METROPOLITAN TRANSIT AUTHORITY
REQUEST FOR QUALIFICATIONS
FOR

CONSTRUCTION MANAGEMENT SERVICES

On An ‘As Needed’ Basis

METRO REQUEST FOR QUALIFICATIONS NO. 4018000166

METRO requests Statements of Qualifications (SOQs) from qualified consultant teams to perform the services noted above. Advanced experience in this area is mandatory.

SOQs are not to exceed five (5) typed pages, and must be accompanied by an organization chart and Standard Form 330, Part I (prime) and Part II (each subconsultant/subcontractor).

Please submit the original and seven (7) copies of the SOQ materials cited above.

METRO must receive the Statement of Qualifications no later than 2:00 p.m. local time, Monday, June 25, 2018.

Attention: Prinscella Abbs, Contract Services Assistant
RFQ No.: 4018000166

METROPOLITAN TRANSIT AUTHORITY
Procurement Division
Procurement Office Plan Room, 2022
1900 Main St., Houston, Texas 77002

Please contact Nancy Christopherson with any questions about this RFQ.

PHONE: (713) 615-6421 EMAIL: nc07@ridemetro.org
(No collect calls accepted)
METRO FUNDING TBD%

IMPORTANT – Notice to Proposer

All responses to this solicitation must be labeled as indicated below and delivered or mailed to the following address:

Metropolitan Transit Authority
Procurement Division
Plan Room, 2nd Floor
1900 Main Street
Houston, Texas 77002

Upper Left Corner of Envelope Must Indicate:
Bidder/Contractor Name and Address

Lower Left Corner of Envelope Must Indicate:
Solicitation Number
Due Date
Due Time
Solicitation Title
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SECTION I – STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS AND INSTRUCTIONS

1 REQUEST FOR QUALIFICATIONS SUMMARY

RFQ NO.: 4018000166 RFQ ISSUE DATE: May 27, 2018

PROJECT NAME: Professional Construction Management Services on an ‘As Needed’ Basis

ISSUED BY: Metropolitan Transit Authority of Harris County (METRO)

DISCIPLINARY EXPERIENCE: The team/firm selected to provide these services will have local experience as required below in Section 3, in all of the following engineering disciplines:

- Civil
- Mechanical
- Electrical
- LRT Track
- LRT Signaling
- LRT Communications
- LRT Traction Power
- Universal Accessibility

RECEIPT DATE/TIME/LOCATION of STATEMENT OF QUALIFICATIONS (SOQs): SOQs will be received until 2:00 p.m. local time on Monday, June 25, 2018, at the METRO Procurement Office Plan Room, 2nd floor, 1900 Main St., Houston, Texas 77002. Responders are to submit an original and seven (7) copies in a sealed envelope bearing the name and address of the Responder and the identification ‘Request for Qualifications No.4018000166. SOQs received will not be opened publicly. See additional submission requirements below in Article 2.

A PRE-SUBMITTAL BRIEFING will be held at 1:00 p.m. on Tuesday, June 5, 2018, in the 2nd floor Procurement Conference Room #2022, 1900 Main St., Houston, Texas, 77002. All interested firms are encouraged to attend.

OBLIGATION: This Request for Qualifications does not obligate the Metropolitan Transit Authority to award a contract, or to pay any costs incurred in the preparation or submittal of any response.

PERFORMANCE PERIOD: The performance period for a contract resulting from this solicitation will be three (3) years, with two (2) 1-year option years. Services thereunder will be utilized on an ‘as needed’ basis.

REGISTRATION ON PROCUREMENT WEBSITE: All Responders ARE REQUIRED to register on METRO's procurement website at https://www.ridemetroapp.org/procurement/ to ensure that they receive the latest solicitations and updates via their registered e-mail address.

REPRODUCTION: All forms contained in this solicitation may be reproduced if more space is needed due to the number of subcontractors or suppliers to be submitted with the SOQ or for any other reason.

WRITTEN QUESTIONS: Written questions will be accepted until Tuesday, June 12, 2018, 4:00 p.m. Submit questions to Nancy Christopherson at email nc07@ridemetro.org.

2 STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS

A. Respondents wishing to be considered for award of Construction Management Services on an 'As Needed' Basis, as set forth in this RFQ, must submit an original and seven (7) copies of an SOQ, not-to-exceed five (5) typewritten pages each, using no smaller than 9 point, Arial font; double-sided pages), describing its interest and the qualifications of the team and key personnel. Do not include a cover letter with the SOQ. METRO forms to be submitted that are included as Exhibits herein are not counted in the five pages.

B. The SOQ must include an organization chart (not counted in the five pages) and identify all team participants and all proposed subconsultants and/or subcontractors, and their responsibilities.

C. A copy of a single Standard Form 330, Part I for the prime, as well as copies of a Standard Form 330, Part II for each and every firm identified as a team participant in the SOQ (not counted in the five pages), must accompany each copy of the SOQ. Firms listed as small businesses must have certification documentation attached (not counted in the five pages) that demonstrates their small business status. In Section E of the Form 330, resumes shall be organized in alphabetical order by last name and irrespective of firm affiliation. Link to Standard Form 330: https://www.gsa.gov/forms-library/architect-engineer-qualifications.
3 EVALUATION CRITERIA

In keeping with the core requirements listed above, the SOQ shall address the following METRO criteria and shall be supported by the Standard Form 330. The evaluation criteria are identified with relative weights adding up to 100 points. Submittals should be organized under the following headings and should address each topic to demonstrate the Respondent’s qualifications and ability to perform the Work. Please provide the following:

<table>
<thead>
<tr>
<th>FACTOR</th>
<th>RELATIVE IMPORTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PROFESSIONAL QUALIFICATIONS OF THE RESPONDING FIRM AND PERSONNEL</td>
<td>35 points</td>
</tr>
<tr>
<td>• Professional qualifications and demonstrated experience of the proposed Project Manager (Team Leader), and other key personnel.</td>
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<tr>
<td>• The teams/firms must have personnel qualified by specialized education, training and experience and be directed by their Licensed Professional Engineer(s), State of Texas, Civil Engineer or other METRO-approved professionals as appropriate;</td>
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<tr>
<td>• The teams/firms must provide personnel assigned as resident engineers. These individuals must be 1) registered professional engineers in the state of Texas, 2) must have a minimum of eight (8) years’ experience in design and construction, and 3) have at least four (4) years of demonstrated responsible management of construction projects in civil, mechanical, electrical, all LRT disciplines, and universal accessibility;</td>
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<tr>
<td>• The teams/firms must provide personnel assigned as construction inspectors. These individuals must have at least five (5) years of experience in the following disciplines: civil, mechanical, electrical, all LRT disciplines and universal accessibility;</td>
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<td>• The Respondent and its key personnel must have the ability to interface with a METRO-selected online management program; and</td>
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<tr>
<td>• Past experience and satisfactory performance on contracts with METRO, FTA, public agencies, approval authorities, and private industry in the areas of work described in the attached scope of work, quality of work, and compliance with performance schedules.</td>
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<tr>
<td>2. QUALIFICATIONS &amp; REFERENCES OF KEY PERSONNEL FROM CLIENTS OF RECENT SIMILAR PROJECTS:</td>
<td>35 points</td>
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<tr>
<td>• For all key personnel, two professional references from previous clients’ managers who have a direct knowledge of the proposed personnel’s work on recent similar assignments conducted over the past five years. Each professional reference shall include the name of the client manager, that person’s title, phone number and email address, the name and location of the project assignment, a time frame and the nature of the proposed personnel’s work on each referenced project assignment;</td>
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<tr>
<td>• Key Personnel’s management philosophies and procedures for the Respondent’s approach to the Work.</td>
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<td>3. FAMILIARITY AND EXPERIENCE WITH LOCAL REQUIREMENTS:</td>
<td>25 points</td>
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<td>• The Respondent shall demonstrate the Respondent’s and its team members’ knowledge and experience with local conditions and agency requirements that affect the project (including local and state agency coordination). The SOQ shall demonstrate the Respondent’s and the proposed subcontractors’/consultants’ knowledge and understanding of the local area.</td>
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<tr>
<td>4. SMALL BUSINESS PARTICIPATION – if applicable</td>
<td>5 points max</td>
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<tr>
<td>• Responders are required to demonstrate their commitment to meet or exceed the Small Business Participation goal, if one has been established.</td>
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<tr>
<td>• Submittals will be evaluated on a Pass/Fail basis in regards to the Small Business Participation goal commitment the Responder indicates.</td>
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<tr>
<td>• A Responder that fails to commit to the Small Business Participation goal will be deemed nonresponsive and no further consideration will be given to its Submittal.</td>
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<tr>
<td>• A Responder that commits to the specified Small Business Participation goal will be deemed responsive and its Submittal will continue in the evaluation process. Proposers will not receive any points.</td>
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<tr>
<td>• A Responder that commits to exceeding the Small Business Participation goal will continue in the evaluation process and may receive up to five (5) points. The determining factors in awarding any of the 5 points include, but are not limited to:</td>
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<tr>
<td>o Past compliance with the Small Business Enterprise (SBE) Program.</td>
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<tr>
<td>o Satisfactory completion of all administrative requirements of the SBE Program.</td>
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<tr>
<td>o Exceeding the specified SBE goal</td>
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</tbody>
</table>
4 EVALUATION / SOURCE SELECTION

A. Selection of a firm to provide the services required herein may be made by an Evaluation Committee. The Evaluation Committee will determine the most qualified firm(s) through validation of factors in described above and oral presentations, if necessary. If the decision is made to conduct oral presentations, oral presentations will be made accordingly.

B. The evaluation process may include the participation of an Oral Presentation Committee; an Executive Selection Committee, or a Board Selection Committee. The participation of the Executive Selection Committee or the Board Selection Committee may occur at the beginning of the evaluation process, foregoing an Evaluation Committee of staff members all together, or to become involved after the Evaluation Committee has made an initial shortlist. Board members may elect to participate as scoring members or non-scoring observers in any of these committees.

C. Following the evaluation of qualification submittals for Construction Management Services on an ‘As Needed’ Basis, METRO may, at its sole discretion:
   1. Invite a short list of qualified Respondents to participate in oral interviews;
   2. Take no further action; or
   3. Modify (expand or reduce) the Scope of Services, Attachment A, and issue a Request for Submittal based upon the modified scope.

5 SMALL BUSINESS AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS

A. The Metropolitan Transit Authority of Harris County, Texas (METRO) has implemented a Small Business Enterprise Program, hereinafter referred to as the Program, for small businesses attempting to provide goods and/or services as prime Contractors to METRO or as subcontractors to other prime Contractors to METRO. It is the policy of METRO to promote equal opportunity and nondiscrimination in all of its procurement matters in accordance with state and federal law. The Program seeks to provide METRO-certified Small Businesses (SBE) and Texas Unified Certification Program (TUCP)-certified Disadvantaged Businesses Enterprises (DBE) a full and fair opportunity to participate in METRO projects through race-gender neutral means. The Small Business Enterprise Program shall not be used to discriminate against any person or company or group of persons or companies because of race, color, religion, sex, age, disability or national or ethnic origin. Each bidder, proposer, Contractor and subcontractor shall comply with this nondiscrimination requirement.

B. The Small Business Enterprise Program is a separate program from METRO’s Disadvantaged Business Enterprise (DBE) Program which is administered by the federal government and applies to federally funded projects. METRO’s Small Business and Disadvantaged Business Enterprise Programs can be found at https://www.ridemetro.org/Pages/SB-FormsTemplates.aspx

C. Nothing in the Small Business or Disadvantaged Business Enterprise Programs should be construed to give a bidder or proposer a property interest in a Submittal, bid or contract prior to the Board of Directors’ award of the contract and compliance with all statutory and legal requirements.

D. METRO has established a Small Business Participation goal for this solicitation. The Small Business Participation goal may be satisfied by utilizing METRO-certified Small Businesses or TUCP-certified Disadvantaged business enterprises or a combination of both. All references to Small Businesses include Disadvantaged Businesses. The Small Business Participation goal is:

   35%

RESPONDERS WHO FAIL TO COMMIT TO THE SMALL BUSINESS CONTRACT GOAL WILL BE DEEMED NONRESPONSIVE AND NO FURTHER CONSIDERATION WILL BE GIVEN TO THEIR SUBMISSION.

E. Small Business Goal Commitment for a Small Business Participation goal listed in above item D

   1. If a Small Business Participation goal is established in item D above, bidders/proposers who fail to commit to the Small Business Participation goal will be deemed nonresponsive and no further consideration will be given to their bid/Submittal.

   2. Non-certified Small Business or TUCP Disadvantaged Business Enterprise primes must subcontract at a minimum the Small Business Participation goal percentage to certified Small Business firms, TUCP Disadvantaged Business Enterprise firms or a combination of both in order to satisfy the Small Business Participation goal requirement.

   3. The performance of a METRO-certified Small Business or TUCP Disadvantaged Business Enterprise prime may satisfy the Small Business Participation goal requirement if:
The SBE/DBE prime self-performs at a minimum the Small Business Participation goal percentage.

Example: Small Business Participation goal is 35%
The SBE/DBE prime self-performs 35%
The prime has satisfied the 35% Small Business Participation goal.

The SBE/DBE prime combined with a SBE/DBE subcontractor performs at a minimum the Small Business Participation goal percentage.

Example: Small Business Participation goal is 40%
The SBE/DBE prime self-performs 35%
The SBE/DBE subcontractor performs 5%
The prime has satisfied the 40% Small Business Participation goal.

The SBE/DBE prime cannot self-perform 100% of the contract. The prime must subcontract to SBE/DBEs and/or non-SBE/DBEs at a minimum the Small Business Participation goal percentage.

Example: Small Business Participation goal is 35%
The SBE/DBE prime self-performs 65%
The subcontractors (certified and/or non-certified) perform 35%
The prime has satisfied the 35% Small Business Participation goal.

Joint venture Contractors with SBE/DBE partners will count towards the Small Business Participation goal only for the percentage of the SBE/DBE partner.

Example: Joint venture
1 - Non-SBE/DBE partner @ 50% of joint venture
1 - SBE/DBE partner @ 50% of joint venture
Joint venturer is performing 30% of the contract = 15% Small Business participation.

Joint venturers and their partners are prohibited from submitting as a prime and as a subcontractor on the same submission.

Example: Joint venturer submits as a prime
Joint venture partners are listed as subcontractors on the same submission
Joint venturers and partners are prohibited from submitting in this way.

All prime Contractors, whether SBE/DBE or non-SBE/DBE, must always self-perform at a minimum thirty percent (30%) of the contract regardless of the Small Business Participation goal percentage.

Bidders/proposers are prohibited from multiple submissions of bids or Submittals, i.e. submitting as a prime Contractor in one submission and as a subcontractor in another submission for the same project. Such multiple submissions may result in the disqualification of all submissions where the bidder/proposer is listed.

Agreements between a bidder/proposer and a Small Business Enterprise or Disadvantaged Business Enterprise in which the SBE or DBE promises not to provide subcontracting quotations to other bidders/proposers shall be prohibited.

SBEs and DBEs are limited to submitting as subcontractors on only four (4) bid/Submittal submissions for the same project. Failure to adhere to this four (4) bid/Submittal limit may result in the disqualification of the offending SBE or DBE from all bids/Submittals.

F. Required Small Business Documents

1. Contractor Utilization Plan

a) IT IS MANDATORY that every bidder or proposer submit a Contractor's Utilization Plan (the 'Plan') when submitting a bid or Submittal or response to request for qualifications, whether or not a Small Business Participation goal has been established.

b) The bidder/proposer must use this form to identify all subcontractors with whom the bidder/proposer intends to contract, specifying the agreed price and/or percentage to be paid each subcontractor for such work, and certifying the contract items and parts thereof to be performed by each subcontractor. Only percentages of Contract Work Effort are to be indicated when responding to RFQ/RFP submissions, as pricing is determined later in the procurement process.
c) If applicable, the Plan should set forth how the Small Business Participation goal for the proposed project is to be met. The Plan will be used by METRO as a factor in evaluating whether a bidder/proposer has complied with the requirements of the Program to satisfy the Small Business Participation goal.

d) If the Small Business participation submitted by the bidder/proposer does not meet an established Small Business Participation goal, if any, the bidder/proposer will be deemed non-responsive and will not be considered for contract award.

e) Failure to submit a complete Plan for a contract with a Small Business Participation goal will result in bid/submittal being deemed non-responsive and will not be considered for contract award.

f) When a Small Business Participation goal has been established, the Small Business Participation goal, the Contractor shall adhere to the Plan submitted unless a waiver is received from the Office of Small Business. Any changes in the Plan regarding the proposed use of certified subcontractors in discharging the contract duties must be approved by the Office of Small Business. The approval of the Office of Small Business will not be unreasonably withheld upon a showing of good cause to make the change.

g) When adding a certified subcontractor to the Plan with a Small Business Participation goal, the Contractor must submit a copy of the subcontract agreement to the Office of Small Business within fifteen (15) days of receiving approval from the Office of Small Business.

h) The Contractor Utilization Plan must include the following:

1) A simple, straight-forward statement outlining subcontractor participation regardless of certification, inclusive of scope, responsibilities and percentage of work.

2) Materials and supplies shall be counted towards the small business goal as follows:

   i. 100 percent of the cost of materials or supplies purchased from a small business manufacturer can be applied towards the Small Business Participation goal of a Contract. A manufacturer is defined as a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment of the general character described by the scope and/or specifications of the contract.

   ii. Sixty percent of the cost of materials or supplies purchased from a small business regular dealer can be applied towards the Small Business Participation goal of a Contract. A regular dealer is defined as a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the scope and/or specifications of the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

3) Copies of documents demonstrating that each Small Business team member is acceptably certified as either a METRO-certified Small Business or TUCP-certified Disadvantaged Business Enterprise, and verifying that such certification is current as of the date of submission.

   i. METRO accepts the following certifications:

      • SBE - Metropolitan Transit Authority of Harris County (METRO)
      • DBE - City of Houston/Texas Unified Certification Program (TUCP)
      • DBE - City of Austin
      • DBE – Corpus Christi Regional Transportation Authority
      • DBE – North Central Texas Regional Certification Agency
      • DBE – South Central Texas Regional Certification Agency
      • Texas Department of Transportation (DOT) approved DBE certification

   ii. METRO does not accept the following certifications:

      • State of Texas HUB (Historically Underutilized Business)
      • Minority Business Enterprise only
      • Women Business Enterprise only
      • City of Houston Small Business certification only

   iii. If a proposer/bidder submits plans to add a firm as part of its small business participation that is not yet certified as referenced above, that firm must be either METRO Small Business- or TUCP Disadvantaged Business Enterprise-certified prior to the submittal date. Firms certified after the submittal date will not be counted towards the commitment. Additional Small Business certification information and forms may be found at METRO’s website: www.ridemetro.org under Small Business.'
4) When requested, a timeline for performance by subcontractors.
5) Signature of the bidder/proposer

2. Business Assurance Statement (BAS)
   a) Bidders/proposers are required to submit an executed Business Assurance Statement form with their bid/Submittal when a Small Business Participation goal has been established.
   b) Bidders/proposers must enter their Small Business Participation goal commitment. This includes the SBE/DBE prime’s participation if applicable.
   c) Bidders/proposers must enter into agreements with the subcontractors listed on the Plan
   d) Bidders/proposers must include the BAS Clauses in their subcontractor agreements

3. Letter of Intent (LOI)
   a) Bidders/proposers are required to submit a Letter of Intent form for all subcontractors when a Small Business Participation goal has been established.
   b) The Letters of Intent must be executed by the prime and the subcontractor

4. Contractor Utilization Plan Pledge (Pledge)
   a) Bidders/proposers are required to submit an executed Pledge form with their bid or Submittal when a Small Business Participation goal has been established.
   b) Bidders/proposers must pledge prompt payment to ALL subcontractors
   c) Bidders/proposers must affirm adherence to METRO’s Nondiscrimination Mandate.
   d) When applicable, bidders/proposers must pledge prompt payment of retainage
   e) Bidders/proposers must include the Pledge Clauses in their subcontractor agreements

G. Incentives Utilizing Small Businesses
   1. Fees for Solicitation Documents. Submitters making a valid bid and participating in the Program will receive a refund for up to seven (7) sets of documents purchased from METRO.
   2. Bid Security/Bond. A bid security will no longer be required except for federally funded construction solicitations exceeding $100,000.
   3. METRO’s Incentives. METRO may utilize other incentives, as set forth in the bid specifications or request for Submittal, as it determines appropriate.

H. METRO encourages Contractors to use financial institutions owned and controlled by socially and economically disadvantaged individuals. A listing of such institutions may be found at www.federalreserve.gov/releases/mob/current/default.htm

6 SUMMARY OF STATEMENT OF QUALIFICATIONS (SOQ) FORMS SUBMISSION

Insert requested information and sign and date where indicated.

SUBMIT WITH COMPLETED SUBMITTAL

Statement of Qualifications, responses to Evaluation Criteria Section I, No. 2 A
Organization Chart Section I, No. 2 B
Standard Form 330, Part I (prime) and Part II (For each subconsultant/subcontractor) Section I, No. 2 C
‘Certification of Restrictions on Lobbying’ form Section II, Exhibit B
‘Contractor’s Utilization Plan’ form Section XI, Exhibit C, Form 1

SUBMIT IF A SMALL BUSINESS GOAL IS ESTABLISHED

‘Business Assurance Statement’ form Section XI, Exhibit C, Form 2
‘Subcontractor/Supplier Letter of Intent’ form Section XI, Exhibit C, Form 3
‘Contractor’s Utilization Plan Pledge’ form Section XI, Exhibit C, Form 4
Acceptable certification documentation
SUBMIT ONLY IF APPLICABLE
Evidence of attainment of proper license or permit, if special licensing or permitting is required by federal, state or local law or ordinance.

7 INSTRUCTIONS TO SOQ RESPONDERS

A. APPROVAL OF CONTRACT

If required by the METRO Procurement Manual, award of a Contract evolving from this solicitation shall be contingent upon the prior receipt of written approval from the METRO Board of Directors. No contractual agreement shall be binding on METRO until this approval has been obtained. It shall be the responsibility of firms responding to this solicitation to monitor Board award decisions. All persons and/or entities responding to this Solicitation hereby acknowledge the contract award requirement enumerated in this Paragraph. Anticipated Board Items are posted on METRO’s web site at: https://www.ridemetro.org/Pages/BoardMeetingsAndNotices.aspx

Public Notice of Solicitation Results

The anticipated METRO Board meeting month for approval of a contract resulting from this solicitation will be forthcoming. It is the responsibility of the bidder to check METRO’s website for notices on the specific dates for METRO Board meetings. All bidders of this Solicitation hereby acknowledge that this provision shall serve as the minimum required action by the bidder toward exercising due diligence in obtaining the results of this Solicitation. The requirement of approval by the METRO Board of Directors for any particular solicitation is dependent upon several factors. However, all bidders shall be required to check the METRO web site regarding whether or not the solicitation associated with their bid requires approval by the METRO Board of Directors. All persons and/or entities responding to this Solicitation hereby acknowledge the Public Notice of Solicitation Results enumerated in the Paragraph. METRO Board meeting notices are posted on METRO’s web site at: https://www.ridemetro.org/Pages/BoardMeetingsAndNotices.aspx

B. CERTIFICATION

By submitting a SOQ in response to this announcement, a Respondent certifies that neither its firm nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in this procurement process by any federal department or agency. Further, if any of the aforementioned situations occurs during the course of the procurement, the Respondent is required to inform METRO thereof.

C. CONFLICTS DISCLOSURE

Vendors doing business with METRO or seeking to do business with METRO are required to file a completed questionnaire (FORM CIQ) disclosing the vendor’s affiliations or business relationship with any Board Member, local government officer (or his or her family member). Form CIQ is available on METRO’s web site at https://www.ridemetro.org/Pages/ConflictsDisclosure.aspx.

D. PREPARATION OF STATEMENTS OF QUALIFICATIONS (SOQs)

In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all Submittals submitted should comply with the following:

1. All submittals and copies should be printed on recycled paper with a minimum post-consumer content of thirty percent (30%) or on tree-free paper (i.e., paper made from raw materials other than trees, such as kenaf). All Submittals should note the level of recycled content contained in the paper being used.

2. Unless absolutely necessary, all Submittals and copies should minimize or eliminate the use of non-recyclable or non-reusable materials, such as plastic report covers, plastic dividers, vinyl sleeves and bindings. Three-ringed binders, glued materials, paper clips and staples are acceptable.

3. Responders should submit materials in a format that allows for easy removal and recycling of paper materials.

4. Responders are encouraged to use other products that contain recycled content in their Submittal documents. Such products may include, but not limited to, folders, binders, paper clips, discs, envelopes, boxes, etc. Where appropriate, responders may wish to note which products in their Submittal are made with recycled materials.

5. Unnecessary samples, attachments or documents not specifically asked for should not be submitted with the Submittal.

E. PROHIBITION ON LOBBYING

No Responder shall, directly or indirectly, engage in any conduct (other than the submission of the SOQ or other prescribed submissions and/or presentations before the Evaluation or Selection Committees) to influence any employee of METRO or any member of the Metropolitan Transit Authority Board of Directors concerning the award of a contract as a result of this Solicitation.
Violation of this prohibition may result in disqualification of the Bidder or Proposer from further participation in the solicitation for the services or goods sought herein or from participation in future METRO solicitations or contracts. The communication blackout period shall commence from the issue of a solicitation through contract award. The Contract Administrator is the only METRO representative authorized to communicate with firms or their representatives during the blackout period.

F. PROTESTS

1. Any protest of the Request for Qualifications shall be submitted for resolution to the Chief Procurement Officer. Such protest shall be in writing and shall be supported by the information set forth in Chapter 12 of METRO’s Procurement Manual to enable the protest to be considered. A protest will not be considered if it is insufficiently supported or it is not received within the time limits specified herein.

2. A protest based upon terms, conditions or form of a proposed procurement action prior to submission of qualifications, shall be submitted so that it is received by the Chief Procurement Officer no later than five (5) calendar days prior to the specified date for submission of qualifications.

3. For a protest concerning award decision, including evaluations, the initial protest must be received by the Chief Procurement Officer not later than five (5) calendar days after the interested party knows, or through exercise of reasonable diligence should have known, whichever is earlier, of the grounds for the protest.

4. Each protest will be processed in accordance with METRO’s Protest Procedures located in Chapter 12 of METRO’s Procurement Manual. A copy of the procedures will be provided to the protester upon written request to METRO’s Chief Procurement Officer.

5. A written final determination on any protest will be rendered by METRO’s President & Chief Executive Officer and will be provided to the protester as soon as practicable.

6. The protestor must exhaust its administrative remedies by pursuing METRO’s protest procedures to completion prior to appealing METRO’s decision to the FTA.

7. Federal Transit Administration (FTA) Circular 4220.1F, Paragraph 7L, addresses bid protests. A copy of this Paragraph will be provided to the protester upon written request to METRO. Review of a protest by FTA will be limited to a grantee’s failure to have or follow its written protest procedures or its failure to review a complaint or protest or violation of federal law or regulation. An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of any adverse decision by METRO, or other basis of appeal to the FTA. Violations of a specific federal law or regulation will be handled by the complaint process stated with that law or regulation. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities.
SECTION II – EXHIBITS

1  EXHIBIT A SCOPE OF SERVICES

CONSTRUCTION MANAGEMENT SERVICES
On An ‘As Needed’ Basis

A. In response to Work Authorizations to be issued by METRO's Contracting Office from time to time, the Consultant shall provide the necessary coordination, management, technical, supervisory and inspection services required by METRO for management of METRO's ‘as designated’ Construction and Maintenance projects. Expertise is required in civil, mechanical, electrical construction, and installation for proper performance of the Services under this contract.

B. The Consultant shall also have expertise in all phases of light rail transit (LRT) construction, including but not limited to track (ballasted, direct fixation, and embedded), traction power (including overhead contact system (OCS) and traction power substations (TPSS), signaling and communications. The consultant shall also have universal accessibility requirements expertise in accordance with METRO Criteria, the Americans with Disabilities Act and the Texas Department of Licensing and Regulation.

1. The Consultant shall be responsible for the following requirements when assigning personnel to perform under this Contract:

a. The Consultant shall submit to METRO for approval the name, grade classification, and descriptive employment resume of each individual proposed for assignment to a project.

b. The Consultant shall provide resident engineers who are registered professional engineers in the state of Texas. The resident engineers shall have a minimum of eight (8) years combined design and construction experience, with at least four (4) years responsible management of construction projects.

c. The Consultant shall provide construction inspectors with at least five (5) years of local construction inspection experience in the disciplines of work being inspected.

d. Consultant shall provide project management services as needed under the direction of METRO staff. The Project manager(s) shall be registered professional engineers in the state of Texas and shall have a minimum of eight (8) years of project management experience with (4) years of experience in the design and construction of transit projects.

e. The Consultant shall assure that all time charged to this Contract is utilized in the most productive manner. In general, on site personnel work hours should be adjusted to coincide with the construction contractor's work hours. Periods when no work is being performed, such as rain delay times, should be utilized for administrative type work and project status review/planning. The Consultant will be required to make personnel adjustments as necessary during extended scheduled or unscheduled delays in the construction work. Hours worked in excess of 40 per week must have prior approval from METRO. All hours worked shall be compensated at the hourly rate(s) set forth in the Contract Price Schedule.

f. The Consultant's personnel must be able to work individually or under the direction of METRO personnel.

C. The Consultant shall provide the following construction management services during the Pre-construction Phase:

1. The Consultant shall, if requested, review the Construction Contract Documents, specifically the plans and specifications, prior to issue for bidding for clarity and completeness, and for constructability. The review shall also determine that the Documents are adequate for the quality, budget and schedule control of the Project. Comments generated from the review will be provided to METRO.

2. The Consultant shall attend and assist METRO in responding to inquiries concerning requirements and expected performance at pre-bid conferences.

3. The Consultant, if requested, will furnish assistance by evaluating the bidder’s qualifications and making a Contract award recommendation.

D. The Consultant shall provide the following construction management services during the Construction Phase:

1. Pre-Construction Conferences will be conducted by METRO. The Consultant shall attend and participate in such conferences. The conferences serve as orientation sessions to introduce all parties, to define their responsibilities, and to explain the systems and procedures that will be utilized during construction.
2. Ground Breaking and Grand Opening ceremonies will be conducted by METRO. The Consultant shall provide assistance and coordination, when requested, to ensure the success of these events.

3. When required by METRO, the Consultant shall use a METRO-selected online management program for processing documentation, including, but not limited to, correspondence, submittals, requests for information, test results, requests for payment, change orders.

4. The Consultant shall review the construction schedule submitted by construction Contractor(s) for reasonableness and compatibility with contract requirements, and shall either recommend acceptance or confer with the Construction Contractor to develop an acceptable construction schedule.

5. The Consultant shall require Construction Contractors to provide evidence that all required permits, licenses and certificates have been obtained.

6. The Consultant shall coordinate all aspects of construction work with local municipal authorities, other governmental agencies, utility companies and others who may be involved in the projects.

7. The Consultant shall provide qualified, full-time Resident Engineers, Construction Inspectors and other necessary supervisory staff for the management and inspection of all construction work being performed on assigned projects for conformance with the Contract Documents. Responsibilities of the staff shall include, but not necessarily be limited to, the following:
   a. Continuously monitor Construction Contractor's schedules and manpower usage to determine compliance with contract terms.
   b. Furnish technical interpretation of the plans and specifications to Construction Contractors.
   c. Initiate and conduct regularly scheduled project progress meetings.
   d. Review and approve Construction Contractor's job site temporary plant and equipment layouts.
   e. Identify and make recommendations to METRO regarding any pending labor or material shortages, and/or labor relation problems.
   f. Establish and implement procedures for enforcement of Construction Contractor's traffic control programs.
   g. Cooperate and comply with safely audits performed by METRO personnel, or its designated safety Consultant.
   h. Receive and process to the METRO Project Manager all requests for information (RFI) from the Construction Contractor.

8. The Consultant shall receive submittals/shop drawings from the Construction Contractor and coordinate the review/approval process of submittals/shop drawings with METRO. The Consultant shall maintain a log of submittals/shop drawings to monitor and facilitate proper response action. METRO may delegate the review and approval of submittals to a Design Consultant. The Consultant shall monitor the Construction Consultant's actual submittals against schedule to confirm overall project schedule compliance.

9. The Consultant shall perform inspections to determine that all materials furnished and work performed on the project are in conformance with Contract Documents. This includes, but is not necessarily limited to, the following:
   a. Check Construction Contractor's materials certifications and samples.
   b. Inspect delivered materials and equipment.
   c. When requested by METRO, perform shop inspection of Construction Contractor furnished special equipment and fabricated construction elements.
   d. Inspect work in progress and in place.
   e. Supervise the field testing of construction materials. Direct and supervise the sampling of construction materials for laboratory analysis by laboratories under separate contract to METRO. The Consultant shall review and maintain records of the required test reports produced by the testing laboratory and coordinate direction for further testing or remedial action with the Construction Contractor.

10. Check Contractor survey layouts and controls for line, grade and dimension for conformance with the plans and specifications.
11. Coordinate, schedule and document utility work performed by others. Assist the Construction Contractor in the coordination of the project work with outside agency utility work.

12. When requested by METRO, attend conferences with officials of METRO, governmental agencies, or other persons.

13. Recommend adjustments to the work to accommodate changed conditions and anticipated interferences.

14. Notify METRO of any potential changes to the work and for claims. This notification shall include an evaluation of the impact of potential changes in work and/or claims on the contract, project costs, and schedules.

15. Prepare and submit to METRO in a timely manner reports on the status of individual construction contracts. Reports shall represent an accurate assessment of the current status of the project and of the work remaining to be accomplished. Additionally, these reports shall identify variances and problems, and provide a sound basis for management decisions. Such reports shall include, but not necessarily be limited to, the following:
   a. Construction Status Reports.
   b. Construction Changes Log.
   c. Special reports related to manpower, material, traffic control, change order work, etc. as may be requested.
   d. Inspector's Daily Reports

16. Meet with appropriate METRO staff as required to review Construction Contract status. If requested, the Consultant shall participate in periodic METRO management meetings to provide information and make recommendations pertinent to issues under discussion.

17. Prepare Change Orders directing changes to the work in accordance with METRO’s Procurement Manual.

18. Receive and evaluate requests for proposed Change Orders. As a result of this evaluation, the Consultant shall, in accordance with METRO’s Procurement Manual, advise METRO of the impact of potential changes on contract project costs and schedules; make recommendations regarding Change Order disposition; where necessary, participate in negotiations with Construction Contractors on Change Orders, and prepare Field Change Orders for approval and issue.

19. The Consultant shall review the safety article in the Construction Contract and review the Construction Contractor’s written safety program for compliance. The Consultant shall forward the Construction Contractor’s Safety Program to METRO’s Safety Department for review. Nothing herein shall constitute an assumption by Consultant of any responsibility for the conduct of the Construction Contractor’s safety program. Conduct of the program as well as the means and methods of construction shall remain the whole and exclusive liability of the Construction Contractor.

20. Familiarize Construction Contractors with project schedules, emphasizing those items of work and materials which are critical to the project.

21. Obtain from each Construction Contractor a complete list of all critical material and equipment items, the name of each supplier, and the required and promised delivery dates for such items. The Consultant shall take appropriate steps to see that shop drawings and samples are submitted and approved on a timely basis.

22. Establish a schedule for progress meetings to review the status of each project, take accurate minutes of the meetings, and reproduce and distribute copies of the minutes.

23. Review and certify monthly invoices submitted by Construction Contractors, utility companies, and material suppliers to ascertain accuracy. Prepare the payment requests in accordance with METRO procedures.

24. Maintain detailed cost records for each project. These records must support payment requests and pass independent audit.

25. Maintain an up to date, marked set of record contract plans and specifications at the job site, to include information from Design Consultants and Construction Contractors.

26. On completion of each contract, the Consultant, accompanied by representatives of METRO, shall inspect the work. The Consultant shall, within five (5) days after this inspection, present the Construction Contractor with a list of all deficiencies and omissions. Upon correction of these, the Consultant shall notify METRO that the work is complete and ready for acceptance inspection. Based on information from Construction Contractors, the Consultant shall prepare and furnish to METRO marked prints of contract drawings showing as-built conditions. The Consultant shall further
require that as-built shop drawings showing actual conditions are prepared by Construction Contractors and submitted to METRO, and that all shop drawings, catalog cuts and diagrams, and such other information prepared by the Construction Contractors, or furnished to the Construction Contractors by suppliers and manufacturers, that are necessary to properly maintain the accepted facility, are furnished to METRO.

27. Receive, check for accuracy and submit to METRO all releases of liens and claims required of Construction Contractors.

28. Recommend to METRO, the institution of any partial or complete default action against Construction Contractors, and assist METRO in determining the amounts due under default settlements.

29. When requested by METRO, provide liaison with METRO’s Community Relations activities to coordinate Contractor programs to minimize and solve community-associated construction problems.
EXHIBIT B CERTIFICATION OF RESTRICTIONS ON LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

A. No federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an office or employee of any agency, a member of Congress, an officer or employee 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.

B. 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. After a Contract is awarded by METRO, if applicable, the undersigned is also required to submit to METRO’s Contracting Officer a signed copy of the Form-LLL, ‘Disclosure Form to Report Lobbying,’ for all sub-awards at all tiers in excess of $100,000.00.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. Once a Contract is awarded by METRO, the undersigned is also required to submit to METRO’s Contracting Officer a signed copy of the certificate for all sub-contracts at all tiers in excess of $100,000.00.

This certification is a material representation of fact upon which reliance is 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. 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.

Executed this _______________ day of ____________________, 20___

Company Name: _____________________________________________

By: ________________________________________________________

(Signature of Company Official)

___________________________________________________________

(Title of Company Official)
INSTRUCTIONS TO COMPLETING CONTRACTOR UTILIZATION PLAN FORM

• The Contractor Utilization Plan outlines the proposer’s/bidder’s team. All team members must be listed on the form regardless of certification status. Make additional copies of the form if needed to include all team members.

• Information to be provided:
  o Name, contact information and tax identification number of prime, subcontractors and suppliers
  o Description of work to be performed by prime, subcontractors, and products to be provided by the suppliers
  o Certification status of prime, subcontractor and suppliers.
  o Percentage of the contract the prime and each subcontractor and supplier will perform. Total should equal 100%
  o Price is only included for Invitations for Bid and on the final team plans for Requests for Qualifications or Proposals.

• Section 1 – Prime Contractor – this Section is for the proposer’s/bidder’s information.
  o Contact and tax identification information
  o Type of work the prime will perform
  o The certification status of the prime
  o Percentage of the contract the prime will perform
  o The dollar values of the contract for work performed by the prime (see Information note regarding price information)

• Section 2 – Subcontractors – this Section is for all subcontractors’ information regardless of SBE/DBE certification status.
  o Contact and tax identification information
  o Type of work the subcontractor will perform
  o The certification status of the subcontractor.
  o Percentage of the contract the subcontractor will perform
  o The dollar values of the contract for work performed by the subcontractor (see Information note regarding price information)
  Proof of Certifications must be attached to the form. Confirm acceptable certification in solicitation documents or on METRO website www.ridemetro.org - Small Business

• Section 3 – Suppliers – Manufacturers – this Section is for all supply manufacturer information.
  o Contact and tax identification information
  o Type of product the manufacturer will provide
  o The certification status of the manufacturer.
  o Percentage of the contract the manufacturer will provide – products provided by the manufacturer are counted at 100%
  o The dollar values of the contract for work performed by the manufacturer (see Information note regarding price information)
  Proof of Certifications must be attached to the form. Confirm acceptable certification in solicitation documents or on METRO website www.ridemetro.org - Small Business

• Section 4 – Suppliers – Dealers – this Section is for all supply dealer information.
  o Contact and tax identification information
  o Type of product the dealer will provide
  o The certification status of the dealer.
  o Percentage of the contract the dealer will provide – products provided by the dealer are counted at 60%
  • List percentage of effort at 100%
  • List percentage of effort at 60% - this is the amount that will be counted towards the Small Business Goal if provided by a METRO-certified Small Business or TUCP-certified Disadvantaged Business dealer
  o The dollar values of the contract for work performed by the Dealer (see Information note regarding price information)
Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

<table>
<thead>
<tr>
<th>Section 1 – PRIME CONTRACTOR</th>
<th>Type of Work to be Performed or Materials Supplied</th>
<th>Indicate if SBE/DBE Y/N</th>
<th>Percent of contract Effort</th>
<th>Price (IFB ONLY)</th>
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Tax ID No.
Business Address
Telephone No.
Fax No.
Contact Person
Email Address
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Counts for 100% toward small business goal when purchased from small business manufacturer (see Instructions to Bidders/Proposers).
**Section 4 – SUPPLIERS – DEALERS 60%**

Counts for 60% toward small business goal when purchased from small business regular dealer (see Instructions to Bidders/Proposers).

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<td>% of Effort</td>
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**TOTAL AMOUNT OF BID/PROPOSAL SBE/DBE Participation**

- PRIME: $_________________ ______%
- SUBCONTRACTOR(S): $_________________ ______%
- SUPPLIER(S) MANUFACTURERS: $_________________ ______%
- SUPPLIERS(S) DEALERS: $_________________ ______%

**TOTAL BID/PROPOSAL AMOUNT:** $_________________ ______%

The Contractor agrees to adhere to this Plan submitted unless a waiver is received from the Office of Small Business. Any changes in the Plan regarding the proposed use of certified subcontractors in discharging the contract duties must be approved by the Office of Small Business. The approval of the Office of Small Business will not be unreasonably withheld upon a showing of good cause to make the change.

Submitted By: _____________________________________________   Business Name: ______________________________________
Signature of Owner/Officer of Business   (Date)   Telephone/Email: _____________________________________

Address: _____________________________________________________
Form 2 BUSINESS ASSURANCE STATEMENT

The undersigned certifies that he/she has read, understands and agrees to be bound by the small business provisions set forth in this Solicitation. The undersigned further certifies that he/she is legally authorized by the bidder/contractor to make the statements and representations in this solicitation and that said statements and representations are true and accurate to the best of his/her knowledge and belief. The undersigned agrees to attain the small business utilization percentages of the total offer amount as set forth below:

Small Business contract Goal Commitment = ___% - must match commitment on the Contractor Utilization Plan form

The undersigned will enter into formal agreement(s) for work to be identified on the ‘Contractor Utilization Plan Form’ form conditioned upon execution of a contract with METRO and agrees to include the two assurance statements below in all subcontracts.

Copies of the subcontract agreements will be submitted to the Contracting Officer within fifteen 15 days of contract award and within fifteen 15 days of the addition of new subcontractors to the Contractor Utilization Plan.

The undersigned certifies that the firm shown below has not discriminated against any subcontractors because of race, color, religion, sex, age, disability or ethnic or national origin, but has provided full and equal opportunity to all potential subcontractors irrespective of race, color, religion, sex, age, disability, or ethnic or national origin.

The undersigned understands that if any of the statements and representations are made knowing them to be false or there is a failure to implement any of the stated intentions, objectives, goals, and commitments set forth herein without prior approval of METRO's President & Chief Executive Officer or duly authorized representative, the bidder/contractor will be subject to the loss of any Contractor, the termination thereof resulting from this bid, and could be ineligible for future METRO contract awards.

Signature: ___________________________________________

Title: _______________________________________________ Date of Signing: ________________

Firm or Corporation: ______________________________________________________________________

Address: _______________________________________________________________________________

___________________________________________________________

Telephone Number: ________________________________
Form 3 SUBCONTRACTOR/SUPPLIER LETTER OF INTENT

PLEASE SUBMIT SEPARATE FORMS FOR EACH SUBCONTRACTOR/SUPPLIER

For use by submitters to identify subcontractors and suppliers.

Solicitation No.: ____________________________

Project Title: _________________________________________________________________________________________________

Prime Contractor: _______________________________________________________________________________________________

Subcontractor/Supplier: ___________________________________________________________________________________________

Small Business Yes □ No □ Disadvantaged Business: Yes □ No □

Contact Name: _________________________________________________________________________________________________

Address: ____________________________________________________________________________________________________

Phone: ___________________________ Fax: ___________________________

Period of Performance: ____________________________________________________________________________________________

Description of proposed materials or services to be performed under the Contract Utilization Plan:

_________________________________________________ ________________________________________________

Signature of Subcontractor/Supplier     Title

_________________________________________________ ________________________________________________

Signature of Prime Contractor     Title
Copies of the Subcontract Agreements will be submitted to the Contracting Officer within fifteen (15) days of Contract award and within fifteen (15) days of the addition of new Subcontractors to the Contractor Utilization Plan and will include the Clauses below:

Pledge of Prompt Payments

I pledge to pay all Subcontractors within five (5) business days after receiving payment from METRO for amounts previously invoiced for work performed or materials furnished under the Contract.

Signature: _________________________________
Title: _____________________________________
Date: _____________________________________

METRO’s Nondiscrimination Mandate

I affirm that ___________________________ (Company name) adheres to METRO’s Nondiscrimination Mandate and has not discriminated against any subcontractors in considering subcontracting opportunities based on race, sex, religion or ethnic origin, age or disability.

Signature: _________________________________
Title: _____________________________________
Date: _____________________________________

(FOR CONSTRUCTION CONTRACTS)

I pledge to release the retainage of all Subcontractors within thirty (30) days after satisfactory completion and approval of work performed. Subcontractors may petition the prime Contractor to make the final payment and may notify METRO of the request. As METRO releases retainage for payment to the Subcontractor, the prime Contractor is required to immediately (within 15 days) pay the Subcontractor. The release of retainage will be made to the Subcontractor regardless of the prime invoicing METRO.

Signature: _________________________________
Title: _____________________________________
Date: _____________________________________
Please refer to the current versions of METRO's Codes of Ethics for METRO Employees and for the METRO Board of Directors at https://www.ridemetro.org/Pages/ConflictsDisclosure.aspx