



**CALIFORNIA**  
High-Speed Rail Authority

# **CALIFORNIA HIGH-SPEED RAIL: Right-of-Way Engineering and Survey Support Services Contracts**

Monday, March 6, 2023

# WELCOME AND AGENDA

- HSR Project Overview
  - » Alice Rodriguez, Deputy Director of External Affairs
- Small Business Program Overview
  - » Ashley Mistler, Small Business Advocate
- Procurement Overview
  - » Dennis Kim, Director of Real Property
- Organizational Conflicts of Interest Overview
  - » Tawnya Southern, Attorney IV

# PROCUREMENT PROCESS DETAILS

- **One Webpage**

» <https://hsr.ca.gov/business-opportunities/contracts-out-for-bid/right-of-way-engineering-and-survey-support-services/>

Or go to: [www.hsr.ca.gov](http://www.hsr.ca.gov), then [Business Opportunities](#), then under “Contracts Out for Bid”, select: [Right-of-Way Engineering and Survey Support Services](#)

This webpage will include:

- Video of this Pre-Bid
- PowerPoint
- Registrant List
- Responses to Questions
- Request for Qualification Updates
- **Submit questions to [capitalprocurement@hsr.ca.gov](mailto:capitalprocurement@hsr.ca.gov)**
- **Questions due by:**
  - March 8 (Central Valley RFQ)
  - March 15 (Fresno-to-Bakersfield LGA RFQ)
  - March 22 (Merced to Madera RFQ)



# CALIFORNIA HIGH-SPEED RAIL: Project Overview

Alice Rodriguez

Deputy Director of External Affairs



# CONNECTING CALIFORNIA

## Program Highlights

- **Mission:**
  - » To initiate the construction of a high-speed train system that utilizes an alignment and technology capable of sustained speeds of 200 miles per hour or greater.
- **Phase 1**
  - » 494 Miles
  - » San Francisco to Los Angeles/Anaheim
- **Phase 2**
  - » After Phase 1 - Extends 300 Miles
  - » Connections to Sacramento and San Diego

**Travels at approximately 200 mph  
Up to 24 Stations**



SUBJECT TO CHANGE - AUGUST 2021

San Francisco  
Millbrae-SFO

San José

Gilroy

Carlucci Road

Merced

Madera

Fresno

Kings/Tulare

Bakersfield

Palmdale

Burbank

Los Angeles

Norwalk/Santa Fe Springs

Fullerton

Anaheim

# Central Valley Initial Operating Segment

- 171 Miles
- 100% environmentally cleared
- 119 miles under construction
- 52 miles starting advanced design (pre-construction work)
- Design for Central Valley Stations
- Track and Systems contract bids in 2022
- Train procurement in 2023

**Goal: Initial operations by 2030**

# Bay Area

## Valley to Valley Segment

- 159 Miles
- 100% environmentally cleared
- Eligible to begin advanced design in 2022/2023
- Corridor electrification underway on 51 miles through Caltrain Electrification Project
- Segment construction is unfunded

**Goal: Advance design work in 2023; identify “shared corridor” early capital investments; develop funding plan options**

# Southern California Complete Phase 1

- 164 Miles
- 92 miles (56%) environmentally cleared in 2022 (remainder in 2023/24)
- Some advanced design could begin in 2023
- LA Union Station Phase A fully funded, clearing environmental in 2022
- Segment construction is unfunded

**Goal: Complete all environmental; begin advanced design in 2023; identify “shared corridor” early capital investments; develop segment funding plan options**



# PROGRAM UPDATE

## Highlights

- **10,000+ Construction Jobs Created Since Construction Began**
  - » 1,000+ Construction Workers Dispatched to Sites Daily
  - » 34 Active Construction Sites
- **750+ Small Businesses Employed (as of Aug 2022)**
  - » 233 are Disadvantaged Business Enterprises
  - » 85 Disabled Veteran Business Enterprises
- **Leading In Sustainability**
  - » Run on 100% Renewable Energy
  - » Currently Using Tier IV Equipment on Construction
  - » Will Reduce VMT by taking 400k cars off the road annually





# CALIFORNIA HIGH-SPEED RAIL: Small Business Program

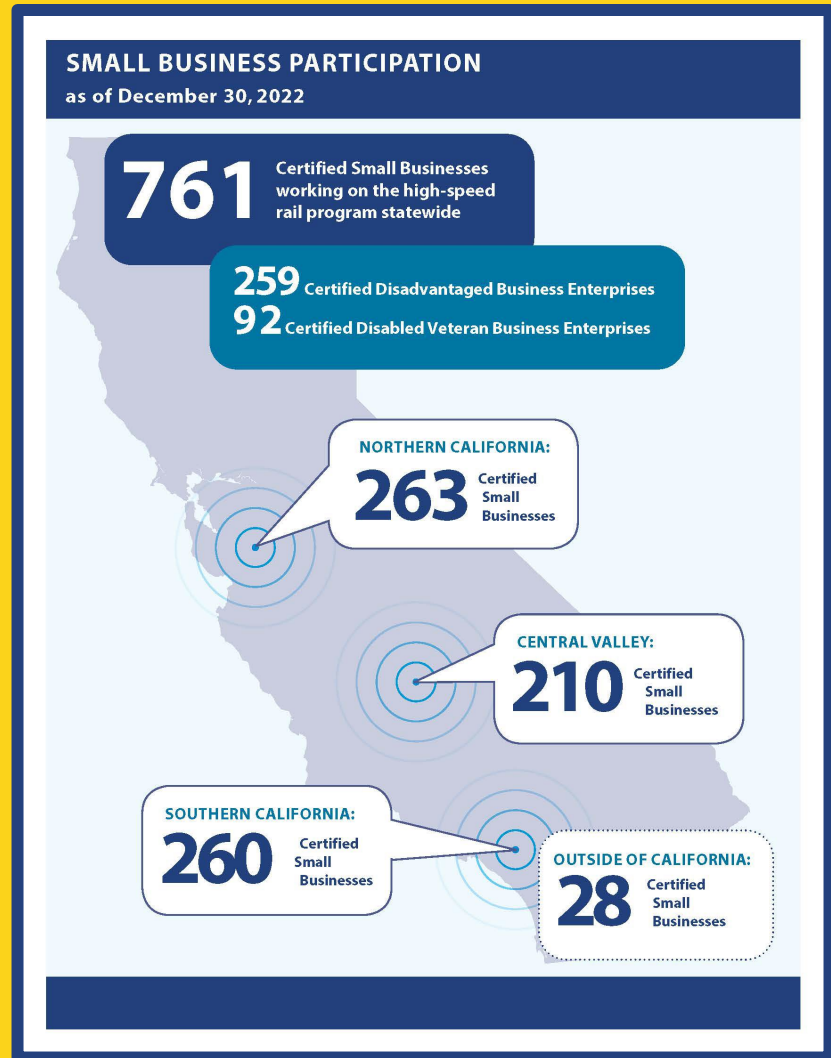
Ashley Mistler, Small Business Advocate  
Process & Program Development Branch  
[sbprogram@hsr.ca.gov](mailto:sbprogram@hsr.ca.gov)



# Small Business By the Numbers

## SB PARTICIPATION:

- **761 Small Businesses**
  - » **10% DBE**  
(Disadvantaged Business Enterprises)
  - » **3% DVBE**  
(Disabled Veteran Business Enterprises)
- **30% Goal for Small Business Participation**
  - » (DBE)
  - » (DVBE)



# Commitment to Diversity

## Small Business Certification Overview

Certifications That Count Toward the Overall Goal:

- **California Department of General Services**

- Small & Micro Businesses (SB / MB)
- Disabled Veteran Business Enterprises (DVBE)
- Small Business for Public Works (SB-PW)

state

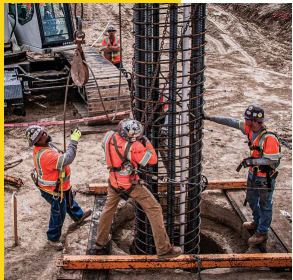
- **California Unified Certification Program**

- Disadvantaged Business Enterprises (DBE)

federal

- **US Small Business Administration**

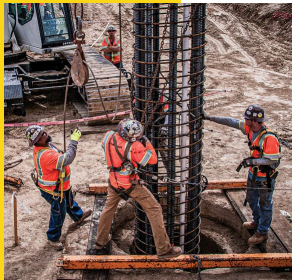
- 8(a) Disadvantaged Business Program
- Service Disabled Veteran-Owned SB (SDVSOB)



# Small Business Teams

## Exclusivity

- » There is no prohibition against Subconsultants/Subcontractors being exclusive to one Offeror, however, exclusivity is strongly discouraged for SB/DBE/DVBE Subconsultants/Subcontractors



# CONNECT HSR

High-Speed Rail Vendor Registry

## **Free Online Tool to Connect with Business Opportunities**

*Open to All Businesses, Large & Small*

- **List Your Business:**
  - Type of Business
  - Services Offered or Supplies Sold
  - Service Counties
  - Certifications
- **Learn About:**
  - Future Contracting Opportunities
  - Trainings/Workshops
- **Register At:**
  - [www.connecthsr.com](http://www.connecthsr.com)





# CALIFORNIA HIGH-SPEED RAIL: Right-of-Way Engineering and Survey Support Services Contracts

Procurement Overview

Dennis Kim

Director of Real Property





**CALIFORNIA**  
**High-Speed Rail Authority**

## **Request for Qualifications for Right-of-Way Engineering and Survey Support Services for**

- **Central Valley (CP1-4) Project**
- **Fresno to Bakersfield Locally Generated  
Alternative (LGA) Project**
- **Merced to Madera (M-M) Project**



# Purpose:

The Authority is issuing three Request for Qualifications (RFQs) to receive Statements of Qualifications (SOQs) from qualified firms (Offerors) for Right-of-Way (ROW) Engineering and Survey Support Services.

# Contract Terms:

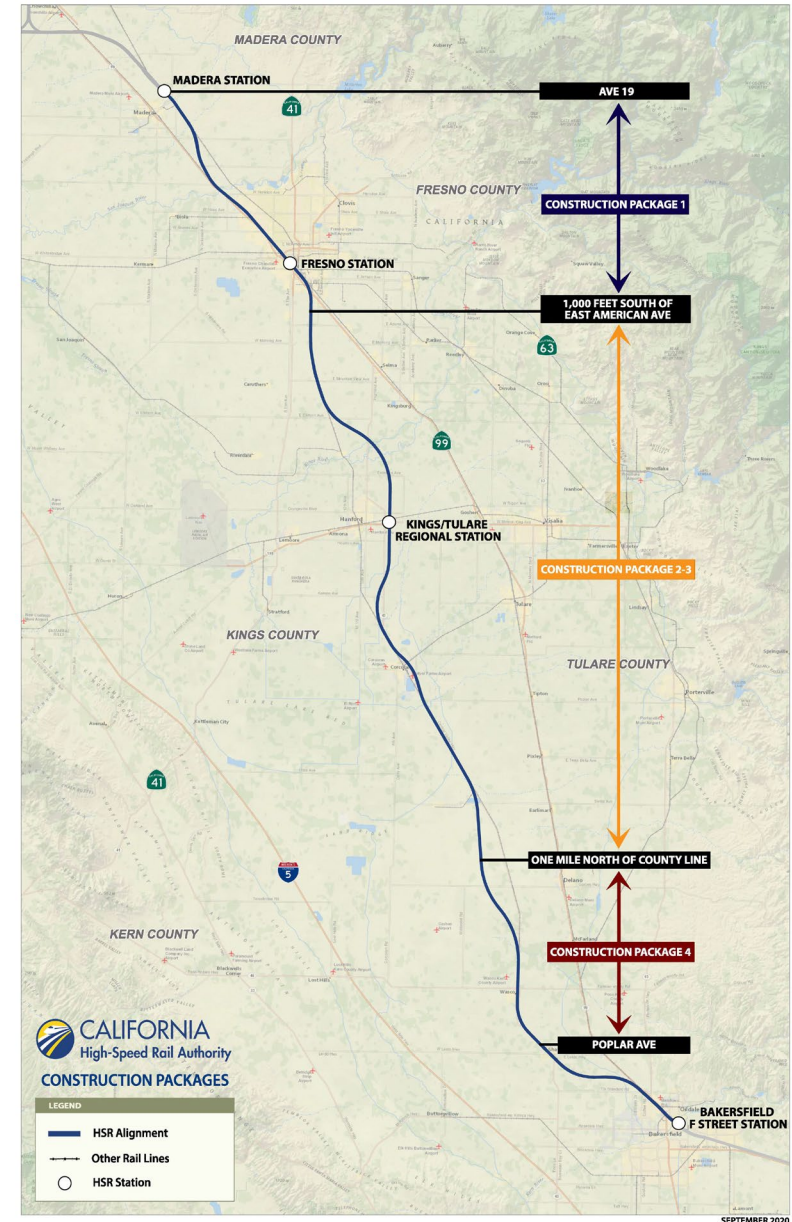
- Anticipated term duration - 3 years
- Scope of Work: ROW Engineering and Survey Support Services
  - » ROW appraisal maps,
  - » legal descriptions,
  - » surveys,
  - » staking,
  - » exhibits, and
  - » other related services
- Not to Exceed Contract Value: \$ 3,349,000 each
- Geographic Area:
  - » HSR22-44: Construction Package 1, Construction Package 2-3, Construction Package 4 (Central Valley or CP1-4)
  - » HSR22-45: Locally Generated Alternative (LGA)
  - » HSR22-46: Merced to Madera (M-M)

*\*Please be advised that the boundaries of each Project may be modified due to environmental work.*

# Geographic Project Overview: CP1-4

The Central Valley Project encompasses Construction Packages 1 through 4.

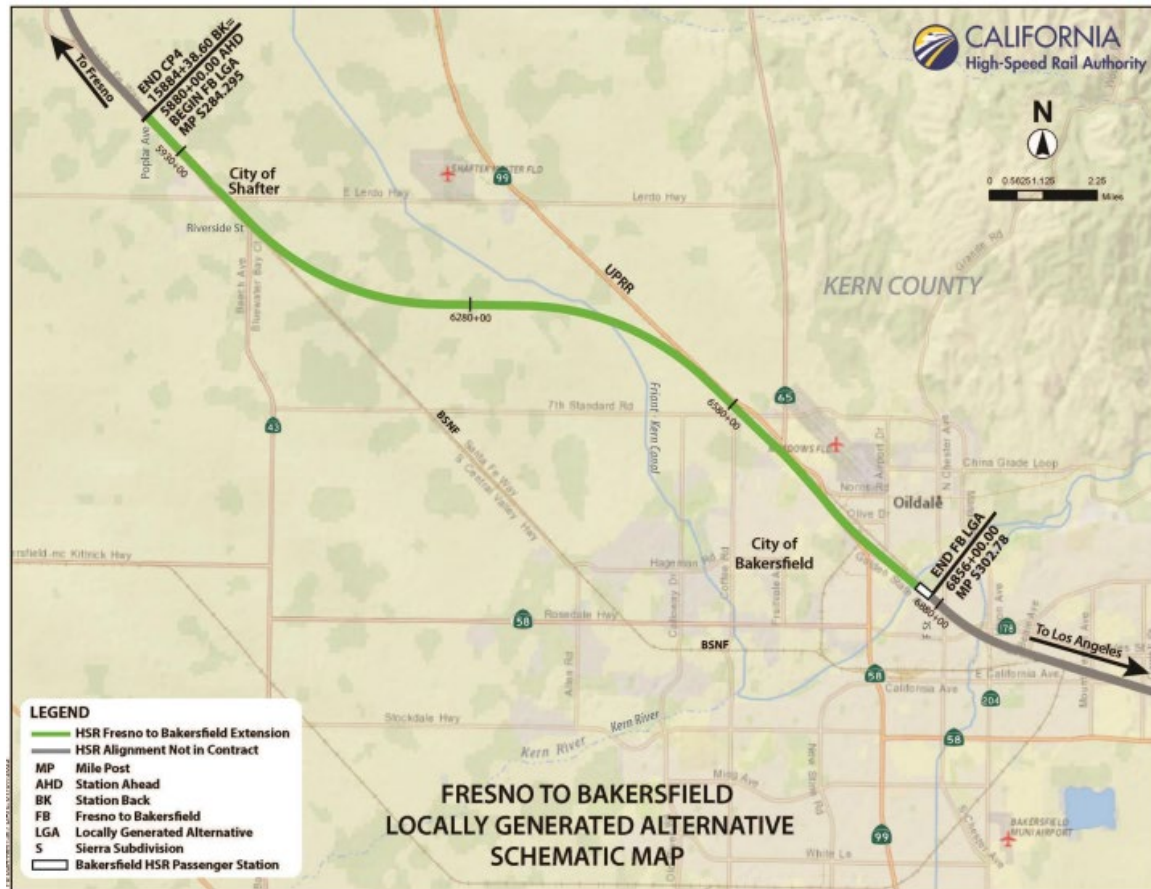
- Counties: Madera, Fresno, Kings, Tulare, and Kern.
- Length: ~ 120 miles
- Geographic limits:
  - » Northern Boundary: Ave 19 and Pick Fair Way, Madera County
  - » Southern Boundary: Poplar Ave and Madera Ave, Kern County



# Geographic Project Overview: LGA

The Fresno to Bakersfield Locally Generated Alternative (LGA) Project is located entirely in Kern County.

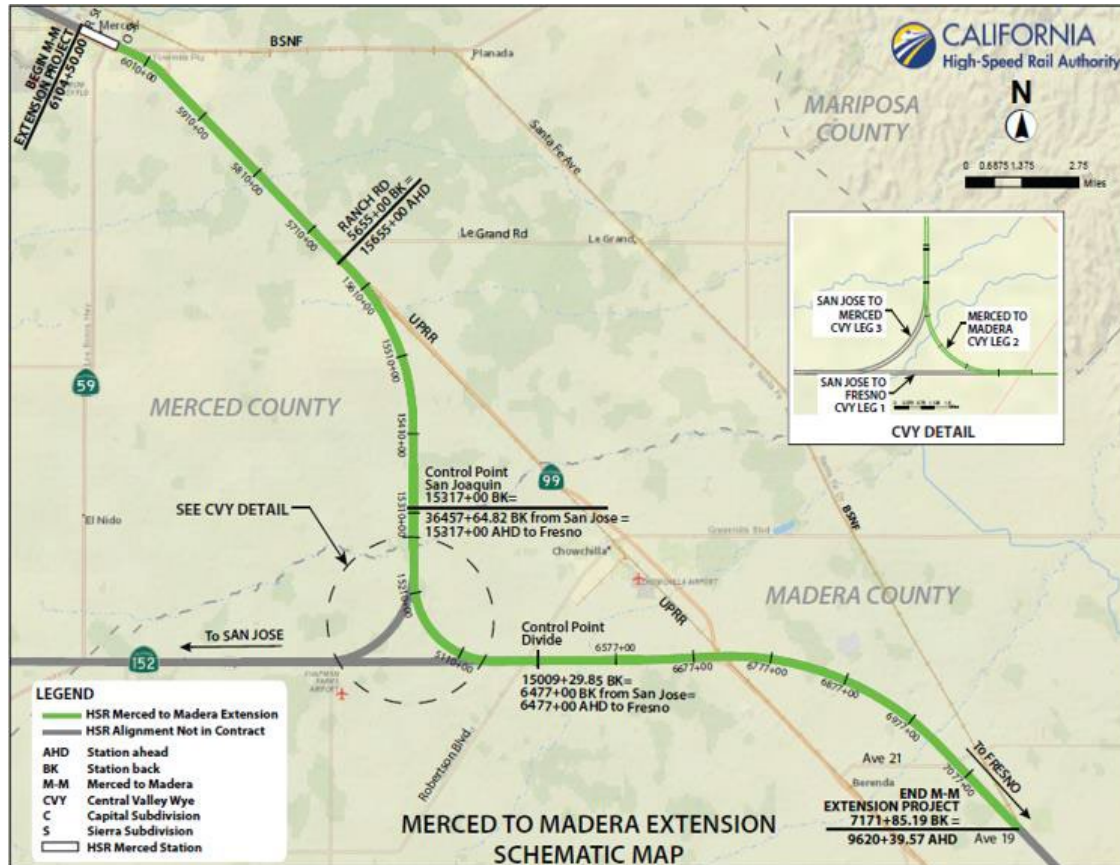
- Length: ~ 18.5 miles
- Geographic limits:
  - » Northern Boundary: Poplar Ave, adjacent to State Route 43 where it will connect with CP4
  - » Southern Boundary: M St in Bakersfield. Approximately 1/4 mile southeast of Garces Memorial Circle



# Geographic Project Overview: M-M

The Merced to Madera Project is located within the counties of Madera and Merced.

- Length: ~ 34 miles
- Geographic limits:
  - » Northern Boundary: V St and 15<sup>th</sup> St, Merced
  - » Southern Boundary: Ave 19. Approximately 1/4 mile west of Rd 26 where it will connect with CP1



# Procurement Process Details

## California State Contracts Register

Each Request for Qualifications (RFQ) may be downloaded from its respective event webpage on the California State Contracts Register (CSCR):

- RFQ No. HSR22-44, Central Valley:

[www.caleprocure.ca.gov/event/2665/0000026235](http://www.caleprocure.ca.gov/event/2665/0000026235)

- RFQ No. HSR22-45, LGA:

[www.caleprocure.ca.gov/event/2665/0000026237](http://www.caleprocure.ca.gov/event/2665/0000026237)

- RFQ No. HSR22-46, Merced to Madera:

[www.caleprocure.ca.gov/event/2665/0000026238](http://www.caleprocure.ca.gov/event/2665/0000026238)

Updates, including responses to written questions and any RFQ addenda, will be posted on the respective CSCR event webpage(s).

# Procurement Process Details

## Authority's Webpage and Email Address to Submit Questions

The Authority's webpage for this procurement is as follows:

[www.hsr.ca.gov/business-opportunities/contractors/right-of-way-engineering-and-survey-support-services](http://www.hsr.ca.gov/business-opportunities/contractors/right-of-way-engineering-and-survey-support-services)

Information from the Pre-Bid Conference and Small Business Workshop will be posted on the Authority's webpage and will include the following:

- Presentations (PowerPoints)
- Videos
- Registration Lists

## Submit procurement questions to [CapitalProcurement@hsr.ca.gov](mailto:CapitalProcurement@hsr.ca.gov)

- March 8, 2023, is the last day to submit questions for the Central Valley RFQ.
- March 15, 2023, is the last day to submit questions for the LGA RFQ.
- March 22, 2023, is the last day to submit questions for the Merced to Madera RFQ.

# Procurement Process Details

## Proposed Procurement Schedules

Dates of key activities are shown in the table below:

RFQ Activity	RFQ Central Valley	RFQ LGA	RFQ Merced to Madera
RFQ advertised on CSCR	February 24, 2023	February 24, 2023	February 24, 2023
Pre-Bid Conference	March 6, 2023	March 6, 2023	March 6, 2023
Small Business Workshop	March 7, 2023	March 7, 2023	March 7, 2023
SOQs Due	March 29, 2023 at 12 noon	April 5, 2023 at 12 noon	April 12, 2023 at 12 noon
Notice of Proposed Award	April 25, 2023	May 5, 2023	May 22, 2023
Contract Execution	Mid-May 2023	Late May 2023	Mid-June 2023

See Table 1 in each RFQ for additional details.



# CALIFORNIA HIGH-SPEED RAIL: Organizational Conflicts of Interest Overview

Tawnya Southern  
Attorney IV





# ORGANIZATIONAL CONFLICTS OF INTEREST

- All entities desiring to enter into an Authority contract must comply with its Organizational Conflict of Interest (OCOI) Policy.
- Why is the OCOI Policy necessary?
  - » Our federal grants require it;
  - » Ensures a fair and transparent procurement process, maximizing competition and minimizing exposure to bid protests; and
  - » Ensures compliance with state and federal procurement laws and regs.
- U.S. Supreme Court recognizes that such policies are "...directed not only at dishonor, but also at conduct that tempts dishonor. This broad prescription embodies a recognition of the fact that an impairment or impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government." (United States v. Mississippi Valley Co. (1961) 364 U.S. 520, 549, 81 S.Ct. 294, 5 L.Ed.2d 268, emphasis added)

# OCOI POLICY DEFINITION

An “Organizational Conflict of Interest” is defined as:

“...a circumstance arising out of a Contractor’s existing or past activities, business or financial interests, familial relationships, contractual relationships, and/or organizational structure (i.e., parent entities, subsidiaries, Affiliates, etc.) that results or would result in:

- **impairment or potential impairment of a Contractor’s ability to render impartial assistance or advice to the Authority or of its objectivity in performing work for Authority**
- **an unfair competitive advantage for any Contractor bidding or proposing on an Authority procurement, or**
- a perception or appearance of impropriety with respect to any of the Authority’s procurements or contracts or a perception or appearance of unfair competitive advantage with respect to a procurement by the Authority (regardless of whether any such perception is accurate).”

# ORGANIZATIONAL CONFLICTS OF INTEREST

- Two general situations in which an organizational conflict of interest will be found to exist for a contractor:
  - » 1. A contractor has an unfair competitive advantage
    - *Example: A contractor has inside or non-public information about a procurement*
    - *Example: A contractor provides services related to a procurement and then bids on it*
  - » 2. A contractor's objectivity in performing its contractual obligations for the Authority would be compromised such that it could not provide impartial assistance
    - *Example: A contractor on Contract A is in a position to oversee its own work on Contract B and mitigation is not possible*

# OCOI POLICY FLEXIBILITY

- A common misperception is that Contractors are generally “conflicted” out simply because of prior work on the Project.
- The vast majority of OCOI determinations find that a contractor may participate in the desired procurement and/or contract.
- The Policy states that “the Authority recognizes that its goals must be balanced against the need to not unnecessarily restrict the pool of potential proposers or bidders available to participate in Authority procurements and contracts.”
- If a potential conflict is recognized, the Policy requires consideration of numerous factors to determine whether the contractor may participate in the contract and whether mitigation or safeguards may be implemented to permit participation.
- Such safeguards are commonly applied to allow participation and include measures like ethical walls and release of work product.

# OCOI REVIEW PROCESS

- Interested Contractors should review Section 3.7 of the RFQ regarding Organizational Conflicts of Interest.
- Interested Contractors should review the Authority's Organizational Conflict of Interest Policy (the link is in Section 3.7).
- If, after reading the above information, the interested Contractor has any concerns that it may have an actual or perceived OCOI, it may request a determination from the Authority (instructions on next slide).
- Advanced or pre-clearance is not necessary if there are no concerns regarding an actual or perceived OCOI.
- In conjunction with its participation in the SOQ submission, all interested Contractors will submit Form B: Organizational Conflicts of Interest Disclosure Statement in which it will either disclose potential OCOIs or indicate that it has none to disclose.

# HOW TO REQUEST AN OCOI DETERMINATION

- Requests for Organizational Conflict of Interest determinations should be submitted to the Authority's Chief Counsel, Alicia Fowler, at [Legal@hsr.ca.gov](mailto:Legal@hsr.ca.gov), referencing the RFQ(s) of interest.
- The Authority's OCOI determination process includes the following steps:
  - » After the request is received, an investigation and analysis, including potential mitigation options, is performed by the attorneys
  - » The requestor will often be asked for additional information and/or documents necessary for the OCOI determination
  - » The Chief Counsel makes the final determination and informs the requestor by letter, which discusses the relevant facts and applicable Policy provisions
  - » A requestor who does not agree with an OCOI determination may contact the Chief Counsel to raise additional relevant facts and information

# QUESTIONS AND RESOURCES

- Questions regarding these procurements can be emailed to:
  - » [capitalprocurement@hsr.ca.gov](mailto:capitalprocurement@hsr.ca.gov)
- The webpage will include:
  - » Video of this Pre-Bid
  - » PowerPoint
  - » Registrant List
  - » Responses to Questions
  - » Request for Qualification Updates



## Business Opportunities

California's high-speed rail program offers numerous contracting opportunities across a broad spectrum of services and materials. The Authority also maintains a 30 percent small business participation goal, and those businesses are playing a major role in building the program.



### GENERAL INFO

[Community Benefits Agreement](#)  
[Cal eProcure](#)  
[National Competitive Bid Recovery Act Reporting](#)  
[Organizational Conflict Of Interest Policy](#)  
[Unsolicited Proposal Procedures](#)



### SMALL BUSINESS PROGRAM

[Overview](#)  
[Get Connected](#)  
[ConnectHSR – Vendor Registration](#)  
[ConnectHSR – Vendor Search](#)  
[Let's Get Your Business on Board](#)  
[Policy & Program Plan](#)  
[Business Advisory Council](#)  
[Info Center](#)  
[Newsletter](#)  
[Small Business Assistance Form](#)



### CONTRACTS OUT FOR BID

[Construction Management Services for Rail Design-Build-Maintain Contracts](#)  
[Design-Build Construction Packages](#)  
[Design Services for Central Valley Stations](#)  
[Design Services for Locally Generated Alternative](#)  
[Design Services for Merced to Madera](#)  
[Environmental Services for Merced to Fresno](#)  
[Program Delivery Support](#)  
[Rail Systems Engineering Services](#)  
[Right of Way Engineering and Survey Support Services](#)  
[Station Delivery Support and Technical Planning Services](#)  
[Sustainability Services](#)  
[Track & Systems](#)

[www.hsr.ca.gov](http://www.hsr.ca.gov), then [Business Opportunities](#), then under “Contracts Out for Bid”, select: [Right-of-Way Engineering and Survey Support Services](#)