

CAMINO REAL REGIONAL MOBILITY AUTHORITY
REQUEST FOR QUALIFICATIONS
FOR CONSTRUCTION OF THE
INFRASTRUCTURE COMPONENT OF THE
EL PASO STREETCAR PROJECT

Issuance Date: January 20, 2015

The Camino Real Regional Mobility Authority ("CRRMA") is issuing this Request for Qualifications ("RFQ") for the construction of the infrastructure component of the El Paso Streetcar Project (as described below) in the City of El Paso, Texas (the "Project"). Upon completion, the Project will be operated by the Mass Transit Department of the City of El Paso, the public transportation provider for the region ("Sun Metro").

On January 14, 2015, the CRRMA Board of Directors authorized the issuance of this RFQ soliciting qualifications submittals from firms, partnerships, corporations, joint ventures or other teams (collectively, "Teams") interested in serving as the construction contractor ("Contractor") for the Project.

The CRRMA has promulgated and adopted "Policies and Procedures Governing Procurements of Goods and Services by the CRRMA" (the "Procurement Policies"). The Procurement Policies govern the submission and processing of proposals and require publication of notice that the CRRMA Board of Directors desires to solicit submissions of qualifications from interested Teams. As noted above, the CRRMA Board of Directors expressed this desire on January 14, 2015, and authorized the issuance of this RFQ. The Procurement Policies may be downloaded from the CRRMA website (www.crrma.org).

I. Description of the Project and Scope of Construction Services. Sun Metro is planning a streetcar system linking the International Bridges, downtown, the Cincinnati Street Entertainment District and the University of Texas at El Paso. The Project complements several new initiatives in El Paso including Sun Metro *Brio*, "CBD" streetscape improvements, and Southwest University Park. Construction will consist of approximately 4.8 miles of track, 27 streetcar stops, related street improvements, and a vehicle maintenance and storage facility near the existing Sun Metro Downtown Transfer Center. Construction is anticipated to take place between mid 2015 through 2018. A separate procurement will take place to secure the streetcar vehicle fleet to be operated on the Project. The Project was included in the transportation improvement program by the El Paso Metropolitan Planning Organization in 2014.

This scope includes phasing of the services necessary to implement this Project and address the City of El Paso's stated economic development, new urbanism/smart growth, and mobility goals.

Additional information about the Project may be viewed on the Procurements Page of the CRRMA's website at the following link: <http://www.crrma.org>.

The scope of construction and other services will be further defined in the subsequent phase of this procurement, but is generally expected to include the following:

- A. Construction.** The construction of all rail system components, quality control of the construction and compatibility of the rail infrastructure with the streetcar vehicles is required in order to assure a total system which meets all performance objectives. The chosen Contractor shall have experience in constructing streetcar rail systems, including implementation of plans and procedures with emphasis on accuracy, adherence to contract requirements, industry best practices, bid pricing and completeness.
- B. Community Relations:** The Contractor will be responsible for coordinating with residents and businesses along the alignment and others likely to be impacted by the Project. The City of El Paso and Sun Metro will work with the Contractor, through the CRRMA, to ensure appropriate project information is communicated to the public and affected stakeholders. The Contractor may be responsible for data collection and analysis regarding businesses or residents in the construction impact area; and will be responsible for coordination with civic and advocacy groups and providing information for CRRMA website updates.
- C. ROW.** The City of El Paso is responsible for providing ROW for the guideway within the Project. The Contractor will be responsible for obtaining staging areas for construction, a construction field office with space for owner representatives, and other incidental property needed to complete the work.
- D. Civil.** Pavement removal and replacement including saw-cutting; sidewalk, curb and gutter and wheelchair ramps; storm drainage adjustments; construction of approximately 27 streetcar stops with streetcar access areas that are ADA compliant; placement of embedded track on slabs of appropriate depth including those needed to bridge utilities in localized areas; implementation of vehicle and pedestrian traffic control plans; and coordination of parking spots during construction.
- E. Utilities.** Coordination with public and private utility owners and relocation and/or service connections of those utilities designated in the plans, including but not limited to water and sewer; fiber optics; cable; telecommunications; gas and electric lines. The Contractor will be responsible for sequencing utility adjustment or relocation in coordination with construction activities.
- F. Traffic Signals.** Installation of new traffic signals or modifications to existing signals to ensure smooth operation of the streetcar system with pedestrian and vehicle multimodal traffic.
- G. Systems.** Installation of traction power substations, foundations, feeder and return cabling, utility service connection, overhead contact system including foundations, signals/train control, stray current, communications and all systems supporting infrastructure.

- H. Structures:** Construction of a fully operable streetcar maintenance and storage facility (MSF).
- I. Bridge Structures.** Construction of concrete overlay, and columns for two existing bridge structures over I-10 for track and OCS installation.
- J. Testing and Commissioning.** Implementation of system testing, which includes the monitoring and written verification of contractor means, methods and test results. System testing and integration testing will be described in the Project specifications, and is expected to include the following: continuity and isolation, stray current, OCS, traction power substations ("TPSS"), signaling/train control, communications/SCADA, vehicles, start-up, and systems integration. It will be the responsibility of the Contractor to review all Project documentation, implement the required testing for the Project, and ultimately support any system testing and re-testing due to failures and/or change orders that occur throughout the Project.

II. Submittal of Responses to RFQ. Interested Teams are invited to tender responses to this RFQ by 4:00 pm El Paso time on February 19, 2015. Submittals must contain the information set forth below, and must be submitted in conformance with the Procurement Policies and the procedures set forth in this RFQ. Failure by a Team to submit a response by the deadline established herein shall preclude such Team from consideration by the CRRMA. Updates and addenda to this RFQ may be issued periodically prior to the deadline for responses and will be posted on the Procurements Page of the CRRMA's website at www.crrma.org. Interested Teams are responsible for monitoring the website for new information, and submittals in response to this RFQ will be expected to incorporate whatever changes may be reflected by any new information or addenda posted on the website.

III. Overview of Procurement Process. Regional mobility authorities ("RMAs") are statutorily authorized, pursuant to Texas Transportation Code Section 370.033, to develop transportation projects. In this case, the procurement for the construction of the Project will be managed by the CRRMA for the benefit of the City of El Paso and Sun Metro, which will operate the Project following its completion.

The CRRMA will follow the statutory guidelines and its Procurement Policies in conducting this procurement process. In accordance with those guidelines and policies, the process will be conducted in two phases. The first phase is the solicitation of qualifications, which is the purpose of this RFQ. The responses will be evaluated based on the criteria identified in Section IV below. The CRRMA, based on the responses, will select a short-list of Teams to participate in the second phase of the procurement process. The CRRMA anticipates that it will select at least two (2), but no more than five (5), Teams submitting responses to be short-listed. The CRRMA has not yet determined how many Teams will be short-listed in this procurement. In the second phase the CRRMA will issue a Request for Proposals ("RFP") to the short-listed teams asking for proposals that include both a technical and price proposal leading to a selection

by the CRRMA of the Proposer with the proposal that provides the best value for construction of the Project.

IV. Content of Responses to RFQ. A submission in response to this RFQ must include the following:

A. TEAM AND PERSONNEL QUALIFICATIONS/EXPERIENCE.

The Team members and personnel holding the key management staff positions identified below cannot be changed between the date of the RFQ response submittal and the submittal of proposals in response to the RFP without the written consent of the CRRMA, in its sole discretion.

1. Experience of Firm and/or Team. Submittals should include the following regarding the Team's qualifications, experience, technical competence, specific role the Team and/or its members performed, and collective capability to construct the Project:

a. Identity and description of:

- the Team;
- the Team's equity owners;
- the lead or managing member of the Team; and
- each non-equity member anticipated to play a significant role in the Project.

b. Description of the legal nature (or anticipated legal nature) of the Team (i.e., partnership, corporation, joint venture, etc.), including a description of the teaming arrangements, organizational structure, management of the Team, and the state of formation and domicile. Also include the name, title, address, telephone number, fax number, and email address for the Team's designated contact person.

c. Please provide the Team's:

- (1) Experience with similar projects
- (2) Experience in testing and commissioning of new service
- (3) Experience with safety programs
- (4) Stakeholder coordination experience
- (5) Experience with minority and small business participation, mentoring and training

In connection with enumerating a Team's construction experience with respect to the above criteria, Teams should emphasize experience with the following:

- System quality control and construction,
- System testing and commissioning,
- Auditing of rail systems / engineering,
- Rail system construction and quality control,
- Civil work construction,
- Systems (TPSS, OCS, etc.) work construction,
- System safety certification,
- RAMS (Risk, Availability, Maintainability and Safety assessments), and
- Maintenance and Storage Facility building quality control and construction.

At a minimum the Team's lead entity (the prime Contractor or a sub-contractor who meets these requirements) must have constructed at least two (2) projects in the last 10 years that demonstrate experience for each of the following areas of the Project: rail construction, traction power system, and MSF quality control and construction, and must have seven (7) years of established existence providing services in the installation and completion of streetcar systems or similar rail systems that have begun revenue service. The Team's lead entity must also have demonstrated the ability to manage specialty subcontractors including rail and systems.

Each Project identified in response to this item 1(c) must have a contact name for the owner and current contact information. The contact person should be the appropriate person to confirm information contained in response to this item 1(c). In addition to the owner and contact information, a Team's list of Projects must include the following:

- (i) Name, location and scope of Project
- (ii) Dates of commencement and completions, including the scheduled completion date and actual completion date.
- (iii) Opening dates of revenue service.
- (iv) Documentation that at least two (2) projects have embedded rail and special trackwork
- (v) Documentation that at least two (2) projects have overhead contact system installation.

- d. The CRRMA has adopted a *Business Opportunity Program and Policy* ("BOPP"), which outlines the CRRMA's disadvantaged business goals and objectives in projects that do not involve federal financial assistance. Information about this program is available on the Policies Page of the CRRMA's website at www.crrma.org or from the Contact Person listed in Section X. This Project will not utilize any federal funds and is, therefore, subject to the CRRMA's BOPP.

The RFQ response shall include information reflecting the Team's commitment to comply with the CRRMA's BOPP objectives and goals. Teams shall provide information that will allow the CRRMA to evaluate the Team's minority and small business participation, mentoring and training programs, as well as any additional information the Team believes pertinent to the goals and objectives outlined in the CRRMA's BOPP.

- e. For each Team member, complete **Attachment A** with respect to certain prior experience, disputes, and debarment, including further explanation of any "yes" answers, as required by the Attachment.

2. **Key Personnel Background and Experience**. Provide the following information regarding the responding Team's personnel qualifications, their experience, technical competence, and capability to develop and implement the Project. Please provide a one (1) page organizational chart showing how each of the personnel below will be integrated into the Team's management structure.

Identify and provide separate resumes for the following key management staff, and describe with specificity their prior experience (and the role performed) in street car, light rail or heavy rail projects:

- a. Proposed principal in charge;
- b. Proposed project manager;
- c. Proposed field superintendent;
- d. Proposed track construction lead;
- e. Proposed systems construction lead;
- f. Proposed civil systems construction lead;
- g. Proposed testing and integration lead;
- h. Proposed utility coordination lead;
- i. Proposed public relations manager
- j. Proposed documents control manager; and
- k. Proposed traffic control supervisor.

The same person may hold up to two (2) of the above listed positions (other than the principal in charge).

Each personnel resume should include three (3) project client references (including project name, phone number, and email address for each reference). Please include as references any projects that comprise the minimum project experience required in the staff descriptions below.

A description of the minimum experience requirements for each of the proposed key personnel listed above are as follows:

- Principal in Charge must have minimum 10 years experience in similar program/project management.
- Project Manager must have minimum 10 years experience in overall project management.
- Project Field Superintendent must have minimum 10 years of experience in construction, and at least two (2) rail projects as a project superintendent.
- Track construction lead must have minimum five (5) years of experience in construction, and at least two (2) rail projects in a lead position delivering the construction of streetcar or light rail track for an urban project at least one mile in length.
- Systems construction lead must have minimum five (5) years of experience in construction, and at least two (2) projects in a lead position delivering the system including TPSS and OCS, for at least one mile in length.
- Civil systems construction lead must have minimum five (5) years of experience in construction, and at least two (2) projects in a lead position delivering civil systems such as pavement, storm drainage, and pedestrian elements, for urban projects of at least one mile in length.
- Testing and integration lead must have minimum five (5) years experience in testing and system integration, and at least two (2) similar rail projects serving as a testing and integration lead.
- Utility Coordination lead must have minimum five (5) years of experience in coordinating public utility construction, adjustments, and/or relocations, and at least two (2) projects in a lead position providing utility coordination duties for an urban project.
- Public Relations Manager must have minimum five (5) years of experience in public involvement/public relations, and at least two (2) projects in a lead position delivering public involvement duties for urban projects.
- Documents Controls Manager must have minimum five (5) years experience in management of documents related to shop drawings submittals, requests for information, approvals, as-built plans, and progress reports.

- Traffic Control Supervisor must have minimum five (5) years experience in managing traffic during construction, especially during peak flow, and at least two (2) complex urban projects.
3. **Conflict of Interest.** The CRRMA has adopted certain conflict of interest policies applicable to consultants and key financial personnel. Copies are available on the Policies Page of the CRRMA's website (www.crrma.org) or from the Contact Person listed in Section X. Teams must provide the disclosures required by such policies.

In addition, and subject to the restrictions set forth below, responding Teams and Team members are advised that if they are currently under contract to the City of El Paso, Sun Metro, the CRRMA, or to the CRRMA's General Engineering Consultants ("GEC") identified below, for the performance of work related to the Project, they will be precluded from performing any work for the CRRMA or its GEC related to the Project in the event they join a responding Team. Furthermore, firms currently working for TxDOT or the CRRMA on the Project are precluded from participating on a Team, including the following: Atkins (GEC); URS; Locke Lord, LLP; LTK; Alvidrez Architecture Inc.; Moreno Cardenas Inc.; FXSA; Walter P. Moore Inc.; PSI; and Julie Ericson Gereda.

B. FINANCIAL QUALIFICATIONS.

For each equity member of the responding Team, provide the following:

1. Financial statements for the three most recent fiscal years, audited by a certified public accountant in accordance with generally accepted accounting principles (GAAP). The statements shall include a balance sheet, income statement, statement of changes in cash flow, and an opinion letter (auditor's report). If audited financials are not available for an equity owner, include unaudited financials for such member, certified as true, correct and accurate by the chief financial officer or treasurer of the entity. The Team shall identify any information that it believes is entitled to confidentiality under the Public Information Act, Texas Government Code Chapter 552 (the "PIA"), by placing the word "confidential" on each page and segregating that information in a separate, identifiable portion of the RFQ response.
2. If the Team or any other entity for which financial information is submitted as required hereby files reports with the Securities and Exchange Commission, then such financial statements shall be provided through a copy of their annual report on Form 10K. For all subsequent quarters, provide a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed 10K.
3. Information on any material changes in financial condition for the Team and each equity owner for the past three years and anticipated for the next reporting period. If no material change has occurred and none is pending, the Team and/or equity owner, as applicable, shall provide a letter from its chief financial officer or treasurer so certifying. At the discretion of the CRRMA, any failure to disclose a prior or pending material change may

result in disqualification from further participation in the selection process. In instances where a material change has occurred, or is anticipated, the affected entity shall provide a statement describing each material change in detail, the likelihood that the developments will continue during the period of performance of the Project development, and the projected full extent of the changes likely to be experienced in the periods ahead. It is recommended that, when appropriate, the affected entity provide a discussion of measures that would be undertaken to insulate the Project from any recent material changes, and those currently in progress or reasonably anticipated in the future. Set forth below are examples of material changes requiring disclosure. This list is indicative only, and is not intended to be exclusive.

- a. An event of default or bankruptcy involving the affected entity, a related business unit within the same corporation, or the parent corporation of the affected entity;
 - b. A change in tangible net worth of 10% or more of shareholder equity;
 - c. A sale, merger or acquisition exceeding 10% of the value of shareholder equity prior to the sale, merger or acquisition which in any way involves the affected entity, a related business unit, or parent corporation of the affected entity;
 - d. A change in a credit rating for the affected entity, a related business unit, or parent corporation of the affected entity;
 - e. Inability to meet conditions of loan or debt covenants by the affected entity, a related business unit or parent corporation of the affected entity which has required or will require a waiver or modification of agreed financial ratios, coverage factors or other loan stipulations, or additional credit support from shareholders or other third parties;
 - f. Other events known to the affected entity, a related business unit or parent corporation of the affected entity which represents a material change in financial condition over the past three years or may be pending for the next reporting period.
4. A letter from the certified public accountant, chief financial officer, or treasurer for each entity for which financial information is submitted, identifying all material off balance sheet liabilities. Label the information separately for each entity with a cover sheet identifying the name of the organization and its role in the proposing entity.
 5. Evidence of Bonding Capacity.

Provide evidence from a surety or an insurance company indicating that the responding Team is capable of obtaining a performance bond and payment bond in an amount of at least \$50 million. The evidence regarding bonding capacity shall take the form of a letter from a surety or insurance company indicating that such capacity exists for the Team. Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing such letter must be registered to do business in Texas and must be rated in the top two categories by two nationally recognized rating agencies or at least AVIII by "Best & Company." The letter must specifically state that the surety/insurance company has read this RFQ and evaluated the Team's backlog and work-in-progress in determining its bonding capacity. In instances where the financial

information provided by equity members contains descriptions of proposed or anticipated changes in the financial condition of the Team or any other entity for which financial information is submitted as required hereby for the next reporting period, a certification that the surety's analysis specifically incorporates a review of the factors surrounding such changes and identifying any special conditions which may be imposed before issuance of surety bonds for the Project.

If a Team is a joint venture or a partnership, separate letters for the individual equity participants are acceptable, as is a single letter covering all equity participants. The CRRMA has not yet determined the specific amount or form of payment and performance bonds and guarantees that it will require for the Project. The CRRMA shall delineate such requirements, which will be consistent with applicable law, in the RFP.

V. Process for Evaluation of Submittals and Criteria to be Utilized. The review and processing of responses shall be in accordance with the criteria described below. The criteria, and the relative weight to be given to those criteria, are as follows:

A. Responsiveness. Each submittal will be reviewed for (i) apparent mistakes which are unrelated to the substantive content of the proposal, (ii) conformity with the RFQ instructions regarding organization and format, and (iii) the responsiveness of the submittal to the requirements set forth in this RFQ. The Team's responsiveness will consider compliance with the requirements of Section IV.A-3 "Conflict of Interest" and Section IV. B "Financial Qualifications". Those submittals not responsive to the RFQ may be excluded from further consideration. The CRRMA may also exclude from consideration any Team whose submittal contains a material misrepresentation.

B. Weighting of Response Criteria. The responses will be scored according to the following weighting:

1. Experience of Firm and/or Team: (35% weighting)
2. Key Personnel Background and Experience: (65% weighting)
3. Financial Qualifications (Pass/Fail)

VI. Qualifications Evaluation Procedure.

Representatives of the CRRMA will review and evaluate the responses to this RFQ in accordance with the above criteria and make recommendations to the CRRMA Board of Directors based upon such analysis. Evaluations and rankings of Team's submittals are subject to the sole discretion of the CRRMA, its Board of Directors, officers, staff, and such professional and other advisors as the CRRMA may designate. The CRRMA Board of Directors will make the final determination of the Teams to be short-listed (if any), as it deems appropriate, in its sole discretion.

VII. Transmittal Letter.

The RFQ response shall be delivered to the CRRMA with a transmittal letter on the letterhead stationery of the Team or the Team's lead member. A duly authorized official of the Team or the Team's lead member must execute the transmittal letter. The transmittal letter shall list all of the volumes of material being transmitted and list all appendices and exhibits. The transmittal shall have appended to it letters on the stationery of each owner holding an equity interest in the Team, executed by authorized officials of each equity owner, stating that representations made by the lead firm on behalf of the equity owner's firm have been authorized by, are correct, and accurately represent the role of the equity owner's firm in the responding Team.

VIII. Format of Response and Page Limitations.

RFQ responses shall be transmitted in a sealed package. Submittals shall be organized and formatted according to the following guidelines:

Submittals shall be presented in two (2) separately bound volumes using three-ring loose-leaf binders:

- A. **Team/Personnel Qualifications:** This volume must not exceed twenty-five (25) pages using a minimum 12-pitch font size and single-spacing. **Attachment A** will not be counted against the page limit. Each 8-1/2"x11" sheet may be printed on two sides (which shall be considered as two pages). Exhibits such as diagrams, schedules, organization charts, or other drawings (but not narrative text) may utilize 11"x17" sheets and each side used shall be considered two pages towards the 18 page count. Charts, graphs, diagrams, or other drawings may use a font smaller than the minimum 12 pitch font size that must be used for narrative text. This volume shall contain items identified under Section IV. A – "Team and Personnel Qualifications/Experience". Additional attachments or appendices (which will not be counted against the page limit) can also include summaries of member firms; awards; licenses; and certifications.
- B. **Financial Qualifications:** This volume must not exceed ten (10) pages using a minimum 12 pitch font size and single spacing. Each 8-1/2"x11" sheet may be printed on two sides (which shall be considered as two pages). This volume shall contain items identified under Section IV. B. "Financial Qualifications". This volume may have an appendix which shall not be considered in the maximum page count. The appendix can contain financial statements and reports, certifications, letters, and evidence of bonding capacity.
- C. **Submittals:** Teams submitting responses to this RFQ must provide:
 - One (1) original and six (6) copies of the "Team/Personnel Qualifications volume (for a total of seven (7))
 - One (1) original and one (1) copy of the "Financial Qualifications" volume (for a total of two (2)) and

- One (1) CD or USB flash drive which includes a PDF copy of each volume (for a total of two (2) PDF files),

which must be received by the CRRMA by 4:00 pm El Paso time on February 19, 2015. Submittals shall be delivered to the Camino Real Regional Mobility Authority, c/o Raymond L. Telles, 300 N. Campbell, 2nd Floor, El Paso, Texas 79901. Facsimile and/or e-mail submissions are not permitted.

IX. Information Available.

The CRRMA has assembled Reference Documents about the Project, which are available to prospective Teams on the Procurements Page of the CRRMA's website (www.crrma.org).

Note: The CRRMA makes no representations or warranties as to the accuracy of the Project information being made available in the Reference Documents or in the other material provided by the CRRMA. The CRRMA shall not be liable for any defects, inaccuracies, or erroneous information made available to the responding Teams and/or their individual members.

The following briefly summarizes ongoing development work, the development work the CRRMA anticipates completing prior to the execution of a Construction Contract, and certain development challenges.

- A. **Environmental Clearance.** State Categorical Exclusion has been granted.
- B. **Design and Engineering.** Plans and specifications will be made available for short listed proposers.
- C. **Right-of-Way and Easements.** All Right-of-Way has been cleared and no needs were identified for easements (temporary or permanent). A joint use area will be secured on University of Texas, El Paso land near the Glory Road stop..
- D. **Utility Relocation.** Utility relocation and adjustment status is identified in the Special Provision Notice to Contractors. It is anticipated that utilities will exist in various levels of status. Some will remain in place. Some will have been relocated prior to start of construction. Others will require relocation or adjustment concurrent with construction activities. The nature of the project area creates some potential for unknown utilities to be encountered, although diligent efforts have been exercised to identify all known utilities.

X. General Information. The CRRMA reserves all rights available to it by law and in its Procurement Policies in administering this process, including without limitation, the right in its sole discretion to: modify the process described herein, reject any and all submittals at any time; terminate evaluation of any and all submittals at any time; suspend, discontinue or terminate negotiations with any entity at any time prior to the actual authorized execution of an agreement

by all parties; negotiate with a Team without being bound by any provision in its submittal; or request or obtain additional information about any submittal(s).

Under no circumstances shall the CRRMA or any of its agents, representatives, consultants, directors, officers or employees be liable for, or otherwise obligated to reimburse, the costs incurred by Teams, whether or not selected for submission of detailed proposals, in developing responses to this RFQ.

Any and all information the CRRMA makes available to Teams shall be as a convenience to the Teams and without representation or warranty of any kind. Teams may not rely upon any written or oral responses to inquiries.

If a Team has a question regarding this RFQ or the Procurement Policies, the Team shall submit the question in writing to the person indicated below. Responses to all questions will be posted on the CRRMA's website. In submitting a response to this RFQ, the Team (and each of its members) shall be deemed to have unconditionally and irrevocably consented and agreed to the foregoing provisions and all other provisions of this RFQ and the Procurement Policies.

Contacts: Questions concerning this RFQ should be submitted *in writing* to the CRRMA, c/o Raymond L. Telles ("Contact Person"), no later than 4:00 pm El Paso time on February 9, 2015, or via email with the subject line "*El Paso Streetcar Project RFO Questions*" to tellesrl@crrma.org.

Anti-Lobbying: Responding Teams, equity members of responding Teams, and representatives of the foregoing, are prohibited from contacting any member of the CRRMA Board of Directors or staff, any member of Sun Metro's Mass Transit Department Board or staff, or any member of the El Paso City Council or staff (except as expressly permitted in this RFQ) concerning the Project or this procurement from and after January 20, 2015, the date this RFQ is released, until:

(i) the day after the Board designates a short-list of Teams to participate in the RFP phase, for a responding Team that is *not* designated for the short-list; or

(ii) for a responding Team that is designated for the short-list, the day after the CRRMA enters into a contract for the Project, ends its negotiations with all ranked responding Teams on the short-list, or otherwise terminates this procurement.

Violation of this prohibition is grounds for disqualification, in which case the responding Team (and its individual members) will not be considered for participation in the RFP or for the contract negotiation phase of this procurement.

ATTACHMENT A

PRIOR EXPERIENCE/DISPUTES/DEBARMENT

1. Questions

The Team shall respond either “yes” or “no” to each of the following questions. If the Team’s response is “yes” to any question(s), a detailed explanation of the circumstances shall be provided in the space following the questions. The Team 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 proposal and require its rejection. With respect to the Team, the term “**affiliate**” shall mean (1) any other organization that is under common ownership with the Team; (2) any equity owner; and (3) any significant non-equity member. For purposes of this definition the term “any significant non-equity member” means someone who does not have capital contribution or buy-in and does not vote on all matters except compensation of equity partners.

2. Since January 1, 2010, has either the Team or its affiliates been involved in a transportation project pursuant to which such Team or affiliate was:

- a) Determined, pursuant to a final determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

- b) Terminated for cause. For each instance, identify an owner's representative with a current phone and fax number (and e-mail if available).

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

3. Since January 1, 2010, has the Team or its affiliates been involved in any of the following in an amount in excess of \$50,000 related to performance in capital transportation projects with a contract value in excess of \$10 million.

a. Arbitration.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

b. Litigation.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

c. Dispute Review Board.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

d. Other dispute resolution proceedings.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

4. If the Team or its affiliates has been assessed liquidated damages or stipulated damages in excess of \$15,000 since January 1, 2010, provide the following:

a. Description of the transportation project.

b. Describe the causes of the delays and the amounts assessed.

c. For each instance, identify an owner's representative with a current phone and fax number (and e-mail if available).

The CRRMA intends that Teams report liquidated damages or stipulated damages assessments at any time during a project, not just final completion penalties. Note that unresolved instances of assessed liquidated or stipulated damages (i.e., currently subject to negotiations or challenge, etc.) should be included.

5. Has the Team, including any of its affiliates, presently or since January 1, 2010 been:

- a. Debarred, declared ineligible, or voluntarily excluded from covered transactions by any federal, state, or local entity.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

- b. Convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local transaction or contract.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

- c. Found to be in violation of federal or state antitrust statutes.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

- d. Convicted of or indicted for or otherwise criminally charged by a government entity (state, federal or local) with commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, marking false statements or receiving stolen property.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

- e. The subject of contract termination with a federal, state, or local entity for cause or default since January 1, 2010.

If yes, please provide a list and a brief description (including state and county). If no, so state.

Yes ___ No ___

6. For any “yes” response to the above questions, provide the following information for an owner contact who can substantiate your explanation of circumstances :

- a) Owner Name.
- b) Address.
- c) Point-of-Contact.
- d) Telephone Number and E-mail Address.

Contact information will be checked prior to designation of the short-list. Failure to submit current contact information with the response may disqualify the Team’s response to the RFQ from consideration.