFI), included in this solicitation as Exhibit D, or online through Sound Transit's contracting opportunities web site. Inquiries shall reference the appropriate section and paragraph number of the solicitation documents.
2. RFIs may be submitted by facsimile to Sound Transit, to the attention of Brian Barson, Design & Construction Contracts Specialist, at 206-689-3339 or through the "Ask Question" link for this Solicitation at [www.soundtransit.ebidsystems.com](http://www.soundtransit.ebidsystems.com). Questions must be received by Sound Transit no later than the date specified in Section 1.7, Schedule.

3. Sound Transit will provide answers to RFIs only via Addenda or a formal written Clarification, which shall be provided to all registered holders of the solicitation document. Only questions answered by formal written addenda shall be binding. Oral interpretations shall be without legal effect.

#### 1.9 ADDENDA

1. In the event it becomes necessary to revise any part of this RFQ, addenda will be provided to all firms who received or requested this RFQ document from Sound Transit. If addenda are issued, the time and date set for submittal of Proposals may be changed by Sound Transit to enable Proposers to take into account the addenda in preparing their Proposal. If any firm has reason to doubt whether Sound Transit is aware of the firm's interest, it is the responsibility of the firm to notify Sound Transit to be certain that addenda are received. Fax or mail such notice to Brian Barson at 206-398-5271, Sound Transit Procurement & Contracts Division, 401 South Jackson Street, Seattle, Washington 98104-2826.
2. If an addendum is issued amending this RFQ, all provisions that are not modified remain unchanged.
3. Submitters may acknowledge receipt of any addendum of this RFQ by signing and returning the form included in this solicitation as Submittal Form 1, Receipt of Addenda.

#### 1.10 IDENTIFYING AND REMEDYING CONFLICTS OF INTEREST

1. Duty to Disclose Potential Conflicts of Interest
  - a. Sound Transit is required provide full and open competition for its procurements. Sound Transit is also required to avoid conflicts of interest. Sound Transit may need to balance these two interests by restricting full and open competition to remedy an actual or potential personal or organizational conflict of interest. If a restriction is required, the restriction will be narrowly tailored, as much as reasonably possible, to remedy the conflict of interest. Sound Transit will award the contract to the apparent successful Submitter unless Sound Transit determines that an actual or potential conflict of interest exists that cannot be avoided or mitigated by a reasonable remedial restriction.
  - b. An organizational conflict of interest is a situation where there is (a) potential for bias or (b) an unfair competitive advantage. Determining whether the potential for bias or an unfair competitive advantage exists requires a case-by-case analysis. For example, all competitive advantages are not necessarily unfair. Whether or not a competitive advantage is unfair depends on the circumstances. An advantage that is fair under one set of circumstances may be unfair under another set of circumstances.
  - c. Prospective Submitters are required to include in their SOQs a statement disclosing potential conflicts and offering a remedy (Submittal Form 2, Certification Regarding Conflict of Interest). This disclosure shall apply to the Submitter, any affiliates,

proposed subconsultants, and key personnel of any of these organizations. Sound Transit will evaluate the circumstances and determine whether a conflict exists and if so, determine whether the proposed remedy complies with FTA requirements and is reasonable. If the potential conflict cannot be remedied in a reasonable manner, Sound Transit may reject portions or all of the SOQ.

- d. If a Submitter believes that there are no potential conflicts of interest, the Submitter shall submit in its SOQ a statement, on the form provided in this RFQ (Submittal No. 2, Certification of Conflict of Interest), certifying that to its best knowledge and belief no conflicts of interest exist. The Submitter must obtain the same information from potential subconsultants prior to award of a subcontract.
- e. Failure to provide the relevant statements described above, or any additional information as may be required by Sound Transit to make its determinations may result in disqualification of the Submitter for award. If nondisclosure or misrepresentation is discovered after award, the resulting contract may be terminated. If after award the Consultant discovers a conflict of interest an immediate and full disclosure shall be made in writing to Sound Transit's Contract Specialist.

## 2. Identifying and Remediating the Potential for Bias

- a. The potential for bias exists where the Consultant's objectivity may be impaired in the performance of the Scope of Work, because of existing contracts. For example, the Scope of Work requires the Consultant to process progress payments, develop change orders and monitor the performance of Sound Transit contractors and consultants. It would be a classic conflict of interest for the Consultant to process its own progress payments, negotiate its own change orders and monitor its own performance because the Consultant may not be able to conduct these activities with objectivity. The Consultant could remedy this by employing an organizational structure and management system that avoided these conflicting activities.
- b. Conflicts might arise on future work. For example, if the Consultant writes specifications for performing construction management services for a particular line of business, the Consultant would not be eligible for contracts to perform those services. The Consultant could avoid this potential conflict by not participating in the source selection of work it wishes to compete for. The Scope of Work does not currently include participation in source selection activities, but the example illustrates how performance of an existing contract could create a conflict of interest on a future contract.

## 3. Identifying and Remediating the Unfair Competitive Advantage

- a. All competitive advantages are not by themselves unfair and, if because of the circumstances, an advantage is determined to be

unfair, it may be possible to remedy it. For example, a firm that has done work for Sound Transit before whether the scopes of work were similar to this RFQ or not, has the competitive advantage of its experience working with Sound Transit business processes. It would be considered an unfair competitive advantage if the previous work experience gave the firm access to information that was not available to the public. A potential remedy would be for Sound Transit to make the information available to all potential Submitters.

- b. Conflicts might arise on future work. For example, if the Scope of Work requires the Consultant to develop cost estimates and budgets for future Sound Transit projects, for which engineering, construction management or construction services will be procured by competitive selection, the Consultants may be precluded from proposing or bidding in the future on work for which they developed cost estimates or budgets.

#### 1.11 SOQ REVIEW PROCESS

1. Sound Transit will make such reviews and investigations, as it considers necessary and appropriate for evaluation of the SOQs. Sound Transit shall determine the most qualified firms who may be invited to participate in oral interview(s). Sound Transit will be responsible for selecting the SOQ that, in the opinion of Sound Transit, best meets the requirements set forth in the RFQ and is in the best interest of Sound Transit. Approval and award of an Agreement will be made pursuant to policies established by the Sound Transit Board.
2. Sound Transit reserves the right to reject any and all SOQs. Sound Transit reserves the right to remove from further consideration any SOQ that, at Sound Transit's sole discretion, has substantial deficiencies in relation to one or more of the evaluation criteria.
3. Sound Transit has made every effort to include enough information within this RFQ for a firm to prepare a responsive SOQ. Respondents are encouraged to submit the most comprehensive and competitive information possible. Any exception to an item in the solicitation must be clearly set out and fully explained in the SOQ. Be specific regarding the reasons for the exceptions. **Any exceptions to the Terms and Conditions in the Draft Agreement (Section Two) shall reflect how Sound Transit would benefit by the exception.**

#### 1.12 NEGOTIATIONS / COST AND PRICING DATA

The selected firm and subconsultants, if any, shall submit average hourly rates for each member of their team. These costs, once agreed to by Sound Transit, shall form the basis for a billing/payment provision. During discussions, Sound Transit reserves the right to request additional documentation supporting the proposed cost and pricing data. Such information shall include but not be limited to:

1. A certified statement from the selected firm and subconsultants, if any, about the firm's accounting system indicating the following:
  - a. An overview of the accounting system and its capability to track costs and provide financial information; and

- b. Written procedures and policies concerning the accounting system, timekeeping, payroll, purchased services and materials, direct and indirect cost control, asset capitalization, depreciation, and pre-contract costs.
2. Proof of adequate financial resources that would be available to the selected firm and subconsulting firms, if any, for the execution and completion of the work hereunder. Such information may include:
- a. For each of the past two (2) fiscal years, copies of balance sheets, profit and loss statements, statements of changes in financial position, including footnotes and auditor's opinions on financial statements, or annual reports to stockholders; or
  - b. Documentation of an open letter of credit or other arrangement with an established bank under which financing would be available for the execution and completion of the work called for hereunder.

1.13 CONTENTS OF SOQ / EVALUATION CRITERIA

Firms shall submit SOQs meeting the following content requirements. Sound Transit reserves the right to request additional information from Submitters.

A. General SOQ Format

The following information shall be presented in a clear, comprehensive, and concise manner and in the format prescribed below. In order for Sound Transit to adequately compare and evaluate qualifications objectively, all SOQs must be submitted in accordance with the following format in terms of order and maximum printed pages to be included. The SOQ should be prepared simply and economically, providing straightforward and concise information. **All copies of SOQs should be stapled or comb-bound.** Elaborate, decorative, extraneous, plastic and non-recyclable materials are strongly discouraged. Double-sided printing is strongly encouraged.

**Any exception to an item in the solicitation must be clearly set out and fully explained in the SOQ as to why the Submitter is taking exception. Be specific as to the reasons for the exception.**

Cover Sheet	
Table of Contents	
Letter of Interest	The letter of interest may contain any other information not in the SOQ but should not exceed two (2) single-sided pages or one (1) double-sided page. The following information shall also be provided in the Letter of Interest: <ul style="list-style-type: none"> <li>• State of Incorporation</li> <li>• Federal Tax ID Number</li> </ul>
Body of SOQ	No longer than <b>fifteen (15) double-sided</b> pages of letter-sized paper (not including the items listed under Appendix).
<b>Appendix –</b> (These items will not be included as part of the page count for the Body of the SOQ.)	<ol style="list-style-type: none"> <li>1. <b>Résumés</b> are not to exceed one page for each proposed key individual of the team, including area of expertise, number of years of experience, related projects experience, related projects' duration, and education and/or certifications held.</li> <li>2. <b>DBE/Small Business Forms</b> per Evaluation Criterion 4 <b>and Equal Employment Opportunity Programs</b> per Evaluation</li> </ol>

	Criterion 5 shall be included as part of the Appendix.
	3. <b>Required SOQ Forms</b> shall be completed by the Submitter and included as part of the Appendix.
	4. <b>Exceptions to Sound Transit's Terms and Conditions</b> , if any, and <b>explanation</b> of how such exceptions would benefit Sound Transit may be included as part of the Appendix.
Joint Venture Agreement	Copies of agreement are to be provided, if proposing team is a Joint Venture.

**B. Evaluation Criteria and SOQ Requirements**

1. The criteria outlined below will be used in evaluating the SOQs and are listed in their relative order of importance. All criteria are important, however, and it would be wrong to assume the criteria listed last are insignificant.
2. Proposers selected to participate in interviews are eligible to receive a maximum of two-hundred (200) additional points for each interview round in which they participate. Points obtained during the interview(s) shall be added to the Proposer's overall evaluation score.
3. In responding to Evaluation Criteria 1 to 6 below, the Submitter should organize its SOQ so that the qualifications are clearly illustrated in each of the categories, using the Submittal Requirements listed below for each Evaluation Criterion.

No.	Criterion	Description	Maximum Points
1	Firm Experience and History with Similar Projects	Specialized experience and technical competence of the firms comprising the team, considering the type of services required and that these services will be provided. Recent experience of the firm and successful completion of projects of similar type and complexity will be a material consideration.	150
2	Knowledge and Experience of Key Individuals	Specialized experience and technical competence of the key individuals and other staff who will provide the requested services. Recent experience and expertise of these key individuals with projects of similar type and complexity will be a material consideration.	250
3	Capacity and Project Organization	Firm's capacity to accomplish the tasks in time frame as described in the Scope of Work. Capability of the firm to organize and manage a team around the projects specific tasks.	150
4	Good Faith Efforts and Commitment to DBEs and other Small Businesses.	The efforts made by the Submitter to reach out to DBEs and other Small Businesses to solicit and obtain their participation in performing portions of the work in the Agreement under this RFQ.	100
5	Equal Employment (EEO)	Submitter's past and present actions to comply	100

	Opportunity Commitment	with equal employment opportunity (EEO) laws and requirements.	
6	Knowledge/experience of Project Area and Project Approach	Submitter's demonstrated knowledge of the project area and experience working within the area. The approach of the firm to successfully complete the project's separate but interrelated tasks.	250
		<b>TOTAL</b>	1000

<b>Evaluation Criterion 1</b>	<b>Firm Experience And History</b>	<b>150 pts.</b>
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Specialized experience and technical competence of the firms comprising the team (including a joint venture, associate, or professional subconsultant), considering the type of services required. Past record of performance on contracts with other government agencies or public bodies and with private industry, including such factors as control of costs, quality of work, ability to meet schedules, cooperation, responsiveness, participation of DBEs and/or other Small Business and compliance with equal employment opportunity (EEO) laws. Recent experience of the firm and successful completion of Work of a similar type and complexity will be a material consideration.

**Submittal Requirements**

1. Brief résumé of the Submitter firm (or joint venture), including but not limited to: home and branch office information; date established; former name(s); type of ownership or legal structure; general description of services provided and type of clients served; personnel.
2. Description of recent projects or Work for which the Submitter firm (or firm's team) provided services to illustrate the firm's ability to perform the requirements of this Contract. SOQs should include but are not limited to:
  - a. Work name and location
  - b. Responsibility of the firm (prime, subconsultant, joint venture, etc.)
  - c. Client (Owner) name, address, phone number.
  - d. Name, address, and phone number of firm's project manager.
  - e. Name, address, and phone number of Client's (Owner's) project manager or primary contact.
  - f. Brief description of the Work (including description of the services provided by the firm; total cost of project; total fees billed by firm; completion date; DBE/Small Business Participation; etc.).

<b>Evaluation Criterion 2</b>	<b>Knowledge And Experience Of Key Individuals</b>	<b>250 pts.</b>
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Specialized experience and technical competence of the key individuals and support staff that will provide the requested services, including but not limited to the proposed project manager, major subconsultants, and key staff in each firm.

Key individual's knowledge of and experience with problems, conditions, or circumstances applicable to specific location of this project, including, but not limited to:

- Characteristics of the Puget Sound environment that are unique to this project;
- Applicable laws, ordinances, codes, regulations, and permits the interpretations thereof needed to perform the project;
- Any indigenous geographical, geo-technical, or other substantive technical issues that will likely be encountered in this project.

Knowledge, recent experience and expertise of these key individuals with projects of similar type and complexity will be a material consideration.

**Submittal Requirements**

1. Brief résumés for each of the key individuals and/or support staff who will provide the requested services. (Full, one-page résumés may also be attached to the Appendix.)
2. A representative list of past or current projects performed by the key individuals who will provide the requested services. SOQs shall include information about the project manager, major subconsultants, and key staff. SOQs shall include but are not limited to:
  - a. Project name and location
  - b. Responsibility of the individual (prime, subconsultant, joint venture, etc.)
  - c. Client (Owner) name, address, phone number
  - d. Name, address, and phone number of prime consultant's project manager
  - e. Name, address, and phone number of Client's (Owner's) project manager or primary contact
  - f. Brief description of the Work (including description of the services provided by the firm; (total cost of project; completion date; etc.)
  - g. Brief description of key personnel's knowledge of and experience with problems, conditions or circumstances applicable to specific location of this project, including, but not limited to:
    - (1) Characteristics of the Puget Sound environment that are unique to this project;
    - (2) Applicable laws, ordinances, codes, regulations, and permits the interpretations thereof needed to perform the project;
    - (3) Any indigenous geographical, geo-technical, or other substantive technical issues that will likely be encountered in this project.

<b>Evaluation Criterion 3</b>	<b>Capacity and Project Organization</b>	<b>150 pts.</b>
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The Submitter will be required to demonstrate the firm's capacity and experience to provide Sound Transit with the required services. This should be demonstrated through

the firm’s understanding of Sound Transit’s needs and the Scope of Work to be provided in order to manage and complete the work

**Submittal Requirements**

Provide information demonstrating the team’s:

1. Capacity to perform the Work (including any specialized services) within the time limitations, considering the firm's current and planned workload;
2. Ready availability and accessibility (key personnel and support staff);
3. Ability to coordinate the work quickly and efficiently with Sound Transit personnel considering:
  - a. The team’s organizational structure.
  - b. Reporting relationship between individual team members.
  - c. The physical location of the office from which the work will be performed.

<b>Evaluation Criterion 4</b>	<b>Good Faith Efforts and Commitment to DBEs and Small Businesses</b>	<b>100 pts.</b>
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Good Faith Efforts made by the Submitter to solicit DBEs and Small Businesses to participate in performing portions of the work provided in the Agreement under this RFQ. The Submitter’s commitments to utilize DBEs and Small Businesses, as full-fledged team members, for performance of specific portions of the work provided in the Agreement under this RFQ.

Sound Transit strongly encourages and will favorably evaluate creative teaming arrangements that result in formal or informal partnerships of DBEs and Small Businesses with firms of similar professional capabilities having specialized experience or expertise needed on the project.

**Submittal Requirements**

Submit the following forms and respond to the following questions:

1. Submittal Form 3, DBE/Small Business Commitment Form, identifying each DBE and Small Business with whom the Submitter will enter into a contractual arrangement if awarded the Agreement under this RFQ.
2. Submittal Form 4, DBE/Small Business Good Faith Efforts Documentation Form, identifying each DBE and Small Business to whom the Submitter reached out for possible participation under this RFQ and any subcontracts that will be awarded if the Submitter is awarded the Agreement under this RFQ.
3. For each DBE and Small Business identified on Submittal Form 3, describe the specific and meaningful involvement of the DBE/Small Business on the Submitter’s team, what the DBE/Small Business will contribute and what interactions are envisioned for the DBE/Small Business with the Submitter and Sound Transit that can reasonably be expected to result in establishing or enhancing an on-going business relationship. Include information about personnel from the DBEs and Small Businesses who will participate in the Work.

4. Describe the Submitter's experience and approach in managing diverse teams on scopes of work or size and duration of contracts comparable to that under this RFQ. Include an explanation about assistance provided to DBEs and Small Businesses with expertise but limited resources, resource sharing (e.g., office space, equipment, etc.), formal or informal mentoring, and other efforts undertaken to enhance the performance of the members and the Submitter's team.
5. Describe the Submitter's approach in monitoring, mentoring and supporting DBEs and Small Businesses if awarded the Agreement under this RFQ. Specifically, for each DBE/Small Business to whom the Submitter has made a commitment on Submittal Form 3, describe what assistance and resources will be made available to the DBE/Small Business.
6. Provide the name of the individual on the Submitter's team who will be responsible for overseeing efforts to assist DBEs and Small Businesses to successfully perform as members of the Submitter's team.
7. If the Submitter does not include participation by DBEs and Small Businesses, discuss the factors and considerations that made participation by DBEs and Small Businesses impractical, infeasible or otherwise unattainable.
8. Provide a statement regarding all exclusive relationships with proposed consultants, regardless of DBE/Small Business status. Discuss any required exclusive arrangements for firms to participate on the Submitter's team.

<b>Evaluation Criterion 5</b>	<b>Equal Employment Opportunity (EEO) Commitment</b>	<b>100 pts.</b>
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Sound Transit is interested in SOQs from Submitters that demonstrate past and current commitment to equal employment opportunity (EEO). Sound Transit encourages SOQs from Submitters that seek to employ a workforce that draws from all of the Puget Sound region's highly-qualified and diverse citizens.

### **Submittal Requirements**

While Sound Transit has not attempted to set forth either the minimum or maximum means or methods the Submitter must take to demonstrate its commitment to equal employment opportunity, Sound Transit is interested in the measures the Submitter has or will initiate to ensure participation of minorities, women and persons with disabilities on the Project.

Accordingly, each Submitter shall complete and submit the following documents. Sufficiency of the documents will be a material consideration in the evaluation proceedings.

1. Submitters shall provide a copy of their EEO Programs. Sound Transit advises Submitters that EEO Programs should include, but are not limited to, the following major components:

- a. Statement of Policy issued by the chief executive officer affecting all employment practices and placed in conspicuous locations and available to employees, applicants for employment and the general public;
  - b. Dissemination of EEO Policy to publicize and disseminate the EEO Policy to employees, applicants for employment and the general public;
  - c. Designation of Personnel Responsibility identifying the executive appointed as manager/director of EEO who reports and is directly responsible to the chief executive officer and including the responsibilities of the manager/director of EEO;
  - d. Utilization Analysis to (i) identify job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the labor market, and (ii) establish a framework for goals and timetables and other affirmative actions to correct employment practices that contributed to any identified absence, underutilization or concentration;
  - e. Goals and Timetables to correct any underutilization of specific affected classes of persons identified in the utilization analysis;
  - f. Assessment of Employment Practices to identify practices that operate as employment barriers and unjustifiably contribute to underutilization of minorities and women; and
  - g. Monitoring and Reporting System to assess EEO accomplishments, evaluate the EEO Program during the year, identify failures in the organization to achieve a goal or implement affirmative action, and provide data for future projections and actions.
2. Submitters shall complete and submit Staffing Plans for performance of the work. Staffing Plans shall include, but are not limited to, the following:
- a. A project profile breakdown by race or ethnicity, gender, disability and other relevant demographic information of the individuals identified on the project team, consistent with other information provided in the SOQ.
  - b. List of key individuals, support staff and other positions anticipated to be needed in the performance of the work;
  - c. Positions filled at the time of submittal, also identifying the firms from which those positions are affiliated;
  - d. Positions now open and to be filled if Submitter is awarded the Agreement including positions designated to be filled by specific firms;
  - e. Schedule for filling the open positions;
  - f. Process that will be used to fill positions, both positions now open and those that become open during the term of the Agreement; and

- g. Commitment to utilization of minorities and women in filling positions.

<b>Evaluation Criterion 6</b>	<b>Knowledge/experience of Project Area and Project Approach</b>	<b>250 pts.</b>
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The following factors will be considered:

1. Demonstrated knowledge of project area
2. Experience of key personnel working within the project area and surrounding areas
3. Demonstrated understanding of the project scope
4. Demonstration of how study can be contracted under two separate tasks, but completed collaboratively and concurrently.

**END OF EVALUATION CRITERIA**

**C. Joint Venture Agreement**

If proposing as a Joint Venture, Sound Transit requires Submitters to submit a draft copy of its Joint Venture Agreement as part of its SOQ. Prior to contract award, proposer must provide to Sound Transit a fully-executed copy of proposer’s joint venture agreement, which must be: (a) substantially the same as the draft agreement provided with the SOQ and (b) acceptable to Sound Transit.

**1.14. COST PROPOSAL**

The selected firm will be required to submit a Cost Proposal. The proposed costs shall be segregated by cost element for each proposed task. The cost elements shall include: labor hours, hourly direct labor rates identified by function or discipline, overhead rate, other direct costs (if applicable) and professional fee / profit. Provide the same level of detail and support for subconsultants, if any. A recommended cost proposal format is provided in Exhibit A of this RFQ.

Sound Transit shall have access to and reserves the right to audit any directly pertinent financial documents and records reflecting direct and indirect cost data used in the Cost Proposal.

Sound Transit is required to perform a cost/price analysis of the cost proposal prior to the start of contract price negotiations. Provide the information described in the cost elements below with the Cost Proposal in order to help accelerate this process.

**A. Labor Hours**

Provide labor hours by task and by labor category for each company. Provide rationale for labor hour estimates (not applicable for on-call contracts).

**B. Direct Labor Rates**

Identify the proposed direct labor rates by individual and by labor category (i.e., by function, discipline or skill level) in accordance with Submitter's accounting system. Provide payroll register information in support of the proposed direct labor rates, when or if requested.

C. Overhead Rates

Provide a copy of the most recent independent audit that has been performed within the past two (2) years. If an independent audit is available, then the items below will not be required. If an independent audit report is not available then provide the following:

1. Provide an overhead schedule showing a detailed listing of overhead expenses incurred for the most recent year as well as total direct labor costs. This overhead schedule should be based on actual expenses incurred during the previous year.
2. Unallowable costs must not be included in the proposed overhead rate. Include a certified statement that the proposal does not include any unallowable costs per 48 CFR Chapter 1 Part 31. Refer to Federal Acquisition Regulations Part 31 for more information; Part 31.205 gives specific instructions on which costs are allowable and which are unallowable.
3. Provide a chart of accounts, describing what is included in each overhead account line item
4. If co-location with Sound Transit is anticipated, then provide a reduced "field office" type rate since office space, etc., would be provided by Sound Transit.

D. Other Direct Costs (ODCs)

If proposing direct costs other than labor, then provide a description and rationale for the estimate. Any proposed ODCs must be task or job specific costs that are normally charged directly to a contract and have not been included in the overhead rate. ODCs, if approved, will be reimbursed at cost only, with no markup added.

E. Professional Fee / Profit

Identify the proposed professional fee / profit rate, expressed as a percentage of direct labor and overhead costs.

1.15 CONTRACT AWARD

A. Contract Terms and Conditions

1. Negotiation of a contract will be in conformance with applicable federal, state and local laws, regulations and procedures. The objective of the negotiations will be to reach agreement on all provisions of the proposed contract. To assist in the negotiations, a draft Sound Transit Agreement is included here as Section Two, Draft Agreement. Any exceptions to the Terms and Conditions in the Draft Agreement shall be clearly set out in the Submitter's submittal and shall fully explain how Sound Transit would benefit by the exception.
2. Upon successful contract negotiations, Sound Transit staff will present the required documentation to the appropriate Sound Transit authority for approval and award of the contract.
3. Debriefings

Submitters may request a debriefing no later than three (3) business days after being notified of the selection of the top ranked firm. Debriefings shall be limited to the debriefed Submitter's overall ranking, the strengths and weaknesses of its SOQ and answers to questions regarding the selection process. Debriefings shall not include a point-by-point comparison of the debriefed Submitter's SOQ with the other SOQs.

**B. Protest Procedure**

Interested parties have a right to seek resolution of any concerns, issues, or perceived wrongs associated with this procurement. Upon receipt of a written protest, issues of concern will be researched and a written determination to the protesting party will be issued by Sound Transit's Director, Procurement & Contracts Division.

Sound Transit's protest procedure is available at: <http://www.soundtransit.org/Documents/pdf/working/contracts/ProtestAndAppealRequirements.pdf>. Before submitting a protest, the Proposer shall ensure it has the most current copy of Sound Transit's written Protest Procedure by contacting Brian Barson, Design & Construction Contracts Specialist, Phone: 206-398-5194.

**1.16 NOTIFICATION**

In the event it becomes necessary to revise any part of the RFQ, addenda will be provided to all firms who request the RFQ from Sound Transit. If any firm has reason to doubt whether Sound Transit is aware of the firm's interest, it is the responsibility of the firm to notify Sound Transit to be sure that addenda are received. Call or mail such notice to Brian Barson at 206-398-5194, Sound Transit, 401 S Jackson Street, Seattle, Washington, 98104-2826.

Sound Transit shall provide notification of the following actions to all firms being considered at the time the action is taken:

1. Selection of finalists for interviews, if applicable.
2. Notice of Selected Firm.

Firms should not assume any action has been taken unless they receive specific notification from Sound Transit. Sound Transit will attempt to notify all firms of any changes to the schedule herein.

**1.17 NOTICES: FEDERAL TRANSIT ADMINISTRATION (FTA) REQUIREMENTS**

**A. Applicability of Federal Grant Contract**

1. This procurement may be subject to one or more financial assistance contracts between Sound Transit and the U.S. Department of Transportation, which incorporate the current FTA Master Agreement and Circular 4220.1F as amended. U.S. Department of Transportation's level of financial assistance may be between zero and eighty percent (0-80%). The Submitter is required to comply with all terms and conditions prescribed for third party contracts in this solicitation.
2. Federal laws, regulations, policies and administrative practices may be modified or codified after the date this Agreement is established and may apply to this solicitation. To assure compliance with changing

federal requirements, Contract Award indicates that the Submitter agrees to accept all changed requirements that apply to this Agreement.

3. Incorporation of Federal Transit Administration (FTA) Terms

All contractual provisions required by DOT, as set forth in FTA Circular 4220.1F as amended and the Master Grant agreement, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this solicitation. The Submitter shall not perform any act, fail to perform any act, or refuse to comply with any Sound Transit request that would cause Sound Transit to be in violation of the FTA terms and conditions.

B. Federal Funding Limitation

The Submitter understands that funds to pay for the Submitter's performance under this Agreement are anticipated to be made available from the United States Department of Transportation through the Federal Transit Administration (FTA). Sound Transit's obligation hereunder is payable from funds that are appropriated and allocated by FTA for the performance of this Agreement. If funds are not allocated, or ultimately are disapproved by FTA, Sound Transit may terminate or suspend Submitter's services without penalty. Sound Transit will notify the Submitter promptly in writing of the non-allocation, delay or disapproval of funding.

C. FTA Requirements

The Submitter shall also comply with the FTA requirements included in Section Two, Draft Agreement.

**END OF RFQ**

SECTION TWO DRAFT AGREEMENT

## SECTION THREE SCOPE OF WORK

## SECTION FOUR SUBMITTAL FORMS

**SUBMITTAL FORMS CHECKLIST**

**Instructions:**

The following documents constitute the Form of Submittal. Failure to submit all the required forms may cause a Submittal to be non-responsive. Submitters are advised to read carefully all portions of the Contract Documents and to comply with all requirements therein.

No.	FORM
<input type="checkbox"/> Submittal Form 1	Receipt of Addenda
<input type="checkbox"/> Submittal Form 2	Certification Regarding Conflicts of Interest
<input type="checkbox"/> Submittal Form 3	DBE/Small Business Commitment Form
<input type="checkbox"/> Submittal Form 4	DBE/Small Business Good Faith Efforts Documentation Form

**PROPOSAL PACKAGES RECEIVED WITHOUT THE ABOVE DOCUMENTS MAY NOT BE CONSIDERED FOR AWARD**

**All Forms are attached.**

SUBMITTAL FORM 1 RECEIPT OF ADDENDA

**PROCUREMENT NO. RTA/AE 0169-12**

The Submitter acknowledges receipt of addenda to the solicitation numbered and dated as follows:

Submitter: \_\_\_\_\_  
(Type or Print Company Name)

By: \_\_\_\_\_  
(Signature) (Title)

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

Addendum Number	Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**END OF FORM**

**SUBMITTAL FORM 2 CERTIFICATION REGARDING CONFLICT OF INTEREST**

The Submitter is required to certify performance of the work will not create any conflicts of interest or disclose any actual or potential conflicts of interest by completing and signing one of the following statements:

---

The Submitter hereby certifies that to the best of its knowledge and belief, performance of the services described in the Scope of Work will not create any conflicts of interest for the Submitter, any affiliates, any proposed subconsultants or key personnel of any of these organizations.

DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

SUBMITTER/COMPANY NAME: \_\_\_\_\_

---

**OR**

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The Submitter hereby discloses the following circumstances that could give rise to a conflict of interest for the Submitter, any affiliates, any proposed subconsultants or key personnel of any of these organizations. (Attach additional sheets as needed.)

Name of Individual/Company to which potential conflict of interest might apply:

\_\_\_\_\_

Nature of potential conflict of interest \_\_\_\_\_

\_\_\_\_\_

Proposed Remedy \_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

SUBMITTER/COMPANY NAME: \_\_\_\_\_

**END OF FORM**

### SUBMITTAL FORM 3 DBE/SMALL BUSINESS COMMITMENT FORM

The Submitter affirms that it has read and understands the provisions in this RFQ setting forth the DBE and Small Business participation objectives established in this RFQ, and it has complied with all such DBE/Small Business participation objectives contained in this RFQ. The Submitter certifies that all documentation (including outreach information) submitted by it to demonstrate such compliance is true and accurate.

Furthermore, the Submitter has listed on the following form all DBEs and Small Businesses that it will use if awarded the Agreement under this RFQ and whose participation will be counted toward meeting the applicable DBE/Small Business participation requirements.

**NOTE: Submitters are advised that this form is submitted as part of an RFQ for Architectural & Engineering (A&E) Services, therefore dollar amounts shall not be provided in the SOQ, and the commitments shall be expressed as percentages of the work. However, the percentages indicated shall relate to the Submitter's project scope assumptions.**

Definitions for DBE and Small Business Participation Plan		
Box	Name	Description
1	Procurement Number	Sound Transit's Procurement Number as listed on the cover of the solicitation document.
2	Procurement Title	Name of procurement as written on the cover of the solicitation document.
3	Company Name	Submitter's company name.
4	Address	Business address of Submitter's office in Sound Transit's locale.
5	City, State, Zip	City, state, zip for Box No. 4 above.
6	Contact Name	Submitter's contact person for this procurement.
7	Contact Phone	Contact's phone number.
8	Contact's Email	Contact's Email address.
9	Small Business Commitment	Total percentage the Submitter commits to including on the contract of proposed subconsultants who are either certified or self-declared Small Businesses, including the Submitter's contribution if Submitter is either a certified or self-declared Small Business.
10	Small Business Goal	Sound Transit's Small Business Goal as listed in the solicitation document.
11	Total Proposal Price (N/A if A&E)	Total Amount of Proposal (N/A if A&E)
12	DBE/Small Business Participants	List all Small Business participants, including Submitter, if Submitter is a DBE certified by OMWBE or a certified or self-declared Small Business.

- |           |   |  |
|-----------|---|--|
| <b>13</b> | DBE/Small Business Indicator  | Indicate the type of certification status or other indicator of each Small Business: Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SB), Small Business Administration (SBA), Americans With Disabilities Act Businesses (ADAB), Other (identify). |
| <b>14</b> | Description of Work   | Brief description of the work to be performed by the proposed DBE/Small Business Participant.  |
| <b>15</b> | DBE/Small Business Participants: Proposed Subcontract Amount ( <u>N/A if A&amp;E</u> )  | Proposed Subcontract Amount for DBE/Small Business Participants, including Submitter if Submitter is a certified or self-declared Small Business. ( <u>N/A if A&amp;E</u> )  |
| <b>16</b> | DBE/Small Business Participants: Percent of Proposed Contract   | Percentage of Proposed Contract to be performed by DBE/Small Business Participants, including Submitter if Submitter is a DBE certified by OMWBE or a certified or self-declared Small Business.   |
| <b>17</b> | DBE/Small Business Participants: Subtotal of Proposed Subcontract Amount from attached list, if any, of Small Business Participants ( <u>N/A if A&amp;E</u> ) | From attached list of DBE/Small Business Participants, if any, Subtotal of Proposed Subcontract Amount. ( <u>N/A if A&amp;E</u> )  |
| <b>18</b> | DBE/Small Business Participants: Percent of Proposed Contract – Percent from attached list, if any, of Small Business Participants                            | From attached list of DBE/Small Business Participants, if any, Subtotal of Percent of Proposed Contract.   |
| <b>19</b> | DBE/Small Business Participants Total: Proposed Subcontract Amount ( <u>N/A if A&amp;E</u> )  | Total Proposed Subcontract Amount for all DBE/Small Business Participants listed, including Submitter if Submitter is a DBE certified by OMWBE or a certified or self-declared Small Business. ( <u>N/A if A&amp;E</u> ).  |
| <b>20</b> | DBE/Small Business Participants Total: Percent of Proposed Contract   | Total Percent of the work to be performed by all DBE/Small Business Participants listed, including Submitter if Submitter is a DBE certified by OMWBE or a certified or self-declared Small Business.  |

**FORM CONTINUES ON NEXT PAGE**

**SUBMITTAL FORM 3 (Continued) DBE/SMALL BUSINESS COMMITMENT FORM**

Procurement No.	1. <input type="text"/>	Company Name	3. <input type="text"/>
		Address	4. <input type="text"/>
Procurement Title	2. <input type="text"/>	City/State/Zip	5. <input type="text"/>
		Contact Name	6. <input type="text"/>
		Contact Phone	7. <input type="text"/>
		Contact Email	8. <input type="text"/>

Diversity Contract Goals		
Small Business Commitment	9.	%
Small Business Goal	10.	16%
DBE Commitment	11.	%
DBE Goal	12.	0%

13. DBE/Small Business Participants (May include Submitter if counted towards Goal)	14. DBE/Small Business Indicator (DBE, MBE, WBE, Size, etc)	15. Description of Work	DBE/Small Business Participants
			16. Percent of Proposed Contract
			%
			%
			%
			%
			%
			%
			%
<b>Total percent from attached list of DBE and Small Business participants:</b>			17. %
(Please attach a separate list of additional planned DBE/Small Business participants, as necessary)			<b>Total percent from attached list of DBE Participants:</b> 18. %

**END OF FORM**

SUBMITTAL FORM 4 DBE/SMALL BUSINESS GOOD FAITH EFFORTS DOCUMENTATION FORM

Page \_\_\_ of \_\_\_

The Submitter shall submit this form as part of its SOQ as documentation of its efforts to reach out to DBEs and Small Businesses, to participate in the Agreement under this RFQ. Sound Transit may request the Submitter provide additional information regarding its efforts. Attach additional forms as necessary.

By submitting this Form, the Submitter certifies it contacted the identified DBEs and Small Businesses in an effort to solicit their participation in performance of the work in the Agreement under this RFQ.

Is Subcontracting anticipated for this Agreement: \_\_\_\_\_ Yes or \_\_\_\_\_ No

- 1. Firm Name:** \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Area of Expertise: \_\_\_\_\_  
DBE and Small Business Status: \_\_\_\_\_  
Date Contacted: \_\_\_\_\_  
Response: \_\_\_\_\_
- 2. Firm Name:** \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Area of Expertise: \_\_\_\_\_  
DBE and Small Business Status: \_\_\_\_\_  
Date Contacted: \_\_\_\_\_  
Response: \_\_\_\_\_
- 3. Firm Name:** \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Area of Expertise: \_\_\_\_\_  
DBE and Small Business Status: \_\_\_\_\_  
Date Contacted: \_\_\_\_\_  
Response: \_\_\_\_\_
- 4. Firm Name:** \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Area of Expertise: \_\_\_\_\_  
DBE and Small Business Status: \_\_\_\_\_  
Date Contacted: \_\_\_\_\_  
Response: \_\_\_\_\_

**END OF FORM**

SECTION FIVE      EXHIBITS

EXHIBIT A RECOMMENDED COST PROPOSAL FORMAT

**Prime or Joint Venture (J.V.) Firm Name**

<b>Key Individuals</b>	<b>Estimated Hours</b>	<b>Rate</b>	<b>Total</b>
John Doe, PM			
Jane Doe, Key Position			
Jim Doe, Key Position			
Etc.			
<b>Support Staff</b>			
Administrative Staff (As applicable, etc.)			
SUBTOTAL			
OVERHEAD		%	%
TOTAL LABOR & OH			
FIXED FEE -computed at a percentage of labor & overhead			
DIRECT COSTS (Prime or J.V. Firm)			
List Other Direct Costs (as applicable, etc.)			
TOTAL DIRECT COSTS			
TOTAL FOR (Firm Name)			

**Subconsultant (Name)**

Same format as above

TOTAL CONTRACT AMOUNT

\$

**END OF FORM**





EXHIBIT D REQUEST FOR INFORMATION (RFI) FORM



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PLEASE FAX YOUR QUESTIONS TO: **206-398-5271** Attn: **Brian Barson, Design & Construction Contracts Specialist, Procurement & Contracts Division**

**RFQ NO. RTA/AE 0169-12**  
**Ballard-to-Downtown Seattle High Capacity Transit (HCT) Planning Study**

Date: \_\_\_\_\_ Page 1 of \_\_\_\_\_

Bidder: \_\_\_\_\_

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

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**SUBJECT:** \_\_\_\_\_

Information Requested:

**END OF FORM**



Please Print on Recycled Paper

**EXHIBIT E CERTIFICATION REGARDING LOBBYING**

The selected firm shall submit this form to Sound Transit prior to contract award.

The undersigned (Contractor) certifies to the best of his or her knowledge or 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 an 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, and 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 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, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions, [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)]
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code (as amended by the Lobbying Disclosure Act of 1995). 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 such failure.

[Note: Pursuant to 31 U.S.C. Section 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

Bidder: \_\_\_\_\_  
(Type or Print Company Name)

By: \_\_\_\_\_  
(Signature) (Title)

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

**END OF FORM**