



CALIFORNIA
High-Speed Rail Authority

**CALIFORNIA HIGH-SPEED RAIL:
Request for Qualifications for Rail
Systems Engineering Services Pre-Bid**

Monday, July 31, 2023

WELCOME AND AGENDA

- HSR Project Overview
 - » Melissa Figueroa, Chief of Strategic Communications
- Small Business Program Overview
 - » Catrina Blair, Chief of Process and Program Development
- Procurement Overview
 - » Bruce Armistead, Chief of Rail Operations and Delivery
- Organizational Conflicts of Interest Overview
 - » Lisa Crowfoot, Attorney IV

PROCUREMENT PROCESS DETAILS

- **Webpage**

» <http://www.hsr.ca.gov/business-opportunities/contracts-out-for-bid/rail-systems-engineering-services>

Or go to: www.hsr.ca.gov, then [Business Opportunities](#), then under “Contract Opportunities,”
select: [Rail Systems Engineering Services](#)

This webpage will include:

- Video of this Pre-Bid
- PowerPoint
- Registrant List
- **Submit questions to RSES@hsr.ca.gov**
- **Questions due by: August 8, 2023**



CALIFORNIA HIGH-SPEED RAIL: Project Overview

Melissa Figueroa

Chief of Strategic Communications



Connecting California

Program Highlights

Phase 1

500 Miles

San Francisco to Los Angeles/Anaheim

Phase 2

After Phase 1 - Extends 300 Miles

Connections to Sacramento and San Diego

Travels at approximately 220 mph
Up to 24 Stations



Where We Are Today

2023 Progress

Today:

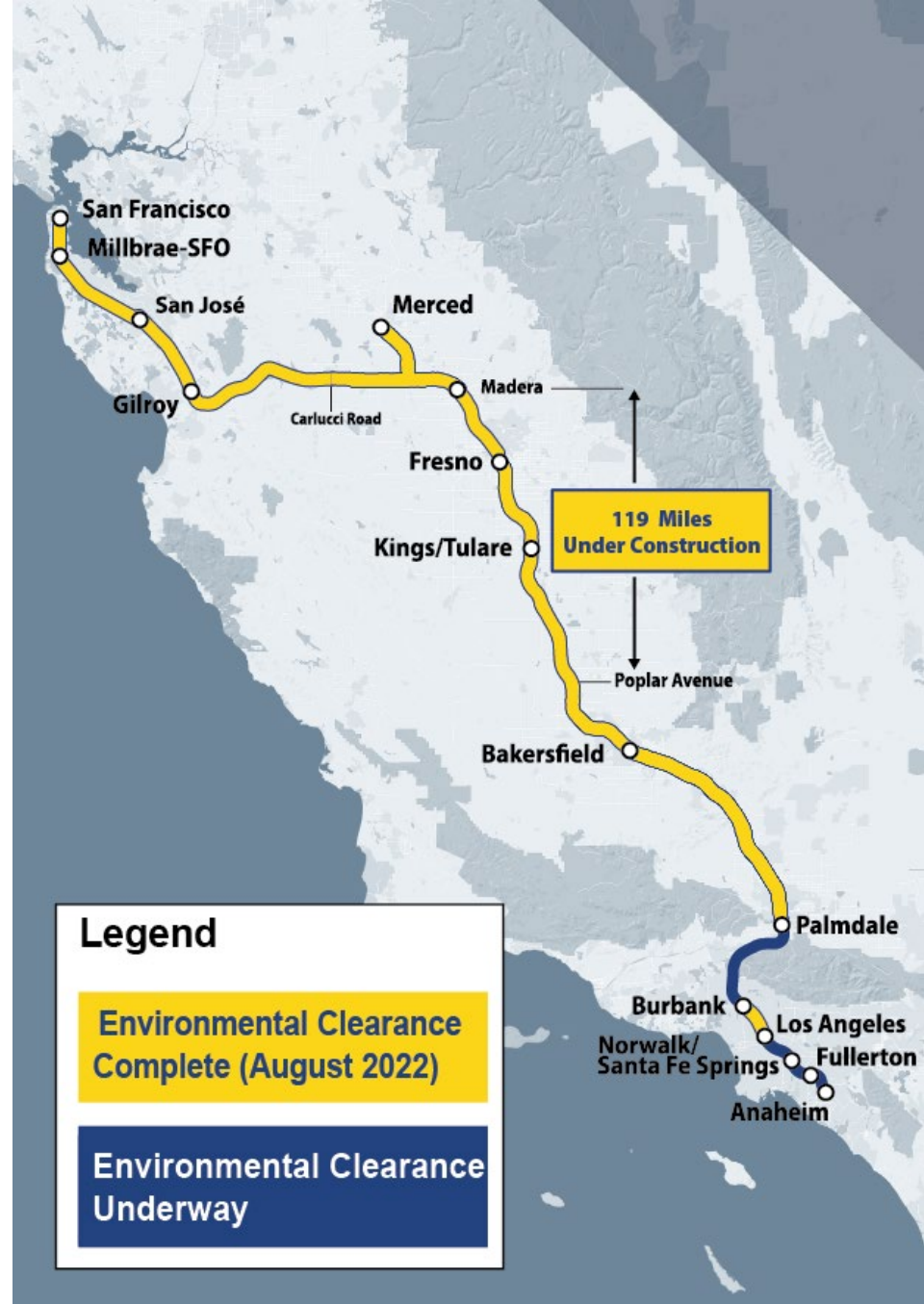
- 119 Miles Under Construction
- 52 miles under advanced design (north into Merced and South into Bakersfield)
- Environmentally Clearing Full 500 Miles Between San Francisco and Los Angeles Basin
 - Approximately 422 Miles Environmentally Cleared To-Date
- Bookend Projects:
 - Caltrain Electrification
 - Los Angeles Union Station Improvements
 - Statewide Grade Separations
- Station Design for four Central Valley Stations
 - Merced, Fresno, Kings/Tulare and Bakersfield
- Memorandum Of Understanding with Brightline West



Look Ahead

Upcoming Milestones:

- Completion of the first Central Valley construction segment CP4 (Summer 2023)
- Draft Palmdale to Burbank Environmental Impact Report/Statement issued (late 2023)
- Caltrain electrification (Completion anticipated in late 2024)
- Rosecrans/Marquardt grade separation (completion anticipated in 2024)
- Continued advance station design of Central Valley stations (Contract awarded Oct 2022)



Program Update

Highlights

11,000+ Construction Jobs Created Since Construction Began

- 1,000+ Construction Workers Dispatched to Sites Daily
- 34 Active Construction Sites
- 70% Workers from Disadvantaged Communities

761 Small Businesses Employed

- 259 are Disadvantaged Business Enterprises
- 92 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

Catrina Blair, Chief

Process & Program Development Branch

sbprogram@hsr.ca.gov



Small Business By the Numbers

SB PARTICIPATION:

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

SMALL BUSINESS PARTICIPATION as of May 31, 2023



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

federal

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



CALIFORNIA HIGH-SPEED RAIL: Rail Systems Engineering Services

Procurement Overview

Bruce Armistead

Chief of Rail and Operations Delivery



RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

Purpose:

The Authority is issuing a Request for Qualifications (RFQs) to receive Statements of Qualifications (SOQs) from qualified firms (Offerors) for a Rail Systems Engineering Services support contract.

- This professional services contract is critical to HSR verifying all technical requirements are met by the civil, track, systems, trainsets, and station contractors, who will each have separate and distinct responsibilities.

RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

Background and Contract Terms

- Current rail systems engineering services are provided by the Rail Delivery Partner (RDP)
 - » Rail Systems Engineering Service (RSES) scope was not included in the Program Delivery Support (PDS) Contract (successor to the RDP contract)
 - » Management of RSES Contract will be under the Authority's Rail and Operations Delivery Branch
- Contract term will be 5-years 4-months with option to extend
- Not to Exceed Contract Value: \$73.2M for the 5-year 4-month term
- This is a qualifications-based procurement; fair and reasonable fees and costs will be negotiated with the top-ranked Offeror prior to executing a contract
- 30% Small Business utilization goal, inclusive of 10% Disadvantaged Business Enterprise utilization goal and 3% Disabled Veterans Business Enterprise utilization goal

RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

The Rail Systems Engineering Services consultant will:

- Provide a core group of rail engineers to support the Authority in a partner role with expertise in traction power/catenary, signal/train control and communications, network and general program integration, high-voltage, track, stations and station integration, rail equipment and operations to develop rail-related scope, engineering and plans.
- Review all civil designs to ensure:
 - » Compliance with the Authority's Design Criteria Manual (DCM),
 - » Track and systems requirements are met, and
 - » That no elements would interfere with rail construction, rail maintenance and/or rail operations.
- Respond to all special requests and technical evaluations which arise beyond construction and plan reviews, including environmental document and preliminary design reviews.
- Support the Authority in the integration of elements of the rail system and in the management of these interfaces.
- Requirements oversight support for civil, track and systems elements, trainsets, and stations.
- Manage risk register and system safety of all safety cases related to civil, track, systems, trainsets, and stations.

RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

BACKGROUND: REVENUE SERVICE CERTIFICATION

- The RSES Consultant is critical to support certification efforts
- HSR project will be a certified railroad that is ready for passenger service from Merced to Bakersfield
- The Authority has active civil construction on the first 119-mile segment
 - » Track and systems contractors will follow the civils, and
 - » Trainsets, trainset certification facility, heavy maintenance facility

RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

Background (cont'd): European Norms (EN)

European Union (EU) Regulatory Approach

- In the past, each of the 27 countries set its own railroad standards and regulations
 - » For example: A train designed and certified for operation in Germany would not necessarily be certified to operate in France
- Subsequently, the EU developed standards, regulations and a formal process that allowed for interoperability throughout the EU, including:
 - » Technical Specifications for Interoperability
 - » EN50126 – The specification and demonstration of Reliability, Availability, Maintainability and Safety
 - » EN50128, EN50129 – Software from signaling, communications and process control

RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

Background (cont'd): Federal Railroad Administration (FRA) Requirements

FRA Approach

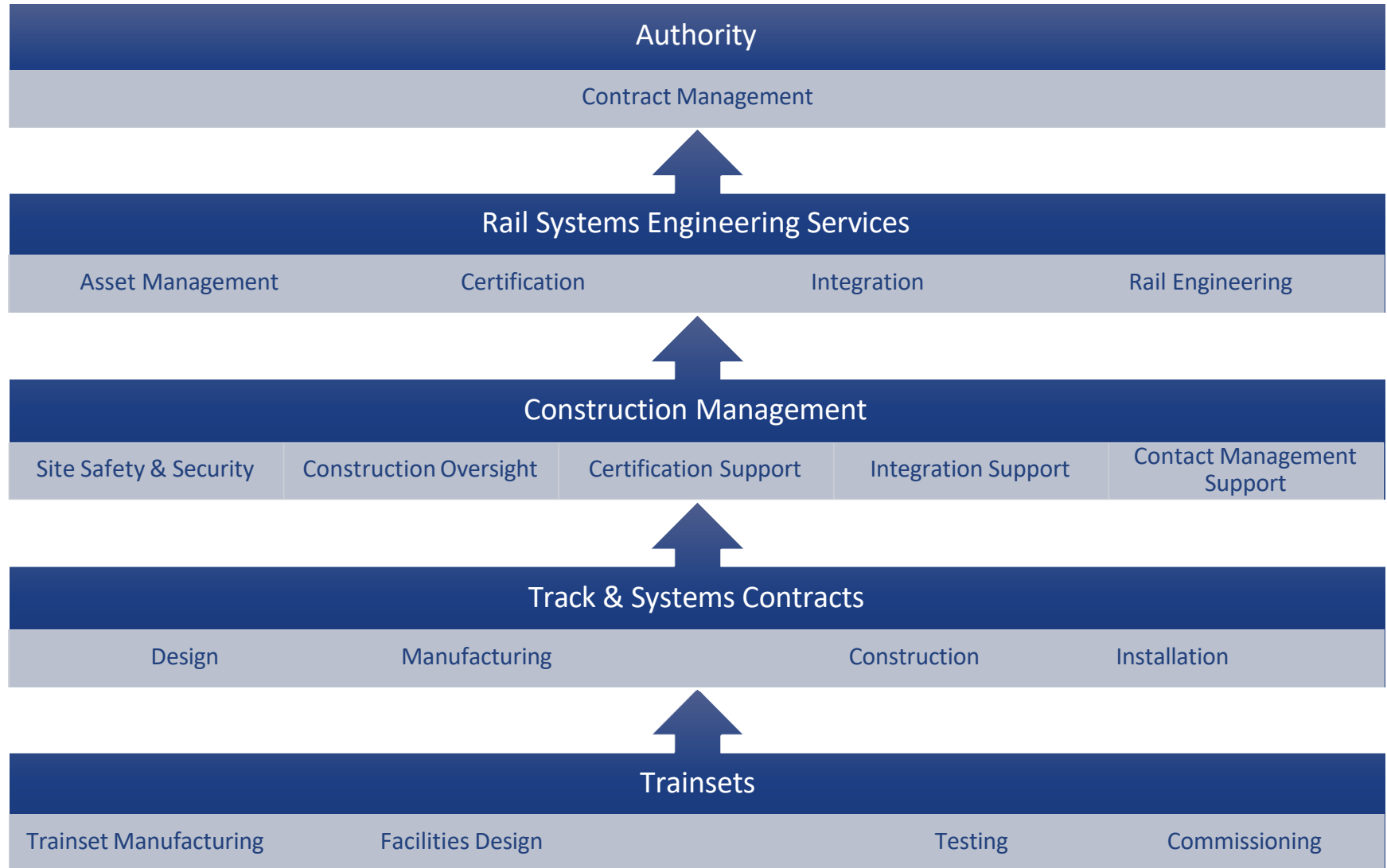
- Rules of General Applicability are established in the Code of Federal Regulations. These are primarily design-based regulations and universally apply to all railroads in the U.S.
- The published rules may not adequately cover design innovations and the FRA may allow specific Rules of Particular Applicability (RPA).
- Such rules are only applicable to specifically identified application in the RPA.
- Safety cases, risk assessments, hazard assessments, and mitigations are benchmarked against these regulatory requirements.

RAIL SYSTEMS ENGINEERING SERVICES SUPPORT

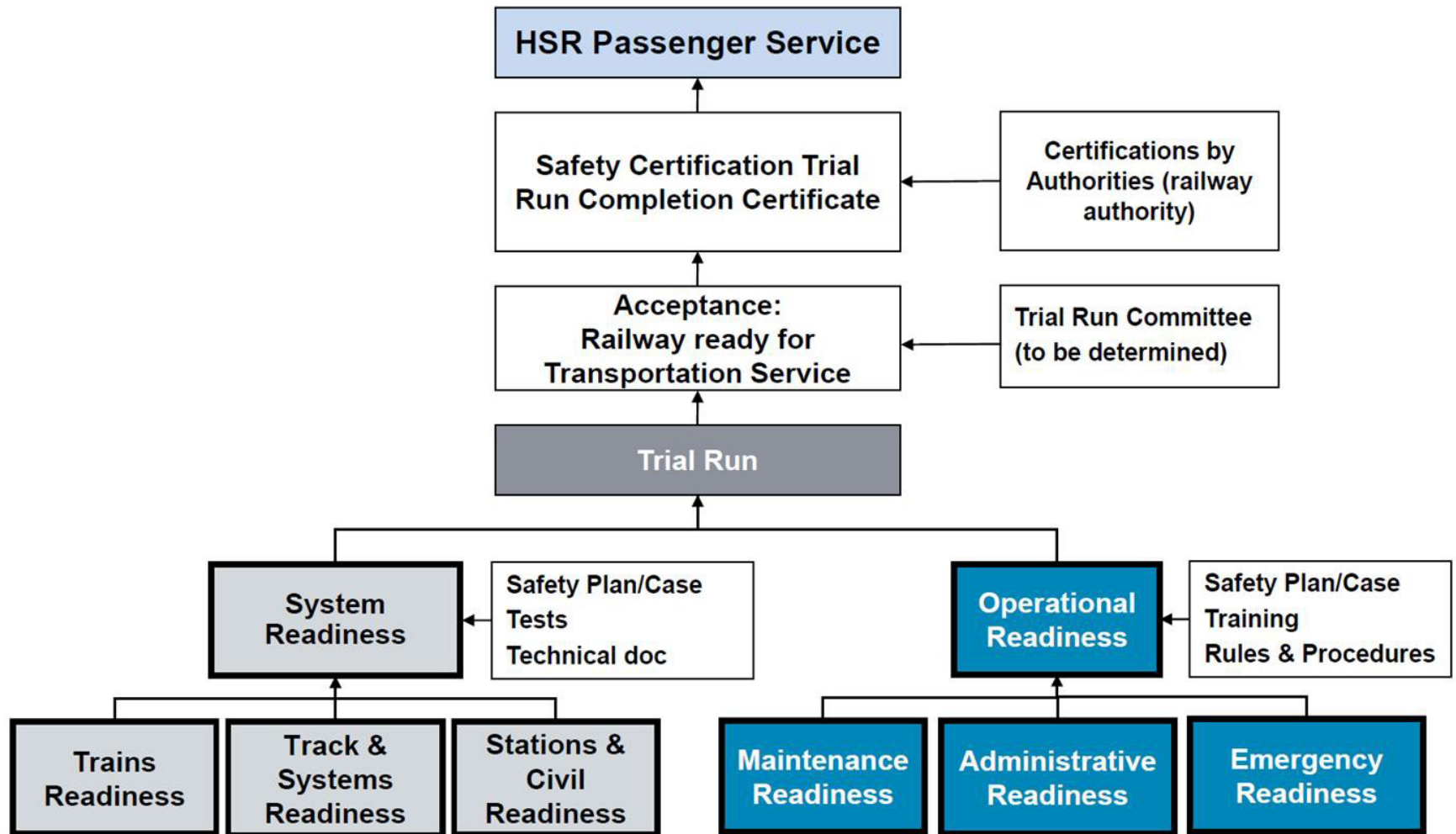
BACKGROUND (CONT'D): CONTRACTS TO BE SUPPORTED BY THE RSES CONSULTANT

- Track
- Systems
- Trainsets
- Stations
- Construction Management (Rail Contracts)

Rail Contracts – *Anticipated* Primary Responsibilities



ENTRY INTO PASSENGER SERVICE



PROCUREMENT PROCESS DETAILS

California State Contracts Register

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

- RFQ No. HSR23-21:
www.caleprocure.ca.gov/event/2665/HSR23-21
- Updates, including responses to written questions and any RFQ addenda, will be posted on the CSCR event webpage.

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/contracts-out-for-bid/rail-systems-engineering-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 RSES@hsr.ca.gov

RAIL SYSTEMS ENGINEERING SERVICES CONTRACT

Procurement Schedule

Activity	Date
RFQ advertised on Cal eProcure	July 25, 2023
Virtual Pre-Bid Conference and Small Business Informational Workshop	July 31, 2023
Deadline for Questions	August 8, 2023
Statements of Qualifications Due	September 18, 2023
Anticipated Notice of Proposed Award Released	October 2023
Board Meeting	November 2023
Contract Execution and Notice to Proceed	November 2023

See Table 1 of the RSES RFQ for additional details.



CALIFORNIA HIGH-SPEED RAIL: Organizational Conflicts of Interest Overview

Lisa Crowfoot
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 (Policy). Note that the Policy was revised on June 29, 2023, but the revisions should not impact prior OCOI determinations (see Slide 33).
- 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 should 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.
 - » *Example: a Contractor has never worked on the HSR project nor a related project (Caltrain, Link U.S.) and has no financial affiliations with HSR Contractors*
- 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.
 - » *Current HSR contracts should be disclosed on this form*

DO YOU NEED A NEW OCOI DETERMINATION?

- This is a new procurement, but the scope of work is the same as the prior RSES RFQ. In addition, the Authority revised its OCOI policy since the prior RSES RFQ, but the revisions should not impact prior determinations.
- You do NOT need to request a new OCOI determination UNLESS your circumstances have changed in a material way that impacts the prior OCOI determination such as:
 - entering a new contract on the HSR project;
 - changing scope of work on an existing contract on the HSR project;
 - forming a business partnership with a company that has a contract on the HSR project;
 - undertaking a different scope of work in relation to the new RSES RFQ than what was analyzed in relation to the prior RSES RFQ;
 - taking on a different role on the RSES Offeror team than what was analyzed in relation to the prior RSES RFQ.

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, 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 this procurement should be emailed to:

» RSES@hsr.ca.gov

- The webpage will include:

- » Video of this Pre-Bid
- » PowerPoint
- » Registrant List



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, then [Business Opportunities](#), then under “Contracts Out for Bid,” select: [Rail Systems Engineering Services](#)