



Humboldt Transit Authority
133 V Street
Eureka, CA 95501
(707)-433-0826
hta.org

REQUEST FOR QUALIFICATIONS (RFQ)

FOR

HUMBOLDT TRANSIT AUTHORITY'S

HYDROGEN REFUELING STATION PROJECT 23-01

FOR DESIGN-BUILD ENTITIES TO DESIGN AND BUILD A HYDROGEN REFUELING STATION

Request for Qualifications Issued

12:00pm PDT on September 11, 2023

Questions Due

12:00pm PDT on September 20, 2023

Qualifications Due

3:00pm PDT on September 29, 2023

Procurement Coordinator

Jerome Qirazi

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133 V St., Eureka, CA 95501

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SECTION 1 - NOTICE OF INVITATION

Invitation to Submit a Statement of Qualifications

for Humboldt Transit Authority's

HYDROGEN REFUELING STATION PROJECT 23-01

Humboldt Transit Authority (HTA) will be seeking proposals from Design-Build (DB) Entities to design and construct a Hydrogen Refueling Station (HRS, PROJECT).

Notice is hereby given that HTA is soliciting Statements of Qualifications from DB Entities to prequalify firms for the Design and Construction of the HRS in accordance with the content and format requirements set forth in this Request for Qualifications (RFQ). All DB Entities that intend to submit a proposal for the PROJECT must submit a complete Qualifications Package in response to this RFQ. The goal of this RFQ is to develop a Qualified Bidders List of potential DB Entities that would be eligible to respond to an upcoming Request for Proposals (RFP) for this PROJECT. HTA intends to award a single contract to the DB Entity whose proposal HTA has determined provides the best value¹.

This procurement complies with the requirements of California Public Contract Code §§ 22160 et.seq, 20209.5 which authorizes use of a design-build process by transit districts such as HTA. This RFQ is the first step in a two-step process which will result in a Qualified Bidders List of prequalified DB Entities. Only Respondents that have been added to the Qualified Bidders List will be allowed to submit proposals in response to the RFP for construction and installation of the HRS. The PROJECT will be subject to all California Labor laws including prevailing wage requirements.

All questions and communication concerning this solicitation must be directed to the Procurement Coordinator listed below.

Procurement Coordinator: Jerome Qiriaz
Phone: +1-707-443-0826 x112
Email: jerome@hta.org
Address: 133 V St.
Eureka, CA 95501

The complete RFQ, all communications related to this RFQ process, and any addenda may be obtained by visiting the RFQ Webpage:

¹ See HTA's Procurement Policy Manual at <https://hta.org/procurement-opportunities/>

- RFQ Webpage: <https://hta.org/procurement-opportunities/rfq-23-01/>

The Procurement Coordinator will post PROJECT clarifications or addenda, if any, on the RFQ Webpage. Respondents are solely responsible for checking the RFQ Webpage for updates and obtaining any addenda and changes related to this solicitation. Failure to do so may result in the submission of a Qualifications Package that is inconsistent with the most current information and may result in disqualification.

The activities and dates listed in Table 1 represent the Anticipated Procurement Schedule. HTA reserves the right to change the schedule. The Procurement Coordinator will post any changes to the Anticipated Procurement Schedule on the RFQ Webpage.

Table 1: Anticipated Procurement Schedule.

Procurement Activity	Date and Time (Pacific Time)
RFQ Release	September 11, 2023
RFQ Questions Due	12:00 September 20, 2023
HTA Responses to RFQ Questions and Addenda (if any)	17:00 September 22, 2023
RFQ Respondent's Qualifications Package Due	15:00 September 29, 2023
HTA Approval of Qualified Bidders List	October 11, 2023
Notice of Determination	15:00 October 13, 2023
RFP Distributed to Qualified Bidders List	October 16, 2023
RFP Sitewalk	November 1, 2023
RFP Questions Due	12:00 November 8, 2023
HTA Responses to RFP Questions and Addenda (if any)	17:00 November 15, 2023
RFP Proposals Due	15:00 December 8, 2023
RFP Interviews	January 4 – January 9, 2024
HTA Award of Contract to Successful Bidder	February 7, 2024
Delivery of first fuel cell electric bus	December, 2024
Delivery of ten fuel cell electric buses	June – December, 2025

Respondent questions and/or requests for clarification regarding this RFQ will be allowed consistent with the respective date specified in the Anticipated Procurement Schedule. All Respondent questions and/or requests for clarification must be submitted in writing via email to the Procurement Coordinator.

The Procurement Coordinator will provide a written response to Respondent questions received by the respective deadline at the Procurement Coordinator's discretion. Respondents must not rely on any oral statements or conversations with HTA representatives for questions or clarifications regarding this RFQ. Verbal responses to questions and/or clarifications will be considered unofficial and non-binding. Only written responses posted to the RFQ Webpage in the form of an addendum will be considered official and binding. All such addenda will become part of the solicitation. If no requests for clarification are received, HTA will construe silence as acceptance and that the Respondent intends to comply with the solicitation documents as written in their entirety.

Sealed Respondent's Qualifications Packages will be received until the RFQ Responses and Statements of Qualifications Due Date and Time listed in the Anticipated Procurement Schedule (see Table 1). Bidder's Qualifications Packages must be mailed in a sealed envelope to HTA as indicated below. Bidder's Qualifications Packages received after such Due Date and Time listed in Anticipated Procurement Schedule will not be considered responsive.

Deliver the sealed submittal package to:

Humboldt Transit Authority
Response to RFQ for Project 23-01
Attn: Jerome Qirazi
133 V Street
Eureka, CA 95501

SECTION 2 – PROJECT INFORMATION

2.1. Project Background

HTA is a local public agency organized under California Law as a joint powers authority to operate local and regional public transit service. Currently, HTA operates and maintains 47 buses that travel throughout Humboldt County.

In June 2023, HTA adopted its Zero Emission Bus Rollout Plan, which includes plans to transition HTA's entire fleet to hydrogen by 2040 (see the RFQ Webpage for a link to the Rollout Plan). It is the intent of HTA to procure a new HRS, including design, site preparation, installation of new equipment, and construction work. HTA has not to date decided on the preferred type of hydrogen fuel technology for the HRS.

Design and engineering professionals must be licensed in the State of California. The Design-Builder must be registered with the California Department of Industrial Relations (DIR) and hold a Class A or B contractor's license in the State of California. Additionally, the Design-Builder must comply with all California Public Works Labor Code requirements. Among other requirements, a Respondent to this RFQ will not be prequalified or added to the Qualified Bidders List unless the Respondent provides an enforceable commitment to HTA that it and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the PROJECT that falls within an apprenticeable occupation in the building and construction trades, in accordance with California Labor Code §§ 2600, et seq.

This PROJECT is subject to the payment of prevailing wage.

2.2. Design Basis

HTA will provide a design basis and scope of work, which includes performance specifications to be used by the Design-Build Entity. The Design-Build Entity will be responsible for using the performance specifications to finalize the design and specifications, execute the construction work, commission the PROJECT, warranty and maintain the new equipment for a transition period to be specified, and supply hydrogen fuel for a transition period to be specified.

2.3. Environmental Review

The PROJECT is exempt from CEQA pursuant to California Public Resources Code §21080.25(6).

2.4. Project Funding

The PROJECT is funded by the California State Transportation Agency (CalSTA) Transit and Intercity Rail Capital Program (TIRCP) and is subject to defined TIRCP implementation and reporting requirements as specified in the TIRCP Cycle 5 Guidelines². The PROJECT design-build capital expenditure budget included in the CalSTA grant award is \$8,000,000. This is considered the PROJECT Value of this project.

² See <https://calsta.ca.gov/-/media/calsta-media/documents/link-tircp-cycle-5-final-guidelines-a11y.pdf>

Additionally, a transition Operations and Maintenance budget of \$750,000 is budgeted for a to-be-determined transition period.

2.5. Project Schedule

HTA anticipates delivery of its first fuel cell electric bus in December 2024, and delivery of ten additional fuel cell electric buses between June 2025 and December 2025. Procurement, contracting and execution schedules shall be coordinated with the intent to meet this anticipated fuel demand schedule. The Anticipated Procurement Schedule is shown in Table 1.

2.5 Insurance Requirements

The Design-Builder, at the Design-Builder's sole cost and expense and for the full term of the Design-Build Contract or any extension thereof, will be required to obtain and maintain, at a minimum, the limits stated in the Statement of Qualifications. HTA may consider alternative proposals for insurance coverage. Additional details will be provided during the RFP process. Certain certifications regarding insurance are required as a part of this RFQ process, as provided herein.

2.6. Definitions

- "AGENCY" or "HTA" means the Humboldt Transit Authority, a local public agency created as a joint powers authority pursuant to California Government Code §§ 6500 et seq.
- "Anticipated Procurement Schedule" means the schedule of dates listed in Table 1.
- "Design-Build" means a project delivery process in which both the design and construction of a project are procured from a single entity.
- "Design-Build Entity" or "DB Entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that can provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract. The DB Entity is also the Respondent submitting a Respondent's Qualifications Package.
- "Design-Build Team" means the Design-Build Entity itself and the individuals and other entities identified by the Design-Build Entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.
- "General Contractor" means the general contractor, holding a current, valid, California Class "B" general contractor's license in good standing that will assume responsibility for the subcontracting, management, supervision, and administration of the PROJECT construction.
- "HRS" means Hydrogen Refueling Station.
- "Notice of Determination" refers to the notification sent to all Respondents who submitted a responsive Respondent Qualification Package of the AGENCY's conclusion of the evaluation process.
- "Other Design Firm" means any firm with licensed engineers that is not the Principal Engineering Firm that will participate in the Design of the PROJECT.

- “Principal Engineer” means the professional providing professional services as lead engineer for the PROJECT, holding a current, valid, professional engineer’s license.
- “Principal Engineering Firm” means the firm with licensed engineers whose stamp will appear on PROJECT construction documents.
- “Procurement Coordinator” refers to the AGENCY staff person specified in this RFQ as the sole contact for this RFQ. All questions and communication concerning this solicitation are to be directed to the Procurement Coordinator.
- “PROJECT” means the complete execution of the design build roles and responsibilities as described in Section 3.
- “Qualified Bidders List” refers to the list of Respondents that will be eligible to respond to the upcoming RFP.
- “Request for Proposals” or “RFP” refers to the upcoming RFP following this solicitation as part of the AGENCY’s design build procurement process for this PROJECT.
- “Respondent” means the individual or firm submitting a Respondent’s Qualifications Package in response to this solicitation.
- “Respondent’s Qualifications” or “Respondent’s Qualifications Package” or “Qualifications Package” means the package of materials Respondent submits in response to this solicitation which will be used to determine inclusion of the Respondent on the Qualified Bidders List.
- “Statement of Qualifications” or “SOQ” or “Respondent Questionnaire” refers to the required Statement of Qualifications included as Appendix A.

SECTION 3 – INTENDED PROJECT SCOPE OF WORK

3.1. Design Build Roles and Responsibilities

HTA intends to award a single contract to the selected DB Entity, who will be the single point of contact and have contractual responsibility for all services contracted by HTA for the PROJECT. By combining the responsibilities of design and construction within a single DB team, HTA expects to obtain reduced PROJECT costs, expedited PROJECT completion, and design features that are not achievable through the traditional design-bid-build method. The DB Entity will cooperate with the AGENCY to provide in a timely manner the work and services necessary to complete the PROJECT. Significant PROJECT Scope of Work detail will be provided in the forthcoming RFP, and the following is a generalized scope overview.

- Coordinate and attend at minimum weekly PROJECT update conference calls with HTA and associates. Weekly calls shall include a prepared agenda, and published meeting minutes.
- Design and engineering of a hydrogen refueling station, sized, scaled, and customized to meet the performance requirements of HTA.
- Procure all equipment, materials, and labor necessary for the construction and installation of the HRS, paying particular attention to the timely (within one week of contract execution) procurement of long-lead items.
- Coordinate the procurement of new electrical power service meeting the needs of the proposed HRS.
- Perform all due diligence for the purpose of property development including all necessary surveys, title report analysis, underground investigation, and local planning/zoning regulations. Coordinate and execute any and all discretionary permits through the local Authority Having Jurisdiction (AHJ). Coordinate tribal cultural monitoring as required by the permitting for the PROJECT.
- Procure and obtain all non-AGENCY provided permits, permissions, licenses, and approvals required for construction, installation, and operation.
- Provide construction services, whether directly or through subcontractors, including all necessary state issued licenses.
- Provide commissioning and start-up services, including all necessary subcontractors to ensure the reliable operability of all equipment, and the system as a whole.
- Perform all necessary fuel quality testing to ensure adherence with vehicle OEM requirements, as well as industry best practices.
- Establish and implement quality-management procedures, including PROJECT health and safety practices.
- Provide approved as-built record drawings and specifications.
- Provide initial operations support, process optimization services, and all-inclusive maintenance for a set period as determined by AGENCY.
- Provide initial hydrogen fuel supply in the amount and for the set period as determined by AGENCY.
- Provide warranty coverage for the set period as determined by the AGENCY.

3.2. AGENCY Roles and Responsibilities

The AGENCY will cooperate with the DB Entity and will fulfill its responsibilities in a timely manner to facilitate the DB Entity's timely and efficient performance of work and services. AGENCY responsibilities may include:

- Review submissions and provide comments to DB Entity.
- Provide guidance on available space within the property that can be utilized for the placement of equipment and associated improvements.
- Provide AGENCY requirements and preferences including, but not limited to, performance requirements, operations and maintenance preferences, equipment requirements, and single-source equipment preferences.
- Furnish existing studies and provide complete, accurate and reliable data and information regarding the PROJECT, including available record drawings, preliminary studies, and environmental studies.
- Prevailing wage and labor code compliance monitoring.
- Provide access to the PROJECT site.
- Assist (as a contributor) DB Entity in obtaining approvals and permits for which it is responsible.
- Provide necessary, applicable fleet operational data.
- Provide adequate funding.

SECTION 4 – PROCUREMENT PROCESS

The Respondent's Qualifications will be reviewed and evaluated by the AGENCY who will create a Qualified Bidders List of the qualified Design-Build Entities.

All Respondent's Qualifications Packages will first be reviewed for their responsiveness set forth in Section 5, including timely receipt of the package and inclusion of all required forms. Any Respondent's Qualifications Packages that are incomplete in any material respect will be deemed non-responsive and may be rejected in their entirety.

The forthcoming RFP for the PROJECT will only be distributed to the Respondents approved by the HTA Adhoc Committee to be on the Qualified Bidders List, and RFP responses will only be accepted from the Respondents on the Qualified Bidders List.

The RFQ requires the DB Entity to identify and supply information regarding the DB Entity (which is the entity that will execute the Design-Build Contract), the general contractor, the professional engineering firm, and other firms (if any).

4.1. Communications During RFQ Process

- 4.1.1. All questions and requests for clarification or information must be as specific as possible and submitted in writing by email to the Procurement Coordinator no later than the date indicated in the Anticipated Procurement Schedule in Table 1.
- 4.1.2. No contact with any AGENCY staff other than the Procurement Coordinator concerning the PROJECT during the RFQ process is allowed. A violation of this provision may result in disqualification of the Respondent. No oral communication from the Procurement Coordinator or any other AGENCY staff is binding.
- 4.1.3. All communications regarding this RFQ, including addenda, will be handled as described in Section 1.

4.2. Addenda

- 4.2.1. The AGENCY may issue written addenda as appropriate for clarification or other purposes during the RFQ period. Addenda notification(s) will be handled as described in Section 1.
- 4.2.2. Respondents are responsible for compliance with any and all addenda regardless of whether or not they are actually received. It shall be the responsibility of the Respondent to obtain all addenda.

4.3. Anticipated Procurement Schedule

- 4.3.1. The Anticipated Procurement Schedule is shown in Table 1.

4.4. Reservation of Rights of the Agency

- 4.4.1. In connection with this procurement, the AGENCY reserves to itself all rights (which rights shall be exercisable by the AGENCY in its sole discretion) to:
 - 4.4.1.1. Issue addenda, supplements, and modifications to this RFQ.
 - 4.4.1.2. Add or delete DB Entity responsibilities from the information stated in this RFQ or the subsequent RFP.

- 4.4.1.3. Withdraw or cancel this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by the AGENCY of a Design-Build Contract, without incurring any cost obligations or liabilities to any other party.
- 4.4.1.4. Revise and modify at any time factors the AGENCY will consider in evaluating responses to this RFQ and the subsequent RFP and to otherwise revise its evaluation methodology.
- 4.4.1.5. Modify any and all dates set or projected in this RFQ.
- 4.4.1.6. Waive minor defects or irregularities in the Respondent's Qualifications or non-material deviations from the requirements set forth in this RFQ.
- 4.4.1.7. Request supplemental information, hold meetings, conduct discussions, and exchange correspondence with one or more of the DB Entities responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ.
- 4.4.1.8. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
- 4.4.1.9. Examine any of the facilities referenced in each Respondent's Qualifications and to observe and investigate the operations of such facilities.
- 4.4.1.10. Conduct investigations of the DB Entities and their Respondent's Qualifications (including, but not limited to, contacting references) to clarify the information provided pursuant to this RFQ, and to request additional evidence to support the information included in any Respondent's Qualifications.
- 4.4.1.11. Adjust, increase, limit, suspend or rescind the Respondent's Qualifications rating based on subsequently learned information.
- 4.4.1.12. Add or modify its reserved rights in the subsequent RFP; and make all final determinations.

SECTION 5 – PREPARATION AND SUBMITTAL OF RESPONDENT’S QUALIFICATIONS

Respondents must provide a complete, responsive Respondent’s Qualifications Package with all required forms, information, attachments, appendices, and any other supplemental information. Submission of an incomplete and/or unclear Statement of Qualifications (Appendix A) will be considered nonresponsive.

5.1. Format of Respondent’s Qualifications, Submission Quantities

A completed Statement of Qualifications (Appendix A) supplemented by supporting documentation shall be on standard letter size (8.5” x 11”) paper, except that organizational charts may be submitted on tabloid size (11” x 17”) paper. Submittal shall be printed two-sided.

Any unrequested documentation such as corporate brochures, publications, marketing DVDs, and the like will not be considered in the AGENCY’S evaluation and shall not be included in submittal.

Submittal will consist of:

- One (1) unbound two-sided original signed Respondent’s Qualifications Package.
- Three (3) bound copied sets of the Respondent’s Qualifications. Each copy must be bound in a three-ring binder.
- One (1) USB flash drive, containing either native file(s) or published PDF(s) files of the Respondent’s Qualifications Package. Documents provided in electronic copy must contain identical information and formatting as what is submitted in hard copy.

5.2. Submission Location and Deadline

Deliver the sealed submittal package to:

Humboldt Transit Authority
Response to RFQ for Project 23-01
Attn: Jerome Qiriazhi
133 V Street
Eureka, CA 95501

The submittal package must be received by the AGENCY no later than the deadline indicated in the Anticipated Procurement Schedule shown in Table 1. It is the sole responsibility of the Respondent to ensure that their submittal is received by the AGENCY no later than the stated deadline.

Failure to deliver a responsive submittal package by the date and time specified in the Procurement Schedule will exclude the DB Entity from subsequent participation in the proposal process for the PROJECT.

5.3. Respondents Qualification's Package Required Content

The DB Entity is the entity that will execute the Design-Build contract with HTA. If the legal entity constituting the DB Entity has not yet been formed, questions referring to the DB Entity should be answered as if the DB Entity has been formed. A Statement of Qualifications (SOQ) included in Appendix A must be completed in its entirety for a DB Entities response to this RFQ to be considered complete. Failing to complete any section of Appendix A without explanation will automatically disqualify the responding DB Entity. The following provides a summary of the sections found in the SOQ.

5.3.1. PART I: CERTIFICATION

Respondent must submit a completed, signed, and certified Statement of Qualifications (Appendix A). Signature must be from an authorized principal with authority to legally bind the DB Entity and its general partners and joint venture members to the responses in the SOQ under penalty of perjury.

Electronic or wet signatures will be accepted.

Failure to include PART I: CERTIFICATION will disqualify the Respondent's Qualifications Package.

5.3.2. PART II: DB ENTITY INFORMATION

Respondent must provide all information requested under this section of the SOQ. Principal Engineering Firm must also include professional(s) proposed to fulfill the role of Engineer-of-Record, with associated Professional Engineering license(s). AGENCY may request additional information be submitted to verify the accuracy of the responses provided.

Failure to include PART II: DB ENTITY INFORMATION will disqualify the Respondent's Qualifications Package.

5.3.3. PART III: ORGANIZATIONAL INFORMATION AND DOCUMENTS

Respondent must provide all information requested under this section of the SOQ. AGENCY may request additional information be submitted to verify the accuracy of the responses provided.

Failure to include PART III: ORGANIZATIONAL INFORMATION AND DOCUMENTS will disqualify the Respondent's Qualifications Package.

5.3.4. PART IV: MINIMUM REQUIREMENTS FOR QUALIFICATION

Respondent must provide all information requested under this section of the SOQ. PART IV seeks information about various members of the Design-Build Team and consists of questions that must be answered correctly or the DB Entity will be disqualified.

- A. Scored Questions for the DB Entity
- B. Scored Questions for the Principal Engineering Firm
- C. Scored Questions for the General Contractor

Responses provided to PART IV will be evaluated in accordance with the Scoring Matrix found in Appendix B.

5.3.5. PART V: DB ENTITY AND DB TEAM EXPERIENCE

Respondent must provide all information requested under this section of the SOQ. PART V seeks information to inform scoring of the full Statement of Qualifications as described in this Scoring Matrix. Failure to meet the following minimum requirements will disqualify the Respondent's Qualifications Package:

- At least three (3) completed projects by the General Contractor and the Principal Engineering Firm are included in the format prescribed by the Project Data Sheet
 - At least two (2) of the projects must be attributed to the Principal Engineering Firm
 - At least two (2) of the projects must be attributed to the General Contractor
 - Each of the projects must
 - Have been completed within the last 15 years and demonstrate the DB Entity's experience with design and construction, and experience in obtaining permits and approvals;
 - Be over \$5 million in the initial design and construction project value; and
 - Identify how the DB Entity held a prime role as the General Contractor, the Principal Engineering Firm, or both.
 - Demonstrate expert knowledge, qualifications, and experience similar and relevant to the requirements for the PROJECT. Projects related to the PROJECT are applicable.
 - Indicate the extent of work that was self-performed, and the nature of the work that was self-performed.
 - Describe the work that was subcontracted.
 - Indicate the involvement and responsibilities of the key personnel of the DB Entity, highlighting project experience where the key personnel of the DB Entity have previously worked together.
- At least one (1), and no more than three (3) completed design projects by each of the Other Design Firms listed in PART II.B are included in the format prescribed by the Project Data Sheet. Each of the projects must
 - Have been completed within the last 15 years
 - Demonstrate design experience applicable to the requirements for this PROJECT
 - If applicable, provide descriptions of relevant design experience related to other types of projects related to the PROJECT.

5.3.6. PART VI: KEY PERSONNEL EXPERIENCE

Respondent must provide all information requested under this section of the SOQ. PART VI seeks information to inform scoring of the full Statement of Qualifications as described in this Scoring Matrix. Failure to meet the following minimum requirements will disqualify the Respondent's Qualifications Package:

- Proposed Project Manager has a minimum of ten (10) years of professional experience and worked on a minimum of two (2) projects that are closely related or comparable to this PROJECT, and in the same role as proposed for this PROJECT.
- Proposed Project Superintendent has a minimum of ten (10) years of professional experience and worked on a minimum of two (2) projects that are closely related or comparable to this PROJECT, and in the same role as proposed for this PROJECT.
- Resumes are included for all Key Personnel listed in PART VI.B of the SOQ
- Three (3) Key Personnel Project Data Sheets are included each for the DB Entity's proposed Project Manager and Project Superintendent, within the format prescribed by the attached Key Personnel Project Data Sheets in the SOQ.
- One (1) Key Personnel Project Data Sheet is included each for all other remaining Key Personnel listed in PART VI.B of the SOQ.

5.3.7. PART VII: FINANCIAL

Respondent must provide all information requested under this section of the SOQ. PART VII seeks information to inform scoring of the full Statement of Qualifications as described in this Scoring Matrix. Failure to include PART VII: FINANCIAL will disqualify the Respondent's Qualifications Package. DB Entity shall provide and attach the requested information in a sealed envelope attached only to the unbound original Respondent's Qualifications Package.

SECTION 6 – QUALIFICATIONS PROCESS

6.1. Evaluation of Required Content

The AGENCY will review the Respondent's Qualifications Package according to the criteria applied to the questions listed in Appendix A and the ability of respondent to meet requirements outlined in Section 5. The Scoring Matrix is attached as Appendix B.

All Respondent's Qualifications Packages will first be reviewed for their responsiveness, including timely receipt of the package and inclusion of all required forms. Any Respondent's Qualifications Packages that are incomplete in any material respect may be deemed non-responsive and may be rejected in their entirety.

The qualification of DB Entities will be based on information provided in response to the Statement of Qualifications in Appendix A.

SECTION 7 – GENERAL INSTRUCTIONS AND REQUIREMENTS

7.1. Ineligible Parties

The following individuals and firms (including parent or subsidiary organizations) are serving in an advisory capacity to the AGENCY for this PROJECT and are therefore prohibited from participating in any capacity as a member of the Design-Build team:

- The Center for Transportation and the Environment
- The Schatz Energy Research Center at CalPoly Humboldt

Additional persons or firms may be added to or deleted from the list during any stage of the competitive selection process by AGENCY's issuance of an addendum.

7.2. Conflict of Interest

Each DB Entity submitting a Respondent's Qualifications is responsible for determining whether its participation or the participation of other DB Team members in the proposed Design/Build Contract constitutes a conflict of interest or a potential conflict of interest pursuant to California Government Code Sections 1090, 87100 et seq., and other applicable law. Each DB Entity must investigate and manage any potential conflict of interest as part of considering whether to submit a Respondent's Qualifications and when assembling its PROJECT team.

The existence of such a conflict of interest is a basis for the AGENCY to disqualify a DB Entity's participation in this RFQ process. If the AGENCY determines that a DB Entity is disqualified because of the existence of such a conflict of interest, it will provide the DB Entity with a written statement of the facts leading to that conclusion.

7.3. Qualified Bidders List

DB Entities shall review the accompanying Statement of Qualifications Scoring Matrix found in Appendix B for full explanation and disclosure of minimum requirements, scoring criteria, and selection of qualified bidders.

7.4. Disputing Determination of Qualifications

The following procedures shall apply whenever any interested party desires to dispute the Notice of Determination or any other aspect of the RFQ process.

A DB Entity has no right to dispute a determination that it is not qualified based upon a late or incomplete SOQ submittal. There is no right to dispute the RFQ process requirements and/or specifications if any objection thereto could have been addressed by submitting a question and/or objection in accordance with Section 4 above. The protest by the interested party shall be undertaken at the interested party's expense.

The interested party initiates a protest by delivering to HTA a written notice requesting a hearing and setting forth the grounds for the protest as well as all facts relevant to the protest. The protesting party must deliver the written notice to the same location that the SOQs were required to be delivered. The protesting party must deliver such written notice within ten (10) business days following the date of HTA's written Notice of Determination. ***The protesting party waives its right to dispute HTA's decision or any other aspect of the RFQ process if it fails to deliver the notice within five (5) business days following the date of HTA's written Notice of Determination.***

7.5. Insurance Requirements

Minimum insurance limits are detailed in the Statement of Qualifications.

7.6. Bonds

Payment and performance bonds will be required for the full cost of the project.

7.7. Confidentiality

All information submitted to the AGENCY under this RFQ process becomes the exclusive property of the AGENCY. All submissions are subject to public disclosure or exemptions therefrom under the California Public Records Act (California Government Code section 7920.000 et seq.). The confidentiality of submissions and other correspondence will be subject to the following requirements:

- The California Public Records Act recognizes an exception to disclosure of records which contain confidential trade secrets (see Government Code Section 7924.510(f) and Civil Code Section 3426.1). If a Respondent believes that any specific portion of its submission is exempt from disclosure under the Public Records Act, the Respondent must mark the portion of the submission as such and state the specific provision in the Act that provides the exemption and the factual basis for claiming the exemption. For example, if a Respondent believes a submission contains trade secret information, the Respondent must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Public Records Act which provides the exemption for such information and the factual basis for claiming the exemption. HTA will evaluate the disclosure exemption and make a determination in its sole discretion.

7.8. Obligation to Keep Project Team Intact

Respondents are advised that all firms and key personnel identified in the Respondent's Qualifications shall remain on the project team for the duration of the procurement process and execution of the PROJECT. If extraordinary circumstances require a change, it must be submitted in writing to the AGENCY Contact. The AGENCY, at its sole discretion, will determine whether to authorize a change, recognizing that certain circumstances (such as termination of employment) may occur that are beyond the DB Entity's control. Unauthorized changes to the project team at any time during the procurement process may result in elimination of the Respondent from further consideration.

7.9. Stipend

No stipend will be paid to Respondents for any costs associated with preparing and submitting Respondent's Qualifications in response to this RFQ or proposals in response to the RFP to be issued.

Appendix A: Statement of Qualifications (SOQ)

The RFQ Statement of Qualifications (SOQ) is provided as a separate document on the RFQ Website at <https://hta.org/procurement-opportunities/rfq-23-01/>

Appendix B: Statement of Qualifications (SOQ) Scoring Matrix

The RFQ Statement of Qualifications (SOQ) Scoring Matrix is provided as a separate document on the RFQ Website at <https://hta.org/procurement-opportunities/rfq-23-01/>