

# Massachusetts Bay Transportation Authority

Request for Qualifications  
for

Design Build Services for the  
Green Line Extension Project  
in Cambridge, Medford, and Somerville, MA

**MBTA Contract No. E22CN07**

**Addendum #~~11~~12**

January ~~11~~19, 2017

**Statement of Qualification (SOQ) Submission Deadline:** January 26, 2017  
11:00 a.m.

**Submit Statement of Qualifications to:**

Margaret H. Hinkle  
Senior Director of Contract Administration  
Massachusetts Bay Transportation Authority  
Contract Administration Department  
100 Summer Street, Suite 1200  
Boston, MA 02110

# Table of Contents

	Page
<u>1</u>	<u>GENERAL..... 1</u>
1.1	Definitions ..... 1
1.2	Project Goals..... 2
1.3	Project Description, Environmental Status, and Schedule..... 3
1.3.1	Project Description ..... 3
1.3.2	Environmental Status..... 4
1.4	Project Funding and Estimated Value..... 6
1.4.1	Project Funding ..... 6
1.4.2	Project Value ..... 6
1.4.3	Federal Requirements..... 7
1.5	Specialty Work and Self -Performance..... 7
1.5.1	Specialty Work ..... 7
1.5.2	Self-Performance..... 7
1.6	Proposal Stipend ..... 8
<u>2</u>	<u>DESCRIPTION OF PROCUREMENT PROCESS ..... 9</u>
2.1	Overall Process ..... 9
2.1.1	Request for Qualifications ..... 9
2.1.2	Request for Proposals ..... 9
2.2	Procurement and Project Documents..... 9
2.3	Designated Project Representative ..... 9
2.4	Procurement Schedule ..... 10
2.5	Questions and Requests for Clarification; Addenda..... 10
<u>3</u>	<u>COMMUNICATIONS, PUBLIC INFORMATION, AND CONFLICTS OF INTEREST ..... 12</u>
3.1	Improper Communications and Contacts..... 12
3.2	Public Records Law ..... 14
3.3	Conflicts of Interest ..... 15
3.3.1	Personal Conflicts of Interest ..... 15
3.3.2	Organizational Conflicts of Interest ..... 15
<u>4</u>	<u>SUBMITTAL REQUIREMENTS ..... 17</u>
4.1	General..... 17
4.2	Format..... 17
4.3	Contents and Organization..... 17
4.4	SOQ Submission Requirements..... 18
4.5	Content of the Statement of Qualifications..... 18
4.5.1	Form A (Transmittal Letter)..... 18
4.5.2	Executive Summary..... 19
4.5.3	Confidential Contents Index..... 19
4.5.4	Evaluation Criteria Objectives and Requirements..... 19
<u>5</u>	<u>EVALUATION PROCESS AND CRITERIA ..... 31</u>
5.1	Qualification Evaluation Criteria and Weighting ..... 31
5.2	Responsiveness Review ..... 31
5.3	Selection Committee..... 31
5.4	Pass/Fail Review..... 31

5.5	SOQ Evaluation Procedures .....	32
5.6	Requests for Clarifications.....	32
5.7	Selection of Most Qualified Proposers .....	32
5.8	Debriefings.....	32
5.9	RFP Procedure and Evaluation .....	33
6	PROTEST PROCEDURES .....	34
6.1	Pre-SOQ Submittal Decision of Protest.....	34
6.2	Post-SOQ Submittal Decision of Protest .....	34
6.3	Federally Funded Procurements .....	35
6.4	Rights of the MBTA with Pending Protests .....	35
7	MBTA RESERVED RIGHTS .....	37
1	GENERAL.....	1
1.1	Definitions .....	1
1.2	Project Goals.....	2
1.3	Project Description, Environmental Status, and Schedule.....	3
1.3.1	Project Description.....	3
1.3.2	Environmental Status.....	4
1.4	Project Funding and Estimated Value.....	6
1.4.1	Project Funding .....	6
1.4.2	Project Value .....	6
1.4.3	Federal Requirements.....	7
1.5	Specialty Work and Self Performance.....	7
1.5.1	Specialty Work .....	7
1.5.2	Self Performance.....	7
1.6	Proposal Stipend .....	8
2	DESCRIPTION OF PROCUREMENT PROCESS .....	9
2.1	Overall Process .....	9
2.1.1	Request for Qualifications.....	9
2.1.2	Request for Proposals .....	9
2.2	Procurement and Project Documents.....	9
2.3	Designated Project Representative .....	9
2.4	Procurement Schedule .....	10
2.5	Questions and Requests for Clarification; Addenda.....	10
3	COMMUNICATIONS, PUBLIC INFORMATION, AND CONFLICTS OF INTEREST .....	12
3.1	Improper Communications and Contacts.....	12
3.2	Public Records Law.....	14
3.3	Conflicts of Interest .....	15
3.3.1	Personal Conflicts of Interest .....	15
3.3.2	Organizational Conflicts of Interest .....	15
4	SUBMITTAL REQUIREMENTS.....	17
4.1	General.....	17
4.2	Format.....	17
4.3	Contents and Organization.....	17
4.4	SOQ Submission Requirements.....	18
4.5	Content of the Statement of Qualifications.....	18
4.5.1	Form A (Transmittal Letter).....	18

4.5.2	Executive Summary.....	19
4.5.3	Confidential Contents Index.....	19
4.5.4	Evaluation Criteria Objectives and Requirements.....	19
5	<b>EVALUATION PROCESS AND CRITERIA</b> .....	31
5.1	Qualification Evaluation Criteria and Weighting.....	31
5.2	Responsiveness Review.....	31
5.3	Selection Committee.....	31
5.4	Pass/Fail Review.....	31
5.5	SOQ Evaluation Procedures.....	32
5.6	Requests for Clarifications.....	32
5.7	Selection of Most Qualified Proposers.....	32
5.8	Debriefings.....	32
5.9	RFP Procedure and Evaluation.....	33
6	<b>PROTEST PROCEDURES</b> .....	34
6.1	Pre SOQ Submittal Decision of Protest.....	34
6.2	Post SOQ Submittal Decision of Protest.....	34
6.3	Federally Funded Procurements.....	35
6.4	Rights of the MBTA with Pending Protests.....	35
7	<b>MBTA RESERVED RIGHTS</b> .....	37

# 1 GENERAL

The Massachusetts Bay Transportation Authority (“MBTA”) issues this Request for Qualifications (“RFQ”) to solicit Statements of Qualifications (“SOQs”) from Proposers for design and construction of the Green Line Extension (“GLX”) Project (the “Project”) in Cambridge, Medford, and Somerville, Massachusetts, using the Design Build (“DB”) project delivery method pursuant to MGL c.149A §§14-21 and the Design Build Procurement Procedures the MBTA has adopted pursuant to MGL c. 149A §16 (the “Procedures”).

The purpose of this document is to solicit information, in the form of SOQs, which will be evaluated by the MBTA to determine the most highly qualified Proposers to short-list in response to this RFQ. The MBTA anticipates that it will issue a Request for Proposals (“RFP”) to the short-listed Proposers. The RFP will be a written solicitation issued by the MBTA seeking Proposals to be used to select the Proposer offering the best value to the MBTA.

## 1.1 Definitions

These definitions shall apply to the initially capitalized terms used throughout this RFQ. Capitalized terms not otherwise defined in this RFQ shall have the meaning ascribed to them in the Procedures.

**Design Build** or **DB** shall mean a construction delivery system that provides responsibility for the delivery of design services, construction services, and, in certain cases, Construction Engineering Inspection Services (“CEI”) within a single contract.

**Design Build Contract** or **DB Contract** shall mean the written agreement between the MBTA and the Design Build Entity (“DB Entity”) setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and material, and the basis of payment.

**Design Build Entity** or **DB Entity** shall mean an individual, sole proprietorship, firm, partnership, joint venture, corporation, or other entity that provides DB services.

**Key Subcontractor** shall mean a proposed subcontractor to the DB Entity that either (1) is performing any of the following types of work, including but not limited to: General Transit Construction; Trackwork; Electrical; or Transit Signal and Communications and will have an estimated subcontract value greater than or equal to \$50 million (excluding contracts with suppliers), or (2) is the Lead Designer.

**Lead Designer** shall mean the qualified professional engineering firm conducting more than 50% of the design work, registered in the Commonwealth and responsible for the design of the Project.

**Letter of Interest** or **LOI** shall mean the document submitted by respondents pursuant to the Request for Letters of Interest (“RFLOI”).

**Major Participant** shall mean a private entity that is a member of the DB Entity.

**Massachusetts Bay Transportation Authority** or **MBTA** shall mean the body politic and corporate and the political subdivision of the Commonwealth of Massachusetts existing pursuant to MGL Chapter 161A as amended.

**Proposal** means an offer by the Proposer in accordance with all RFP provisions for the price contained in the Proposal.

**Proposer** shall mean the entity that seeks to act as the DB Entity for the Project.

**Request for Proposals** or **RFP** shall mean the document issued by the MBTA to solicit Proposals from short-listed DB Entities for the purpose of entering into a DB Contract.

**Request for Qualifications** or **RFQ** shall mean this document, including attachments hereto. This document is issued by the MBTA for the purpose of creating a short-list of qualified DB Entities to respond to an RFP to be issued by the MBTA.

**Statements of Qualifications** or **SOQ** shall mean the complete package received from a Proposer in response to the RFQ that defines the Proposer's experience and capabilities to provide the services requested.

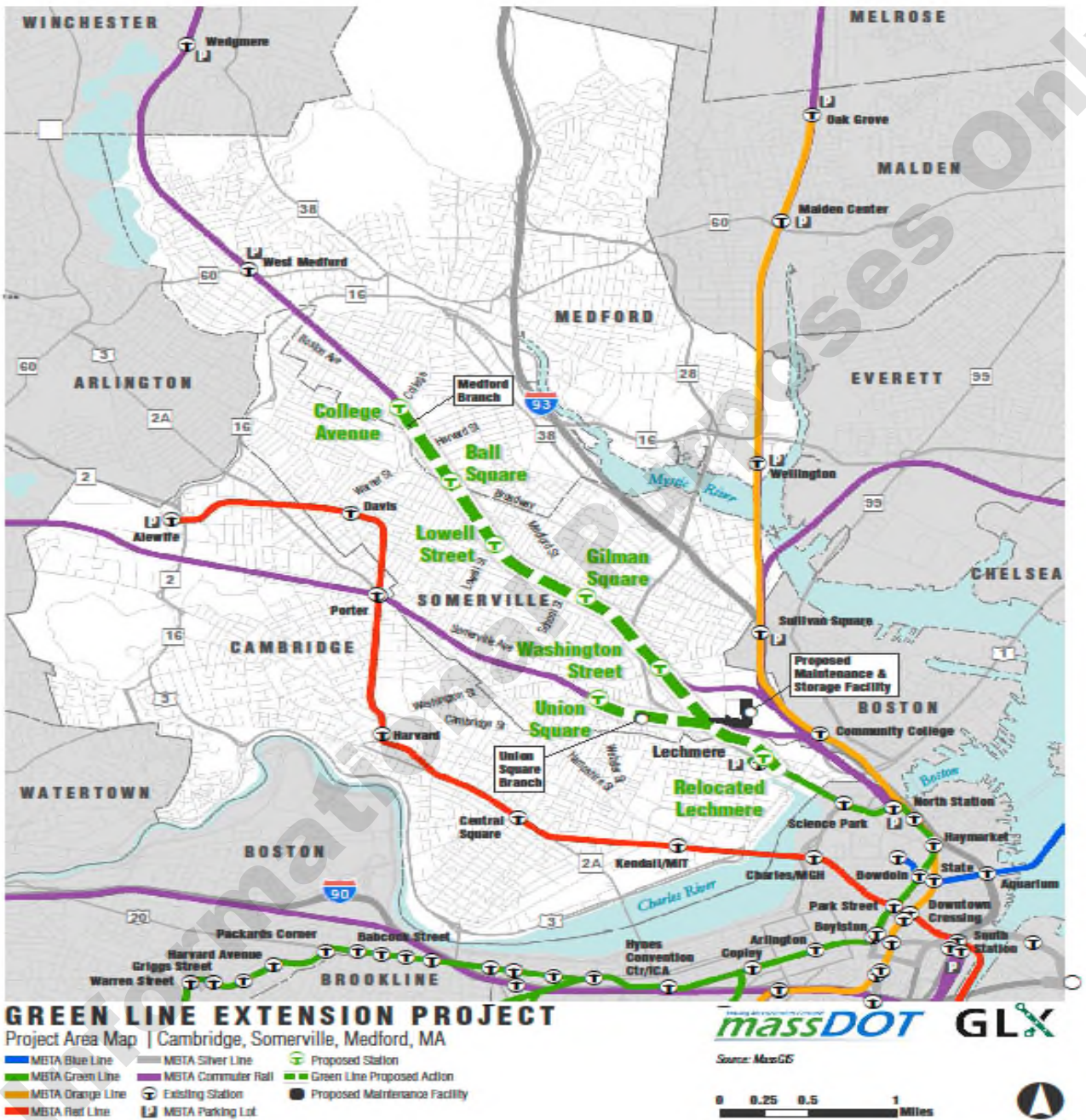
## 1.2 Project Goals

The primary goals of the Project are to improve corridor mobility, boost transit ridership, improve regional air quality, ensure equitable distribution of transit services, and support opportunities for smart growth initiatives and sustainable development in Cambridge, Somerville, and Medford. The Project will serve the most densely populated community in New England (Somerville) and three of the region's Environmental Justice ("EJ") communities (Cambridge, Somerville and Medford). The communities within the Project corridor are heavily reliant on transit service, despite traffic congestion, required mode transfers, and service delays that hamper access within the corridor and to major employment and service centers in downtown Boston. Although the area adjacent to the Project corridor is surrounded by rail, it is not directly served by rail transit. The Project will provide direct service from this corridor to the remainder of the MBTA's extensive rail transit network. Furthermore, since it has been demonstrated that the Project will result in significant air quality improvements, it has been made a component of the Commonwealth's State Implementation Plan required under the Clean Air Act and additionally fulfills a longstanding commitment of the Central Artery/Tunnel project to improve public transit in the region.

### 1.3 Project Description, Environmental Status, and Schedule

#### 1.3.1 Project Description

##### Project Map



The Project comprises light rail service on two new branches extending from Lechmere Station in Cambridge to Union Square Station in Somerville and College Avenue Station in Medford, together with a Vehicle Maintenance Facility (“VMF”). The tracks for the new extensions are located along the existing MBTA Lowell and Fitchburg Lines, which are currently used by commuter rail services operated by Keolis under a contract with the MBTA. The VMF is located solely in Somerville, in the Inner Loop Belt Road area.

The Project includes the following elements:

- Relocation of 3.4 miles of New Hampshire Main Line double track and construction of new Medford Branch Green Line tracks;
- Relocation of 0.9 miles of Fitchburg Commuter Rail double track and construction of new Union Square Branch Green Line tracks;
- Six new stations and one relocated station in the following locations:
  - Lechmere (relocated to the north side of Monsignor O’Brien Highway);
  - East Somerville (formerly Washington Street);
  - Gilman Square;
  - Magoun Square (formerly Lowell Street);
  - Ball Square;
  - College Avenue; and
  - Union Square;
- A VMF, including a transportation building, storage track, and surface parking;
- Replacement or rehabilitation of several bridges;
- New drainage, utilities, retaining walls, and noise barriers in the rail corridors;
- Approximately one mile of viaduct;
- Systems for light rail (traction power, overhead contact system, signal, and communications) and commuter rail (signal and communications);
- Roadway and intersection improvements; and
- Additional use of non-automobile travel through coordination of transit and bicycle/pedestrian facilities between the Project and the planned Somerville Community Path.

The Project also includes a start-up, testing, commissioning, and safety certification phase that will be part of the DB Contract.

There have been several construction packages already awarded related to the GLX. These existing contracts include some bridge work, track work, retaining wall installation, some viaduct substructure work, limited drainage and utility work, and some long-lead material procurements. These contracts are in the close-out process. In addition, the MBTA is acquiring 24 new vehicles under a separate contract.

### 1.3.2 Environmental Status

#### A. Massachusetts Environmental Policy Act.

The Massachusetts Department of Transportation (“MassDOT”) entered into the Massachusetts Environmental Policy Act (“MEPA”) environmental review process for the Project in compliance with 301 CMR 11.00 with the submittal of an Expanded Environmental Notification Form (“EENF”) to the Executive Office of Environmental Affairs (“EEA”) (now, the Executive Office of Energy and Environmental Affairs) on October 10, 2006. The Secretary of Environmental Affairs issued a Certificate on the EENF on December 1, 2006, requiring the preparation of a Draft Environmental Impact Report (“DEIR”) for the proposed Project that included an analysis of Project and maintenance facility alternatives. The Certificate also directed the Project proponents to include a conceptual design of the community path in the DEIR.



The DEIR was submitted to EEA on October 15, 2009, and included an evaluation of alternatives leading to the selection of the GLX to Medford Hillside and Union Square via commuter rail rights-of-way as the alternative for Project development. The DEIR provided data on noise, vibration, air quality, traffic, land acquisition, storm water, historic and archeological resources, hazardous materials, and EJ population impacts. Alternatives for the maintenance facility site were also evaluated. The MEPA Certificate on the DEIR was issued on January 15, 2010, requiring MassDOT to prepare a Final Environmental Impact Report (“FEIR”), primarily to provide additional evaluation of alternative maintenance facility locations.

The FEIR was submitted to the Executive Office of Energy and Environmental Affairs on June 15, 2010 and confirmed the selection of the Option L parcel located in the Inner Belt section of Somerville as the location for the maintenance facility. The FEIR also contained draft *Section 61* Findings and a list of mitigation commitments. The MEPA Certificate on the FEIR was issued on July 30, 2010, stating that the FEIR adequately and properly complied with MEPA and its implementing regulations, and that any outstanding Project issues could be addressed during state and local permitting and review.

B. National Environmental Policy Act.

The Federal Transit Administration (“FTA”) serves as the lead agency under the National Environmental Policy Act (“NEPA”) for the Project. MassDOT and the MBTA prepared an Environmental Assessment (“EA”) in accordance with NEPA (42 USC *Section 4321* et seq.) and with FTA regulations (23 C.F.R. Part 771). The EA also evaluated the use of historic properties in accordance with *Section 4(f)* of the Department of Transportation Act of 1966 (49 USC 303). In addition, the Massachusetts Historical Commission (“MHC”), acting as the State Historic Preservation Officer (“SHPO”) was consulted regarding impacts to historic resources listed in or eligible for inclusion in the National Register of Historic Places, in accordance with *Section 106* of the National Historic Preservation Act.

As stated in the EA, “[T]he Purpose of this project is to improve mobility within the project study area, boost transit ridership, improve regional air quality, ensure equitable distribution of transit services, and support opportunities for smart growth initiatives and sustainable development.” The EA documented the evaluation of a No-Build Alternative; a Baseline Alternative consisting of enhanced, limited-stop MBTA bus service in the study area; and six light-rail project alternatives leading to the selection of the Project to Medford Hillside and Union Square via commuter rail rights-of-way as the preferred alternative. Alternative locations for the VMF were also evaluated leading to the preferred site adjacent to the existing MBTA Boston Engine Terminal commuter rail maintenance facility in Somerville. Mitigation measures to reduce adverse impacts associated with the proposed Project were identified.

MassDOT and the MBTA issued the EA for public comment on October 3, 2011, and held a public hearing on October 20, 2011. Based upon review of the environmental documentation, the FTA issued a Finding of No Significant Impact (“FONSI”) on July 9, 2012.

The FTA also concurred with the *Section 4(f)* evaluation incorporated within the EA that “there are not reasonable and prudent alternatives to the use of *Section 4(f)* protected properties that meet the project Purpose and Need, and all possible planning has been done to minimize harm.” In addition, in accordance with *Section 106*, the FTA in consultation with MHC determined that an adverse effect to historic properties exists for the Project. A Memorandum of Agreement (“MOA”) was executed on July 5, 2012, which identifies the measures to mitigate the adverse impacts to historic resources associated with the Project. The MOA was later amended on January 29, 2014, after further Project design determined that there would be adverse impact on

an additional property (the Reid and Murdoch Building in Gilman Square, Somerville). The subsequent redesign of the Project eliminates the need to demolish the Reid and Murdoch Building due to the redesign of the Gilman Square Station and traction power substation, and therefore the building is no longer adversely affected by the Project.

In addition, the MBTA requested a re-evaluation of the FONSI to include construction of the Somerville Community Path. The FTA stated in a letter dated June 13, 2014, that construction of the community path would not alter the conditions under which FTA issued the FONSI, and therefore the July 9, 2012 FONSI remains intact.

The MBTA intends to submit a Notice of Project Change (“NPC”) pursuant to MEPA in mid to late January for the Project redesign. In this NPC, the MBTA will describe the changes that the Project has gone through since the Certificate on the Final EIR (July 2010). Given that the Project still has the same number of stations, in the same locations, and will therefore deliver the same level of service, there will be no changes to the environmental benefits of the Project. Since the Project is in the same alignment and has a smaller construction and building footprint, the MBTA does not foresee any new or additional impacts that were not reviewed in the prior MEPA review. Additionally, all of the mitigation commitments that were previously agreed to will still be carried out, and as such, no impact will go unmitigated. Based on this, the MBTA will ask the Secretary of EEA to issue a certificate indicating that no additional state environmental review is warranted. The MBTA anticipates that this certificate, which will conclude the MEPA review, will be issued in late February 2017. The MBTA will then submit a Request for Re-Evaluation of the FONSI for the Project redesign to the FTA in March 2017. This Request for Re-Evaluation of the FONSI will provide the same level and type of information as the MEPA submittal. In the Request for Re-Evaluation of the FONSI, the MBTA will ask FTA to also conclude that no additional federal environmental review under NEPA is necessary. The MBTA anticipates that the Re-Evaluation of the FONSI, which will conclude the NEPA review, will be issued in early April 2017.

## **1.4 Project Funding and Estimated Value**

### **1.4.1 Project Funding**

The Project will be funded using local, state, and federal funds.

### **1.4.2 Project Value**

The design and construction value is currently estimated at approximately \$1 billion.

The MBTA intends to use an affordability limit in evaluating the price proposals for this procurement. An affordability limit assists with cost certainty as early in the procurement process as possible. The affordability limit will identify the MBTA’s upper cap on contract pricing, and could result in proposals that exceed the cap not being considered for selection. Detailed instructions and guidance regarding the affordability limit will be identified in the RFP.

In addition, the MBTA may utilize additive alternates in the definition of the scope of work for the DB Contract. If additive alternates are included in the scope of work, the definition of each additive alternate, additional detailed instruction regarding the priority of the additive alternates, and the process for evaluating the additive alternates will be included in the RFP.

### **1.4.3 Federal Requirements**

The MBTA and the FTA have executed a Full Funding Grant Agreement for this Project. Accordingly, the procurement documents and DB Contract will conform to requirements of applicable federal law and United States Department of Transportation (“USDOT”) and FTA regulations, including Buy America requirements; Title VI of the Civil Rights Act of 1964, as amended (“Title VI”); Title VII of the Civil Rights Act of 1964, regarding Equal Employment Opportunity (“EEO”); and Title 49 Code of Federal Regulations Part 26, as amended regarding Disadvantaged Business Enterprises (“DBE”). The MBTA reserves the right to modify the procurement process described herein to address any concerns, conditions, or requirements of FTA.

#### **1.4.3.1 Disadvantaged Business Enterprise Requirements**

The MBTA has adopted a DBE Program, in accordance with 49 Code of Federal Regulations Part 26, which is a requirement of USDOT as a condition of receiving federal assistance. The DBE Program promotes business opportunities for firms owned by disadvantaged individuals and which are certified as DBEs through the Commonwealth of Massachusetts Supplier Diversity Office (“SDO”). The objective of the DBE Program is to support equal access to MBTA contracting opportunities for DBEs as contractors, subcontractors, suppliers, and providers of goods and services. The MBTA’s Office of Diversity and Civil Rights (“ODCR”) is responsible for the development, implementation, monitoring, and enforcement of the DBE Program. ODCR’s Government Compliance Unit manages all aspects of the DBE Program and works together with the MBTA’s procurement departments to identify business opportunities for certified DBEs.

The DBE participation requirement for this Project is 7% of the professional services and 14% for the construction portions of the work performed under the DB Contract. The MBTA’s policy is to encourage the participation of DBEs in all facets of the business activities of the MBTA, consistent with applicable laws and regulations. In responding to this RFQ, a Proposer may include team members to satisfy DBE goals.

#### **1.4.3.2 Minority Manpower and Female Construction Workforce Utilization**

During the term of the DB Contract, the DB Entity shall maintain a Minority Manpower Utilization of not less than 15.3% and a Female Construction Workforce utilization goal of 6.9%, determined as the ratio of minority/female employee man hours to total man hours for the classes of work enumerated in Section 44F of Chapter 149 of the MGL.

#### **1.4.3.3 Labor Laws**

The Project will be subject to federal wage and hourly laws and rates and minimum state wage rates as well as all other applicable labor laws.

### **1.5 Specialty Work and Self -Performance**

#### **1.5.1 Specialty Work**

For the purpose of the self-performance and DBE requirements of the DB contract, Transit Signals and Communication work is considered "specialty."

#### **1.5.2 Self-Performance**

The DB Entity, either as the DB Entity itself or through its Major Participants, must self-perform a minimum of 30% (by dollar value) of the non-specialty construction value. The calculation of the minimum requirement will be based on 30% of the total potential work value established by subtracting

the Specialty Work value from the construction value. By way of example, if the total DB price is \$1 billion, and the design portion of that total is \$100 million, and the specialty value is \$150 million, then:

Total DB Price	Example: \$1,000,000,000
Less Design Portion of Price	Example: \$ 100,000,000
Equals Construction Value	Example: \$ 900,000,000
Less Specialty Value	Example: \$ 150,000,000
Potential Work	Example: \$ 750,000,000
MINIMUM SELF-PERFORMANCE (30%)	Example: \$ 225,000,000

### 1.6 Proposal Stipend

The MBTA will offer a stipend of \$1 million to the unsuccessful short-listed Proposers not chosen as the DB Entity, which have executed a work product letter agreement, and which have provided a responsive Proposal. The stipend will not be available to Proposers that are not short-listed. The stipend represents reimbursement to the short-listed Proposers for the content of their Proposals, each of which, subject to limited exclusions, will become the property of the MBTA. The additional conditions for receipt of the stipend will be disclosed to Proposers in the RFP. By accepting the stipend, the Proposer agrees that the MBTA has the authority to use concepts contained in the Proposal.

## 2 DESCRIPTION OF PROCUREMENT PROCESS

### 2.1 Overall Process

The procurement involves a two-phase process: this RFQ followed by an RFP.

#### 2.1.1 Request for Qualifications

The first phase is the qualification phase, in which the MBTA evaluates and ranks the SOQs submitted by the deadline in response to this RFQ. The MBTA will identify no fewer than two and no more than four Proposers that it deems the most qualified to perform the work and will invite those Proposers to submit a Proposal in response to the RFP. Proposers that are not short-listed and firms that do not participate in the qualification phase will be precluded from participating in the RFP selection phase.

The MBTA has appointed a Selection Committee (“SC”) to review and evaluate the SOQs. Based upon its review and evaluation, the SC will prepare a written evaluation that provides an overall score, which is a sum of the SC’s average scores for each of the evaluation criteria for Proposers that submitted a responsive SOQ as required by this RFQ. The SC shall rank the respondents based on the overall scores. The MBTA will notify all Proposers in writing regarding their inclusion on the short-list.

If only one qualified, responsive entity is identified to receive an RFP, the MBTA will terminate this procurement, and may elect to re-advertise the Project and renew the RFQ process.

#### 2.1.2 Request for Proposals

During the second phase of the procurement process, the RFP will be issued to the short-listed Proposers, requesting a Technical Proposal and a Price Proposal. The best-value Proposer will be the responsive, qualified Proposer, as determined by an objective formula set forth in the RFP.

### 2.2 Procurement and Project Documents

The RFQ, including all addenda and correspondence to Proposers, will be posted on the procurement FTP site.

Available Project documents, including Reference Information Documents, are provided at a DropBox site. The DropBox site will be updated on an on-going basis during the course of the procurement as documents and information become available. The information supplied to the DropBox site is provided solely for informational purposes. The MBTA does not warrant the accuracy, sufficiency, or suitability of the information contained at the DropBox site for any particular application or use.

Both the procurement FTP site and the DropBox site will be updated periodically. Proposers are responsible for monitoring both sites and to be aware of any updates.

### 2.3 Designated Project Representative

As provided in [Section 2.5](#), Proposers must submit all questions and requests for clarification in writing via E-mail to the MBTA’s designated Project representative, in order to facilitate receipt, processing and response. The MBTA’s designated Project representative is:

Massachusetts Bay Transportation Authority  
Contract Administration  
100 Summer Street, Suite 1200

Boston, MA 02110  
 Attn: Ms. Margaret H. Hinkle  
 E-mail: [MHinkleGLX@MBTA.com](mailto:MHinkleGLX@MBTA.com)

## 2.4 Procurement Schedule

The MBTA anticipates carrying out the qualification phase of the procurement in accordance with the schedule noted in Table 2-1.

**TABLE 2-1 – Procurement Schedule**

Event	Date/Time
Public advertisement requesting Letters of Interest (“LOI”)	October 5, 2016
RFQ issued	December 15, 2016
RFQ Addendum #1 issued	January 11, 2016
Deadline for questions and requests for clarification regarding the RFQ	January 12, 2017 2:00 p.m.
Deadline for questions and requests for clarification relating to any addendum issued by the MBTA after January 19, 2017	Three days after the addendum is issued
SOQ due date	January 26, 2017 11:00 a.m.
Short-list of the most qualified Proposers announced	February 27, 2017
Draft RFP issued	March 14, 2017
RFP issued	May 23, 2017
Contract execution and Notice to Proceed	February 12, 2018
Revenue service	End of 2021

All times are local Boston times unless otherwise indicated. This schedule is subject to modification at the sole discretion of the MBTA. Proposers will be notified of any change by an addendum to this RFQ.

## 2.5 Questions and Requests for Clarification; Addenda

Proposers must submit all questions and requests for clarification in writing via E-mail to the MBTA’s designated Project representative (noted in [Section 2.3](#)). Proposers are responsible for ensuring that any questions and requests for clarification clearly indicate on the first page or in the subject line, as

applicable, that the material relates to MBTA Contract No. E22CN07. The MBTA reserves the right to respond or not respond to questions and requests submitted. To the extent that a response is merited, any response will be posted on the procurement FTP site.

The MBTA reserves the right to revise this RFQ by issuing addenda at any time before the SOQ due date. All addenda will be considered part of this RFQ and will be posted on the procurement FTP site. It will be the sole responsibility of the Proposer to ascertain the existence of any and all addenda issued by the MBTA. The MBTA intends to E-mail a notice of the addenda being posted only to the official authorized by the Proposer in its LOI. Proposers are required to acknowledge receipt of all RFQ addenda in the SOQ transmittal letter (Attachment B, Form A) and that they have reviewed all materials posted therein.

Any responses to questions, clarifications, or addenda not issued in accordance with this Section 2.5 will be without legal effect.

### 3 COMMUNICATIONS, PUBLIC INFORMATION, AND CONFLICTS OF INTEREST

#### 3.1 Improper Communications and Contacts

The following rules of contact shall apply during the procurement for the Project, which began on October 5, 2016, the date of advertisement of the RFQ and will be completed with the execution of the DB Contract. These rules are designed to promote a fair and unbiased procurement process. Contact includes face-to-face, telephone, E-mail, or formal written communication directed to the MBTA or anyone acting on the MBTA's behalf.

The specific rules of contact which, except as specifically set forth below, are effective as of October 5, 2016, are as follows:

- A. After submittal of SOQs, no Proposer or any of its team members may communicate with another Proposer or its team members with regard to the RFQ or either team's SOQ, except that subcontractors that are shared between two or more Proposer teams may communicate with their respective team members so long as those Proposers establish a protocol to ensure that the subcontractor will not act as a conduit of information between the teams. (Limited contact among Proposers is allowed during MBTA sponsored informational meetings.);
- B. Proposers shall correspond with the MBTA regarding the RFQ and RFP only through the MBTA's and Proposers' designated representatives (as requested at Section 4.5.4.1(B)(1)). The MBTA's designated Project representative is identified in Section 2.3;
- C. Commencing with the issuance of this RFQ and continuing until the earliest of (i) award and execution of the DB Contract, (ii) rejection of all Proposals by the MBTA, or (iii) cancellation of the procurement, no Proposer or representative thereof shall have any ex parte communications regarding the RFQ, the RFP, the DB Contract, or the procurement described herein with any member of the MBTA's Fiscal and Management Control Board ("FMCB") or MassDOT's Board of Directors, or with any MassDOT or MBTA staff, advisors, contractors, or consultants involved with the procurement, except for communications expressly permitted by this RFQ or the RFP. The foregoing restriction shall not, however, preclude or restrict Proposers from communicating with regard to matters unrelated to the RFQ, RFP, DB Contract, or the procurement or from participating in public meetings of the FMCB or the MassDOT Board of Directors or any public or Proposer workshop related to this RFQ or the RFP;
- D. The Proposers shall not contact employees, representatives, and members of the professional services firms identified in Table 3-1, regarding the Project or this RFQ or the RFP;
- E. Any Proposer communications determined to be prohibited or improper, at the sole discretion of the MBTA, may result in disqualification of the Proposer;
- F. Any official information regarding the Project will be disseminated from the MBTA. Any official correspondence will be in writing from the MBTA's designated Project representative or designee;
- G. The MBTA will not be responsible for any oral exchange or any other information or exchange that occurs outside the official process specified herein; and



H. Proposers shall not contact any FTA project or program office, representative, or consultant regarding any issues relating to the Project.

**Table 3-1**  
**Identified Professional Services Firms**  
**Professional Services Firms**

AECOM

Allegro Construction Services LLC

Arora Engineering, Inc.

ARUP

B&C Transit Consultants, Inc.

Bryant Associates, Inc.

Cambridge Systematics, Inc.

CB&I Environmental & Infrastructure Massachusetts, Inc.

CDM Smith

CDW Consultants, Inc.

City Point Partners, LLC

ESS Labs

FennickMcCredie Architecture Ltd.

Foley Hoag LLP

GeoLogic

Green International Associates, Inc.

Halvorson Design , Inc.

Harris Miller Miller & Hansen, Inc.

HNTB Corporation

Kennedy/Jenks Consultants

Keville Enterprises, Inc.

KM Chng Environmental, Inc.

### Professional Services Firms

McMahon Associates, Inc.  
Mott MacDonald, LLC (formerly Hatch Mott MacDonald)  
Nee Communications  
Nobis Engineering, Inc.  
Nossaman LLP  
Patrick Engineering, Inc.  
PMA Consultants LLC  
Reliance Engineers, Inc.  
Rolf Jensen & Associates, Inc.  
Schedule Dynamics, Inc.  
VJ Associates, Inc.  
Weston & Sampson Engineers, Inc.

### 3.2 Public Records Law

SOQs will not be publicly opened or evaluated.

All written correspondence, exhibits, reports, printed material, photographs, tapes, electronic disks, and other graphic and visual aids submitted to the MBTA during this procurement process, including as part of the response to this RFQ, become the property of the MBTA upon their receipt by the MBTA and will not be returned to the submitting parties. Except as provided in MGL c. 66 §10 (the Massachusetts Public Records Law, or “Public Records Law”), all materials submitted to the MBTA are subject to release as public records. Proposers shall familiarize themselves with the provisions of the Public Records Law. In no event shall the MBTA, or any of their agents, representatives, consultants, directors, officers or employees, be liable to a Proposer or Proposer team member for the disclosure of all or a portion of a SOQ or related information submitted during this procurement.

If a Proposer has special concerns about information which it desires to make available to the MBTA but which it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such responding Proposer shall specifically and conspicuously designate that information by **placing “CONFIDENTIAL” in the header or footer of each such page affected** and by identifying such confidential information in the transmittal letter (Attachment B, Form A). Nothing contained in this provision shall modify or amend requirements and obligations imposed on the MBTA by the Public Records Law or other applicable law. The provisions of the Public Records Law or other laws shall control in the event of a conflict between the procedures described above and the applicable law.

If the MBTA receives a request for public disclosure of all or any portion of an SOQ or its related information that is designated as confidential, the MBTA will endeavor to use reasonable efforts to notify

the applicable Proposer of the request. The Proposer can assert, in writing and at its sole expense, a claimed exception under the Public Records Law or other applicable law, including MGL c. 149A § 17(e), within the time period specified in the notice issued by the MBTA and allowed under the Public Records Law. The Proposer can choose to defend any action seeking release of the records it believes to be confidential information. The Proposer shall indemnify, defend, and hold harmless the MBTA and its agents and employees from any judgments awarded against the MBTA and its agents and employees in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the MBTA's cancellation or termination of this procurement or award and subsequent execution of a DB Contract. In submitting an SOQ, the Proposer agrees that this indemnification survives as long as the confidential business information is in possession of the MBTA.

The MBTA shall not under any circumstance be responsible for securing a protective order or other relief enjoining the release of information marked confidential in any SOQ, nor shall the MBTA be in any way financially responsible for any costs associated with securing any such order or for any loss associated with the release of information marked confidential or otherwise.

### **3.3 Conflicts of Interest**

#### **3.3.1 Personal Conflicts of Interest**

MGL Chapter 268A (the "Conflict of Interest Law") governs the conduct of all public officials and employees, including all dealings with potential contractors. Therefore, it is the responsibility of each Proposer to ensure compliance with the Conflict of Interest Law and avoid any conduct which might result in or give the appearance of creating for Board members, officers, or employees of the MBTA in their relationship with the Proposer any conflicts of interest or favoritism and/or the appearance thereof or any conduct which might result in a Board member, officer, or employee failing to comply with MGL Chapter 268A. Non-compliance with the terms of the Conflict of Interest Law shall constitute a material breach of this provision and may result in disqualification.

For purposes of this solicitation, it is understood and agreed that no gift, loan, or other thing has been or will be given to any employee, agent, or officer of the MBTA by the Proposer or its employees, subcontractors, or agents in connection with the award or performance of the DB Contract. It is further understood and agreed that no Board member, officer, or employee of the MBTA; no officer or employee of MassDOT or of any independent authority or political subdivision of the Commonwealth of Massachusetts; no officer, employee, or elected official of the Commonwealth of Massachusetts; no executive or legislative representative of any city, county, or town within the 175 cities and towns serviced by the MBTA; and no member or delegate to the Congress of the United States during his/her tenure shall have any interest, direct or indirect, in the DB Contract or the proceeds thereof.

#### **3.3.2 Organizational Conflicts of Interest**

The MBTA has adopted Organizational Conflict of Interest Guidance for the Project (the "Guidance"), made initial determinations regarding precluded firms, and provided a list of entities which have been precluded, which is available here:

[http://www.mbta.com/business\\_center/bidding\\_solicitations/current\\_solicitations/?id=6442456839](http://www.mbta.com/business_center/bidding_solicitations/current_solicitations/?id=6442456839), and which should be consulted by any Proposer.

Each Proposer, Major Participant, or Key Subcontractor must complete and submit as part of the SOQ the MBTA GLX Disclosure Form ("Disclosure Form") attached to the Guidance and included at Attachment B, Form K. (Note that a Disclosure Form prepared on behalf of a Proposer should only reference the experience of the Proposer itself, not the experience of the Proposer's Major Participants.) If a Disclosure Form has been previously submitted and acted upon, a copy of the MBTA determination shall be submitted with the SOQ along with either a certification that there are no changes to the Disclosure Form

or an updated Disclosure Form highlighting any new information or changes. Note that it is anticipated that all subcontractors and suppliers that may be used on the Project may be requested to submit a Disclosure Form prior to award and during the term of the DB Contract.

By submitting its SOQ, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to the MBTA that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflict. If an organizational conflict of interest that the Proposer knew or should have known about but did not disclose is determined to exist during the procurement process, the MBTA may, at its sole discretion, disqualify the Proposer. If an organizational conflict of interest that the Proposer knew or should have known about but did not disclose exists and the Proposer has entered into a DB Contract, the MBTA may, at its sole discretion, cancel the contract. In either case, the MBTA shall avail itself of any remedies it may have at law or in equity.

The DB Entity shall not subcontract at any tier any portion of the DB Contract to any firms and affiliates which are restricted from proposing or joining a Proposer team under the Guidance, under any determination by the MBTA, or any professional services firm noted in Table 3-1.

## 4 SUBMITTAL REQUIREMENTS

### 4.1 General

The MBTA expects SOQs submitted in response to this RFQ to provide enough information about the requested items so as to allow the MBTA to evaluate, competitively rank, and identify a short-list of the most qualified Proposers to receive the RFP based on the evaluation criteria set forth herein.

SOQs shall be submitted exclusively in the English language inclusive of English units of measure and cost terms in United States of America dollar denominations (“U.S. dollars”).

### 4.2 Format

The SOQ shall be submitted in the following three volumes, which together constitute the SOQ:

- A. Volume 1 – Qualifications Statement;
- B. Volume 2 – Financial Information; and
- C. Volume 3 – Corporate Safety and Accident Prevention Program.

Each responding Proposer shall submit one original and nine copies (for a total of ten) of its SOQ Volume 1 and one original and two copies (for a total of three) of the SOQ Volume 2 and one original and one copy (for a total of two) of Volume 3 in loose-leaf three ring binders, contained in sealed packages. The originals must be clearly marked “Original” on its face and spine. Each copy must be sequentially numbered on its spine (for example, “Volume 1, copy 1 of 10”). The Proposer’s name must be clearly marked on the spine. The Proposer shall also include a CD or USB drive containing the contents of the SOQ.

Submittals must be prepared on 8-1/2 inch by 11 inch sized, white paper, and shall be double-sided. Volume 1 shall have all pages sequentially numbered and shall not exceed 40 pages, excluding the cover, transmittal letter (Attachment B, Form A), table of contents, confidential contents index, appendices, and dividers, provided that no substantive information is provided on the dividers. Information contained on pages above the 40-page limit will not be considered. Each printed side shall be considered one page. The font size in Volume 1 shall be no smaller than twelve-point, except for graphic elements such as organization charts, flow charts, other charts/tables, and photo captions, which may be smaller but must remain legible. The Volume 1 appendices, Volume 2, and Volume 3 do not have page numbering, page limitation, or type font size requirements. 11 inch by 17 inch pages are allowed (included in the page count contained in Volume 1) for schematics, organizational charts, other drawings, or schedules, but not for narrative text. Printed lines may be single-spaced. Insofar as is practical or economical, all paper stock used shall be composed of recycled materials.

Standard corporate brochures, awards, licenses, and marketing materials should not be included in a SOQ, and may not be considered.

### 4.3 Contents and Organization

Each Proposer must organize their SOQ in the order set forth in RFQ Attachment A. If a Proposer is compelled to include material in addition to the information specifically requested, the Proposer shall append that material to the end of the most appropriate defined section of the outline. Additional material is subject to the page limitation. Each volume may be subdivided as needed.

#### 4.4 SOQ Submission Requirements

All packages constituting the SOQ shall be individually labeled as follows:

Response to the  
Request for Qualifications  
for the Green Line Extension Project  
through a Design Build Contract (E22CN07)

SOQs shall be delivered by hand or courier to:

Director of Contract Administration  
Massachusetts Bay Transportation Authority  
100 Summer Street, Suite 1200  
Boston, MA 02110  
Attn: Margaret Hinkle

The MBTA will not accept electronically submitted SOQs.

Acknowledgment of receipt of SOQs will be evidenced by the issuance of a receipt by a member of the MBTA staff.

SOQs will be accepted and must be received by the MBTA during normal business hours before the SOQ due date and time specified in Section 2.4. Any SOQs received after that date and time will be rejected and returned to the sending party unopened.

Proposers are solely responsible for assuring that the MBTA receives their SOQs by the specified delivery date and time at the address listed above. The MBTA shall not be responsible for delays in delivery caused by weather; difficulties experienced by couriers or delivery services; misrouting of packages by courier or delivery services; improper, incorrect, or incomplete addressing of deliveries; and other occurrences beyond the control of the MBTA. Proposers should be cognizant of the time required to pass through building security screening.

#### 4.5 Content of the Statement of Qualifications

In providing the SOQ, Proposers should be guided by the Project goals in Section 1.2 of the RFQ and the objectives listed in Section 4.5.4. An objective is stated for each evaluation criteria to provide Proposers the expectations of the MBTA. The requirements for each evaluation criteria and the information to be submitted are listed and described in detail. The SOQ evaluation ratings will be based on how well the SOQ responds to the requirements and meets or exceeds the Project goals and the objectives for each of the evaluation criteria.

##### 4.5.1 Form A (Transmittal Letter)

A duly authorized official of the Proposer should execute the transmittal letter in blue ink. (Refer to Attachment B, Form A.) For Proposers that are, or are proposing to be, joint ventures, partnerships, limited liability companies, or other associations, the transmittal shall have appended to it letters on the letterhead stationery of each Major Participant, executed by authorized officials of each entity, stating that representations, statements, and commitments made by the designated representative on behalf of the Proposer have been authorized by, and are correct and accurately represent the role of, the entity in the joint venture, partnership, limited liability company, or other association, as appropriate. The transmittal letter shall state the name, title, Proposer name, address, E-mail address, and telephone number of the

designated representative for the Proposer and shall identify the location of any confidential information (*see* [Section 4.5.3](#)).

#### **4.5.2 Executive Summary**

SOQs shall include an Executive Summary, not exceeding six pages, which shall count against the 40-page limit. The Executive Summary shall be written in a non-technical style and shall contain sufficient information for reviewers with both technical and non-technical backgrounds to become familiar with the SOQ and the Proposer's ability to satisfy the requirements of the Project.

#### **4.5.3 Confidential Contents Index**

SOQs shall include an index, which is a page executed by the Proposer that sets forth the specific items (and the section and page numbers within the SOQ where such items are located) that the Proposer deems confidential, trade secret, or proprietary information protected by the Public Records Law, as described in [Section 3.2](#), appended to the transmittal letter (Attachment B, Form A). Blanket designations that do not identify the specific information are acceptable but may be cause for the MBTA to treat the entire SOQ as a public record. Notwithstanding the foregoing, the list required under this [Section 4.5.3](#) is intended to provide input to the MBTA as to the confidential nature of a Proposer's SOQ, but in no event shall such list be binding on the MBTA, determinative of any issue relating to confidentiality or a request under the Public Records Law, or override or modify the provisions of the Public Records Law or the MBTA's responsibilities thereunder.

#### **4.5.4 Evaluation Criteria Objectives and Requirements**

##### **4.5.4.1 Legal and Past Performance**

###### **A. Objective**

To identify legally constituted, qualified Proposers that may be requested to submit Proposals and, if selected, will enter into the DB Contract, complete the work, and obtain all required registrations.

###### **B. Requirements and information to be provided in Volume 1, Appendix D, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)**

1. On Form B of Attachment B, the Proposer shall identify the legal name and form of the Proposer and the state of its organization. If the name is a DBA ("doing business as"), the Proposer shall identify underlying names. The Proposer shall identify an individual as its designated representative who will act as a sole point of contact and include the following information: name, title, address, telephone number, and E-mail address;
2. Evidence of the Proposer's and each Major Participant's and Key Subcontractor's registration with the Massachusetts Secretary of State indicating that each entity is registered to do business in the Commonwealth, or a commitment to become registered prior to award of the DB Contract, including Form D, Attachment B;
3. Joint venture entities shall include a signed copy of the joint venture agreement or, if the joint venture agreement is not yet executed, a draft of the joint venture agreement or memorandum of agreement setting forth the relevant terms of a joint venture agreement, including, but not limited to, percentage of control of the joint venture, distribution of joint venture profit and loss, identification of work responsibilities, and a joint and several liability statement;

4. The Proposer shall identify and explain any significant anticipated legal issues which the Proposer must resolve in order to carry out the Project;
5. On Form C of Attachment B, the Proposer shall provide a list and a brief description of all instances during the last three years involving projects in which the Proposer (or any other organization that is under common ownership with the Proposer), any Major Participant, or any Key Subcontractor was (1) determined, pursuant to a final determination in a court of law, arbitration proceeding, or other dispute resolution proceeding, to be liable for a material breach of contract or (2) terminated for cause. For each instance, the Proposer shall identify a representative of the adverse party with a current telephone number (and E-mail address);
6. On Form C of Attachment B, the Proposer shall provide a list and a brief description (including the resolution) of each arbitration, litigation, dispute resolution board and other dispute resolution proceeding occurring during the last three years or listed in response to Section 4.5.4.3(B) (regardless of when it occurred) involving Proposer (or any other organization that is under common ownership with the Proposer), any Major Participant, or any Key Subcontractor. For each instance, the Proposer shall identify a representative of the adverse party with a current telephone number (and E-mail address);
7. On Form E of Attachment B, the Proposer and each Major Participant shall certify that it has filed all state tax returns and paid all state taxes required under law;
8. On Form K of Attachment B, the Proposer and each Major Participant and Key Subcontractor shall certify that it has submitted, or is submitting with the SOQ submission, an MBTA GLX Organizational Conflicts of Interest Disclosure Form; and
9. Evidence that one or more Major Participants and/or Lead Designer(s) of the Proposer, or the Proposer itself, holds the appropriate licenses to conduct design and/or construction in the Commonwealth of Massachusetts or a commitment signed by the Proposer's designated representative to become appropriately licensed prior to award of the DB Contract.

With respect to the information solicited in Section 4.5.4.1 (B)(5) through (6), failure to provide this information, or by providing conditional or qualified submissions (i.e., "to our knowledge," "to the extent of available information," "such information is not readily available," "such information is not maintained in the manner requested," etc.) to requests or questions posed, incomplete, inaccurate, or non-responsive submissions, or failure to provide information enabling the MBTA to contact representatives of the adverse party may, in the sole discretion of the MBTA, lead to a "fail" rating for the team or disqualification from the procurement process.

#### **4.5.4.2 Financial**

##### **A. Objective**

To identify Proposers with demonstrated financial capacity and capability to undertake the bonding requirements associated with the Project.

##### **B. Requirements and information to be submitted in Volume 1, Appendix C, of the SOQ (see Attachment A to this RFQ for SOQ section organization)**



The Proposer shall provide evidence in the form of a surety letter from an approved surety indicating that the Proposer is capable of obtaining a performance bond and payment bond in an amount of up to 100% of the DB Contract amount. The evidence shall take the form of a letter from a surety indicating that such capacity exists for the Proposer. Letters indicating “unlimited” bonding capability are not acceptable. The surety must be licensed to do business in Massachusetts and must hold a certificate of authority as an acceptable surety under Department of the Treasury regulations located at 31 C.F.R. Part 223. For a current list of approved sureties see Department of the Treasury’s Listing of Approved Sureties (Department Circular 570).

The surety providing such letter must be rated in one of the two top categories by two nationally recognized rating agencies or at least A- (A minus) or better or Class VIII or better by “AM Best Company,” and must indicate the relevant rating in the letter. In instances where the response to Section 4.5.4.2(C)(3) contains descriptions of proposed or anticipated changes in the financial condition of the Proposer or any other entity for which financial information is submitted as required hereby for the next reporting period, the surety shall provide a certification that the surety’s analysis specifically incorporates a review of the factors surrounding such changes and identifying any special conditions which may be imposed before issuance of surety bonds for the Project.

If a Proposer is a joint venture, partnership, limited liability company or other association, separate letters for one or more of the individual Major Participants are acceptable.

- C. Requirements and information to be submitted in Volume 2 of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)
1. Bank Reference. The Proposer shall provide a bank reference in accordance with MGL ch. 149A §17(c)(2).
  2. Financial Statements and Credit Ratings. Financial statements for the Proposer and Major Participants for the three most recent completed fiscal years must be provided to demonstrate financial capability of the Proposer.

Financial statement information must include the following:

- a. Opinion Letter (Auditor’s Report);
- b. Balance Sheet;
- c. Income Statement;
- d. Statement of Changes in Cash Flow; and
- e. Footnotes audited by a certified public accountant in accordance with U.S. Generally Accepted Accounting Principles (U.S. GAAP).

In addition, financial statements must meet the following requirements:

- i. **U.S. GAAP:** Financial statements must be prepared in accordance with U.S. GAAP. If financial statements are prepared in accordance with principles other than U.S. GAAP, a letter must be provided from a certified public accountant

discussing the areas of the financial statements that would be affected by a conversion to U.S. GAAP.

- ii. **U.S. Dollars:** Financial statements must be provided in U.S. dollars. If financial statements are not available in U.S. dollars, the Proposer must include summaries of the income statements and balance sheets for the applicable time periods converted to U.S. dollars by a certified public accountant.
- iii. **Audited:** Financial statements must be audited by an independent party qualified to render audit opinions (e.g., a certified public accountant). If audited financials are not available for the Proposer and/or a Major Participant, the SOQ shall include unaudited financial statements for such entity, certified as true, correct and accurate by the chief financial officer (“CFO”) or treasurer of the entity.
- iv. **English:** Financial statement information must be prepared in English. If audited financial statements are prepared in a language other than English, translations of all financial statement information must be accompanied with the original financial statement information.
- v. **Newly Formed Entity:** If the Proposer is a newly formed entity and does not have independent financial statements, financial statements for the Major Participants shall be provided (and the Proposer shall expressly state that the Proposer is a newly formed entity and does not have independent financial statements).
- vi. **Guarantor Letter of Support:** If financial statements of a parent company or affiliate company (“Guarantor”) are provided to demonstrate financial capability of the Proposer or any of its Major Participants, an appropriate letter from the Guarantor must be provided confirming that it will financially support all the obligations of the Proposer or Major Participant, as appropriate, with respect to the Project. Proposers shall note that the MBTA may, in its discretion based upon the review of the information provided, specify that an acceptable Guarantor is required as a condition of short-listing.
- vii. **Securities and Exchange Commission Filings:** If the Proposer, Major Participant, or Guarantor files reports with the Securities and Exchange Commission, then such financial statements shall be provided through a copy of their annual report on Form 10K. For all subsequent quarters, the Proposer, Major Participant, or Guarantor shall provide a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed Form 10K.
- viii. **Confidentiality:** The Proposer shall identify any information which it believes is entitled to confidentiality under MGL Chapter 66, by placing the word “confidential” on each page as described in Section 3.2 of this RFQ.
- ix. **Credit Ratings:** Credit ratings must be supplied for the Proposer, Major Participants, and Guarantor to the extent such entities have credit ratings. If no credit ratings exist, include a statement specifying that no credit ratings exist for that entity.

3. Material Changes in Financial Condition. The Proposer shall provide information regarding any material changes in financial condition for Proposer, each Major Participant, and Guarantor for the past three years and anticipated for the next reporting period. If no material change has occurred and none is pending, the Proposer, Major Participant, or Guarantor, as applicable, shall provide a letter from its CFO or treasurer so certifying.

Set forth below is a representative list of events intended to provide examples of what the MBTA considers a material change in financial condition. This list is intended to be indicative only.

- a. An event of default or bankruptcy involving the affected entity, a related business unit within the same corporation, or the parent corporation of the affected entity;
- b. A change in tangible net worth of 10% of shareholder equity;
- c. A sale, merger, or acquisition exceeding 10% of the value of shareholder equity prior to the sale, merger, or acquisition which in any way involves the affected entity, a related business unit in the same corporation, or parent corporation of the affected entity;
- d. A change in credit rating for the affected entity, a related business unit in the same corporation, or parent corporation of the affected entity;
- e. Inability to meet conditions of loan or debt covenants by the affected entity, a related business unit in the same corporation, or parent corporation of the affected entity which has required or will require a waiver or modification of agreed financial ratios, coverage factors or other loan stipulations, or additional credit support from shareholders or other third parties;
- f. In the current and three most recently completed fiscal years, the affected entity, a related business unit in the same corporation, or the parent corporation of the affected entity either: (a) incurs a net operating loss; (b) sustains charges exceeding 5% of the then shareholder equity due to claims, changes in accounting, write-offs or business restructuring; or (c) implements a restructuring/reduction in labor force exceeding 200 positions or involving the disposition of assets exceeding 10% of the then shareholder equity; or
- g. Other events known to the affected entity, a related business unit in the same corporation, or parent corporation of the affected entity which represents a material change in financial condition over the past three years or may be pending for the next reporting period.

At the discretion of the MBTA, any failure to disclose a prior or pending material change may result in disqualification from further participation in the selection process. In instances where a material change has occurred, or is anticipated, the affected entity shall provide a statement describing each material change in detail, the likelihood that the developments will continue during the period of performance of the DB Contract, and the projected full extent of the changes likely to be experienced during the period. Estimates of the impact on revenues, expenses, and the change in equity must be provided separately for each material change as certified by the CFO or treasurer. References to

the notes in the financial statements are not sufficient to address the requirement to discuss the impact of material changes.

Where a material change will have a negative financial impact, the affected entity shall also provide a discussion of measures that would be undertaken to insulate the Project from any such material changes and those measures that are currently in progress or reasonably anticipated in the future. If the financial statements indicate that expenses and losses exceed income in each of the three most recently completed fiscal years (even if there has not been a material change), the affected entity shall provide a discussion of measures that will be undertaken to make the entity profitable in the future and an estimate of when the entity will be profitable.

4. Off-Balance-Sheet Liabilities. The Proposer shall provide a letter from the CFO or treasurer of or the certified public accountant for the Proposer, Major Participant, and Guarantor identifying all off-balance-sheet liabilities.

The Proposer shall package the information requested in Section 4.5.4.2(C) separately for each separate entity with a cover sheet identifying the name of the entity and its role in the Proposer's organization (i.e., Proposer, Major Participant, or Guarantor).

#### **4.5.4.3 Team Experience**

##### **A. Objectives**

1. To identify Proposers that are capable of effectively managing all aspects of the DB Contract in a quality, timely, and effective manner and will integrate the different parts of its organization collectively and with the MBTA in a cohesive and seamless manner;
2. To identify among the Proposers the best design and construction firms available with demonstrated experience, expertise, and capacity in and record of producing quality work on projects similar in nature to the Project;
3. To identify Proposers which have the following attributes:
  - a. A superior record of completing contracts, including DB contracts, on time and within budget;
  - b. A superior record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;
  - c. A superior record of managing construction that minimizes disruption to the traveling public and neighboring communities and businesses; and
  - d. Excellent safety records; and
4. To identify Proposers that have the technical and management experience and expertise to plan, organize, and execute the design, construction, and start-up and assure the quality and safety of the Project.

- ##### **B. Requirements and information to be submitted in Volume 1, Section 1, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)**

The following information is relevant to qualifications of the Proposer, Major Participants, and Key Subcontractors. Note that Proposers selected to participate in the Proposal phase (i.e., RFP) may only make changes in Proposer, Major Participants, and Key Subcontractors identified in its SOQ, including additions, deletions, reorganizations, and/or role changes, with the MBTA's approval. The MBTA is under no obligation to approve or disapprove such requests, or portions thereof.

1. Proposer and Major Participants.

- a. Provide a brief description demonstrating the ability of the Proposer and Major Participants to carry out DB projects, including organization experience and the ability of the Proposer's team members to work together to integrate design, construction, start-up, and commissioning disciplines; and
- b. Provide a brief description of the history and structure of the Proposer and Major Participants in managing projects similar in size, scope, and complexity.

2. Key Subcontractors. For each Key Subcontractor, identify the entity, the entity's role, the entity's legal structure, a brief history and structure of the entity, and a brief description of the history of working with the Proposer and/or Major Participants on projects similar in size, scope, and complexity.

3. Organizational Structure.

- a. Describe the organizational structure of the Proposer, including how the Proposer will institutionally operate. Describe how the Proposer's management structure will facilitate completion of all work, including design, construction, start-up, and commissioning of the Project. Identify how the organizational structure will result in an integrated and cohesive team for managing the Project;
- b. Provide an organizational chart that sets forth the Proposer's structure and reporting requirements that cover the design, construction, start-up, and commissioning phases. Identify the management staff and key personnel on the organization chart; and
- c. Describe how the Proposer is planning to perform the design of the Project. Indicate whether the Proposer will set up a specific Project office that allows for continuous coordination between the Proposer's design and construction team members.

4. Past Experience. Describe the Proposer's and each Major Participant's and Key Subcontractor's experience with DB projects of a similar size and complexity as this Project, including the following:

- a. Experience on projects similar in nature to the Project which have been designed, constructed, start-up tested, commissioned, and certified in accordance with the requirements of the FTA;
- b. Experience on projects similar in nature to the Project which have undergone start-up testing, commissioning, and safety certification under the requirements of the FTA and the local authorities having jurisdiction for the Project;
- c. Experience on projects similar in nature to the Project involving extensive systems integration. Systems integration experience should demonstrate not only integration

of the new systems that were required on the project, but the integration of the new systems with the existing systems that ensured a complete and operational project:  
and

- d. Experience on projects similar in nature to the Project involving transit construction projects which demonstrate the ability to work on or around active operating right of way and facilities without causing disruption to service.
  5. Joint Experience of Members of the DB Entity Working Together. Provide a description of the prior experience (if any) of the Proposer, Major Participant, and Key Subcontractors working together on DB projects, other alternative delivery projects, or on traditional design-bid-build projects.
  6. Time Delays. The Proposer and each Major Participant and Key Subcontractor shall provide a list of non-excused time delays on projects completed within the past three years.
  7. Incidents of Claims/Disputes History on Past Projects. The Proposer and each Major Participant and Key Subcontractor shall demonstrate experience of resolution of issues concerning claims, changes, and other disputes, including disputes over delays and liquidated damage assessments and project termination.
  8. Proposer's Current Workload. Describe the Proposer's, Major Participants', and Key Subcontractors' current and forecasted/known workloads and a statement regarding the impact that the disclosed workload will have on the Project.
- C. Requirements and information to be submitted in Volume 1, Appendix A, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

For the Proposer, Major Participants, and Key Subcontractors, provide a list of each and every project on which the entity was terminated, failed to complete the work, or paid liquidated damages within the past three years. The information is to be provided on Form F of Attachment B.

- D. Requirements and information to be submitted in Volume 1, Appendix B, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

The Proposer, Major Participants, and Key Subcontractors shall include any currently effective Prequalification Certificates issued by the MBTA to the entity, indicating the classifications and single project limit amounts approved by the MBTA. This RFQ supersedes the requirements relative to Prequalification stated in the Request for Letters of Interest.

- E. Requirements and information to be submitted in Volume 1, Appendix F, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

The Proposer and each Major Participant shall provide past performance evaluation grades, to the extent applicable, and a list of all public projects on which it has worked within the past three years, including the following:

1. Project title and location;
2. Description of the work;

3. Percent of contract completed by the entity;
4. Owner contact name, telephone number, and E-mail address;
5. Completion date;
6. Value of the original bid; and
7. Value of final contract amount.

#### 4.5.4.4 Key Personnel

##### A. Objective

To identify the best personnel for key management positions with demonstrated experience and expertise in and record of producing quality work on projects of a similar nature to this Project, particularly those that have been delivered under a design-build contract and to review the business records and résumés of the officers and principals of the Proposer and each Major Participant.

##### B. Requirements and information to be submitted in Volume 1, Section 2, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

On Form J of Attachment B, the Proposer shall list its key personnel to be assigned to this Project in the positions noted below. The Proposer shall require all key personnel to be located in the Boston, MA, metropolitan area for the duration of their work assignments. In addition, the Proposer shall describe the relevance of each individual's experience to their identified role in the Project, including professional licenses and credentials, and why the experience will provide value to the Proposer becoming the DB Entity.

1. Project Manager;
2. Project Safety and Security Manager;
3. Construction Manager;
4. Design Manager;
5. Project Controls Manager;
6. Systems Integration Manager;
7. Title VI Program Lead; and
8. DBE Compliance Lead.

Describe the key personnel who have previously worked together as a team, if ever; the experience each person identified as key personnel has with the MBTA; and whether the key personnel identified have worked on any of the projects identified in response to Section 4.5.4.3(B). Describe key personnel experience on light rail transit and DB projects similar in scope and nature of this Project.

C. Requirements and information to be submitted in Volume 1, Appendix E, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

1. The Proposer shall provide résumés for the proposed key personnel. Résumés should include the years of experience, licenses, certifications, description of comparable projects, the proposed key personnel's role, and other relevant information.
2. For each officer and principal of the Proposer and each Major Participant, include the resume and other information pertaining to such individual's professional experience and indicate the extent of any involvement of the officers and principals in the Project.
3. The Proposer shall list at least three references for the Project Manager and two references for each of the other individuals identified as key personnel for comparable projects in which the key personnel have played a primary role. References shall be previous owners or clients with whom the individuals have worked within the last ten years and shall include the name, position, company or agency, current address, telephone number, and E-mail address.
4. The Proposer shall include an express, written commitment that the individuals designated in the SOQ as key personnel shall be available to serve the role so identified in connection with the Project. Proposers shall identify and proffer key personnel that will be available for, and intend to assign to work on, the Project for the positions identified. Procedures concerning changes of such key personnel will be set forth in the RFP; however, commitment of the key personnel is significantly important to the MBTA and as such, requests to implement such changes will be reviewed very carefully by the MBTA and shall be subject to prior MBTA approval, which may be provided or withheld in the MBTA's sole and absolute discretion. Failure to obtain MBTA approval for such changes may result in disqualification of the Proposer by the MBTA.

By listing staff as key personnel, the Proposer agrees to make the staff listed in its SOQ available to complete work under the DB Contract at whatever level the Project requires, in the determination of the MBTA. Changes in key personnel will be reviewed by the MBTA to assure the replacement is equally qualified and has adequate experience. The MBTA will only allow changes in key personnel when caused by circumstances outside the control of the DB Entity (i.e., employee leaves employment with the DB Entity).

#### 4.5.4.5 Safety

A. Objective

1. Describe the Proposer's approach to safety and security for employees of the DB Entity, the public, the MBTA, stakeholders, adjacent rail operators, and all businesses and contractors operating within or affected by the construction of the Project.
2. Describe the Proposer's experience with the FTA's mandated safety certification process.

B. Requirements and information to be submitted in Volume 1, Section 3, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

1. Construction Safety Plan.



- a. The Proposer and its Major Participants and Key Subcontractors shall detail number of lost time accidents and number of fatalities within the past three years.
  - b. The Proposer shall describe its approach and commitment to the public's and its workers' safety.
  - c. The Proposer shall provide a narrative of its experience with the FTA's safety certification process.
2. Experience Modification Rating.

~~a. Provide the Experience Modification Rating ("EMR") on Form G of Attachment B for the Proposer, Major Participants, and Key Subcontractors.~~

b.a. Provide statistics to demonstrate the Proposer's safety record and that of the Major Participants and Key Subcontractors while self-performing work and while managing subcontractors.

e.b. List any references from the Proposer's and each Major Participant's and Key Subcontractor's insurance company that the MBTA may call to validate aspects of the Proposer's safety record, including the name, position, company or agency, current address, telephone number, and E-mail address.

~~Safety History. Provide the Occupational Safety and Health Administration ("OSHA") Recordable Incident Rate (OSHA 300 Summary) for the last three years on Form G of Attachment B for the Proposer, Major Participants, and Key Subcontractors.~~

- C. Requirements and information to be submitted in Volume 3 of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

1. Corporate Safety and Accident Prevention Program. The Proposer shall submit two copies of its Corporate Safety and Accident Prevention Program.

2. Form G.

a. Provide the Experience Modification Rating ("EMR") on Form G of Attachment B for the Proposer, Major Participants, and Key Subcontractors.

b. Provide the Occupational Safety and Health Administration ("OSHA") Recordable Incident Rate (OSHA 300 Summary) for the last three years on Form G of Attachment B for the Proposer, Major Participants, and Key Subcontractors.

#### 4.5.4.6 Civil Rights

A. Objective

To identify Proposer's ability to perform and achieve the Civil Rights mandates below.

- B. Requirements and information to be submitted in Volume 1, Appendix A, of the SOQ (*see* Attachment A to this RFQ for SOQ section organization)

1. Disadvantaged Business Enterprise Performance History and Summary of Achievements. For the Proposer, Major Participants, and Key Subcontractors, provide the history in achieving DBE goals on projects in the last five years. The information is to be provided on Form H of Attachment B.
2. Equal Employment Opportunity Performance History and Summary of Achievements.
  - a. Provide the Ethnicity and Gender Profile for the Proposer, Major Participant, and Key Subcontractors. The information is to be provided on Form I-1 of Attachment B.
  - b. Provide the Proposer's management team diversity profile, illustrating the ethnic and gender composition of the proposed organization for the Project. The information is to be provided on Form I-2 of Attachment B.
3. Title VI Performance History and Summary of Achievements with Community Participation. For the Proposer and each Major Participant, provide the methodology in achieving community participation and outcomes under Title VI guidelines on major projects (over \$50,000,000.00) in the last five years. This information is to be provided on Form L.

## 5 EVALUATION PROCESS AND CRITERIA

### 5.1 Qualification Evaluation Criteria and Weighting

Each responsive SOQ passing all of the pass/fail qualification requirements set forth in Table 5-1 will then be evaluated and scored according to the qualitative criteria set forth in Table 5-1. Refer to RFQ Attachment A for an outline of the SOQ submittal.

**Table 5-1: Weighting of Evaluation Criteria**

SOQ EVALUATION CRITERIA	Available Points
PASS/FAIL CRITERIA	
1. LEGAL AND PAST PERFORMANCE	P/F
2. FINANCIAL	P/F
QUALITATIVE CRITERIA	
1. TEAM EXPERIENCE	35
2. KEY PERSONNEL	40
3. SAFETY	15
4. CIVIL RIGHTS	10
<b>TOTAL SECTION POINTS</b>	<b>100</b>

### 5.2 Responsiveness Review

Each SOQ will be reviewed (a) to identify minor informalities, irregularities and apparent clerical mistakes which are unrelated to the substantive content of the SOQ, (b) to confirm that the required contents of the SOQ have been submitted, (c) to ensure conformance to the RFQ instructions regarding organization and format, and (d) to ensure the responsiveness of the Proposer to the requirements set forth in this RFQ. Those SOQs not responsive to this RFQ may be excluded from further consideration and the Proposer will be so advised. The MBTA may also exclude from consideration any Proposer whose SOQ contains a material misrepresentation or which is incomplete or which contains, at the MBTA's sole discretion, major informalities. The MBTA may request Proposer clarification of any minor informalities, irregularities, and apparent clerical mistakes in accordance with Section 5.6, after which the MBTA may evaluate the SOQ, at the MBTA's sole discretion.

### 5.3 Selection Committee

The MBTA has established a SC to review, evaluate, and rank the SOQs submitted in response to the RFQ and to identify a short-list of the most qualified Proposers for issuance of the RFP.

The SC may be assisted by one or more Project Evaluation Support Groups ("PESG"), which includes non-voting technical advisors from the ODCR, MassDOT, the MBTA or MBTA consultants. The role of the technical advisors is to provide subject matter advice that is considered non-routine to the SC.

Technical advisors may be assigned to assist, inform, advise, and make recommendations to the SC's voting members, who will make their own judgment for the scoring of the SOQs.

### 5.4 Pass/Fail Review

Following or in conjunction with the evaluation of each SOQ for responsiveness, the MBTA will evaluate each SOQ based upon the pass/fail criteria listed in Table 5-1. All Proposers obtaining a "pass" on all

pass/fail items will be evaluated under Section 5.5. The MBTA may request Proposer clarification on an SOQ in which a Proposer obtains a “fail” on any item in accordance with Section 5.6, after which the MBTA may evaluate the SOQ, at the MBTA’s sole discretion.

## **5.5 SOQ Evaluation Procedures**

The SC will provide a rating for each qualitative evaluation criteria. Selection Committee members will fill out scoring sheets individually and then scores will be averaged to determine the final scores for each Proposer. The Proposers will then be ranked in order of highest to lowest.

Evaluations and rankings of SOQs are subject to the sole discretion of the MBTA.

## **5.6 Requests for Clarifications**

The Proposer shall provide accurate and complete information to the MBTA. If information is not complete, the MBTA shall either declare the SOQ non-responsive or notify the Proposer through a request for clarification that it will not be allowed to participate further in the procurement of this Project until all information required is provided. Any insufficient statements or incomplete information will be identified by the MBTA with a request for clarification, which may include a request for submittal of corrected, supplemental, or missing documents. If a clarification is not provided prior to the deadline for submission identified in the request for clarification, the SOQ may be declared non-responsive. Proposers should take special notice of the fact that the MBTA is not obligated to request any clarifications from any Proposer not submitting accurate and complete information, nor is the MBTA obligated to conduct multiple rounds of requests for clarifications with any Proposer.

The MBTA may waive technical irregularities in an SOQ that do not alter the quality or quantity of the information provided.

During the evaluation process, all requests for clarifications and responses thereto must be in writing via E-mail. Clarifications are limited to answering the specific information requested by the MBTA.

The MBTA does not anticipate conducting presentations and/or interviews during the RFQ phase, but reserves the right to do so. If the MBTA elects to conduct presentations and/or interviews, the Proposers will be notified in writing.

In the event a material error is discovered in the RFQ during the SOQ evaluation process, the MBTA will issue an addendum to all Proposers that have submitted SOQs requesting revised SOQs based upon the corrected RFQ.

## **5.7 Selection of Most Qualified Proposers**

All Proposers submitting SOQs will be notified in writing of the results of the evaluation process. A short-list of firms determined by the MBTA to be the most qualified will be notified and invited to submit a Proposal in response to the RFP.

## **5.8 Debriefings**

Proposers not selected for award may request a debriefing. Debriefings shall be provided at the earliest feasible time after award of the DB Contract.

Debriefings shall:

- (a) Be limited to discussion of the unsuccessful Proposer's SOQ and may not include specific discussion of a competing SOQ;
- (b) Be factual and consistent with the evaluation of the unsuccessful Proposer's SOQ; and
- (c) Provide information on areas in which the unsuccessful Proposer's SOQ had weaknesses or deficiencies.

Debriefing may not include discussion or dissemination of the thoughts, notes, or rankings of individual members of the SC, but may include a summary of the rationale for the selection decision.

## **5.9 RFP Procedure and Evaluation**

The MBTA will specify the DB Entity selection process in the RFP. Proposers are advised that the evaluation methodology, criteria, and/or weightings for the evaluation of the Proposals may differ from that set forth herein to evaluate SOQs. In addition, the rankings, scores, and evaluations of the SOQs shall not carry over or be used in any way in the evaluation of the Proposals.

## 6 PROTEST PROCEDURES

### 6.1 Pre-SOQ Submittal Decision of Protest

1. If it is the opinion of any interested party that the proposed procurement requirements are in any way ambiguous, incorrect, incomplete, or restrictive, the interested party shall contact the MBTA, in writing, via U.S. mail, at least 10 business days prior to the SOQ submittal date. The letter should be addressed to the MBTA Director of Contract Administration at the contact information noted in Section 2.3. The letter should identify the procurement that is underway (contract number and description) and the specific issue to be addressed. Any protest about the content of a specification or requirement of the procurement is waived if not prior to the SOQ submittal date. The Director of Contract Administration will review the interested party's protest and will respond, in detail, to each substantive issue raised by the interested party within three business days. If the matter requires further evaluation, the Director of Contract Administration will notify the protesting party in writing (by U.S. mail) of the extended review period. A final response will be issued by the Director of Contract Administration upon final review of the matter. One of the following steps will be taken prior to the SOQ due date:
  - a. The MBTA may elect to conduct an informal conference on the merits of a protest with interested parties;
  - b. If, upon review, the MBTA determines that a change should be made to the RFQ, an addendum will be issued;
  - c. If the MBTA determines that no change should be made to the RFQ, but that it is necessary to clarify any point made by the interested party, a Letter of Clarification will be issued; or
  - d. If the MBTA determines that neither a change nor a clarification should be made to the RFQ, then the interested party will be notified in writing (by telephone, if possible) of the MBTA's determination.
2. If the interested party does not believe that the response addressed his/her concerns, he/she may appeal this decision to the MBTA's General Counsel, in writing, prior to the SOQ submittal date. The matter will be reviewed and a response will be made in accordance with steps a. through d. above.
3. ONCE THE GENERAL COUNSEL'S DETERMINATION HAS BEEN MADE, THE MBTA'S DECISION IS FINAL AND WILL NOT BE RECONSIDERED UNLESS THERE IS ADDITIONAL INFORMATION WHICH WAS NOT AVAILABLE TO THE APPEALING PARTY AT THE TIME THE APPEAL WAS MADE.

### 6.2 Post-SOQ Submittal Decision of Protest

1. Post SOQ submittal protests by a Proposer shall be made in writing within three business days of the announcement date of the short-listed proposers and shall be made as follows:
  - a. The initial protest shall be made to the MBTA Director of Contract Administration, at the contact information noted in Section 2.3, who will collect the factual information pertaining to the protest.

- b. After discussion and appropriate review, the Director of Contract Administration will forward a recommendation to the Assistant General Manager for Capital Delivery (“AGM”).
  - c. If the AGM does not concur with the recommendation, the AGM shall obtain any other additional information required so that a determination can be made, at which time the interested party will be notified in writing of the MBTA’s determination within five business days. If the matter requires further evaluation, the AGM shall notify the protesting party in writing of the extended review period. A final response will be issued by the AGM upon final review of the matter.
  - d. If the protester does not agree with the determination, it may appeal directly to the MBTA’s General Counsel in writing within three business days of the AGM’s determination.
  - e. The General Counsel will review all facts of the appeal and will make a final determination and will so advise the protester within five business days. If the matter requires further evaluation, the General Counsel shall notify the protester in writing (by U.S. mail) of the extended review period. A final response will be issued by the General Counsel upon final review of the matter.
2. ONCE THE GENERAL COUNSEL'S DETERMINATION HAS BEEN MADE, THE MBTA'S DECISION IS FINAL AND WILL NOT BE RECONSIDERED UNLESS THERE IS MATERIAL ADDITIONAL INFORMATION WHICH WAS NOT AVAILABLE TO THE PROTESTER AT THE TIME THE APPEAL WAS MADE.

### **6.3 Federally Funded Procurements**

Since the Project is federally funded, all Proposers are notified of the following:

1. FTA’s review of the protest will be limited to the MBTA’s failure to have or follow its written protest procedures. The appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five working days of the date the protester knew or should have known of the violation. The appeal is to be in accordance with FTA Circular 4220.1F (as periodically updated, most recently updated on March 18, 2013).
2. Note: The protester must exhaust all administrative remedies with the MBTA before electing to pursue a protest with the FTA.

### **6.4 Rights of the MBTA with Pending Protests**

The MBTA reserves the right to proceed with the procurement, which may include the opening of submittals or proposals and the subsequent award of the DB Contract, regardless of the existence of a protest that is pending, in the event that a determination has been made that:

1. The supplies or services to be contracted for are urgently required;
2. Delivery or performance will be unduly delayed by failure to make award promptly; or
3. Failure to make a prompt award will otherwise cause undue harm to the MBTA or the Federal Government.

If award is made, the procurement file will be documented to explain the basis of award. Written notice of the decision to proceed with the award will be sent to the protester and other interested parties.

For Informational Purposes Only



## 7 MBTA RESERVED RIGHTS

In connection with this procurement, the MBTA reserves to itself all rights (which rights shall be exercisable by the MBTA in its sole discretion) available to it under the applicable laws, including without limitation, with or without cause and with or without notice, the right to:

1. Modify the procurement process in its sole discretion to address applicable law and/or the best interests of the MBTA.
2. Develop the Project in any manner that it, in its sole discretion, deems necessary. If the MBTA is unable to negotiate a DB Contract to its satisfaction with a Proposer, it may negotiate with the next highest rated Proposer, terminate this procurement and pursue other solicitations relating to the Project, or exercise such other rights under the provisions of Massachusetts law as it deems appropriate.
3. Cancel this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by the MBTA of a DB Contract, without incurring any cost, obligations, or liabilities.
4. Issue a new request for qualifications after withdrawal of this RFQ or a subsequent RFP.
5. Not issue an RFP.
6. Reject any and all submittals, responses, and SOQs received at any time.
7. Modify all dates set or projected in this RFQ.
8. Terminate evaluations of SOQs received at any time.
9. Exclude any potential Proposer from submitting any response to the RFQ or RFP based on failure to comply with any requirements of those documents.
10. Suspend and terminate contract negotiations at any time, elect not to commence contract negotiations with any responding Proposer, and engage in negotiations with other than the highest ranked Proposer.
11. Issue addenda, supplements, and modifications to this RFQ.
12. Appoint a SC to review SOQs, make recommendations to the FMCB and seek the assistance of outside technical advisors in SOQ evaluation.
13. Require confirmation or clarification of information furnished by a Proposer, require additional information from a Proposer concerning its SOQ and require additional evidence of qualifications to perform the work described in this RFQ.
14. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
15. Add or delete Proposer responsibilities from the information contained in this RFQ or any subsequent RFP.
16. Negotiate with a Proposer without being bound by any provision in its Proposal.

17. Waive deficiencies in a SOQ, accept and review a non-conforming SOQ, or permit clarifications or supplements to a SOQ.
18. Disqualify any Proposer that changes its SOQ without MBTA approval.
19. Disqualify any Proposer under this RFQ, the RFP, or during the period between the RFQ and the RFP for violating any rules or requirements of the procurement set forth in this RFQ, the RFP, or in any other communication from the MBTA.
20. Not issue a notice to proceed after execution of DB Contract.
21. Develop or construct some or all of the Project itself or with a third party of its choice.
22. Exercise any other right reserved or afforded to the MBTA under this RFQ.

This RFQ does not commit the MBTA to enter into a DB Contract or proceed with the procurement described herein. The MBTA assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or any subsequent RFP. All of such costs shall be borne solely by each Proposer.

In no event shall the MBTA be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as a DB Contract, in form and substance satisfactory to the MBTA, has been executed and authorized by the MBTA and, then, only to the extent set forth therein.

# ATTACHMENT A

## SOQ CONTENTS

Volume, Section/Appendix, Title, and Required Information	Request for Qualifications Reference
Form A (Transmittal Letter), Executive Summary, and Confidential Contents Index	Sections 4.5.1 through 4.5.3
<b><u>Volume 1, Section 1</u></b>	
<b>Team Experience</b>	<b>Section 4.5.4.3</b>
<ul style="list-style-type: none"> <li>• Proposer and Major Participants</li> </ul>	Section 4.5.4.3(B)(1)
<ul style="list-style-type: none"> <li>• Key Subcontractors</li> </ul>	Section 4.5.4.3(B)(2)
<ul style="list-style-type: none"> <li>• Organizational structure</li> </ul>	Section 4.5.4.3(B)(3)
<ul style="list-style-type: none"> <li>• Past experience</li> </ul>	Section 4.5.4.3(B)(4)
<ul style="list-style-type: none"> <li>• Joint experience of members of the DB Entity working together</li> </ul>	Section 4.5.4.3(B)(5)
<ul style="list-style-type: none"> <li>• Time delays</li> </ul>	Section 4.5.4.3(B)(6)
<ul style="list-style-type: none"> <li>• Incidents of claims/disputes history on past projects</li> </ul>	Section 4.5.4.3(B)(7)
<ul style="list-style-type: none"> <li>• Proposer's current workload</li> </ul>	Section 4.5.4.3(B)(8)
<b><u>Volume 1, Section 2</u></b>	
<b>Key Personnel</b>	<b>Section 4.5.4.4</b>
<ul style="list-style-type: none"> <li>• On Form J, a list and description of key personnel to be assigned to this Project</li> </ul>	Section 4.5.4.4(B)
<b><u>Volume 1, Section 3</u></b>	
<b>Safety</b>	<b>Section 4.5.4.5</b>
<ul style="list-style-type: none"> <li>• Construction Safety Plan</li> </ul>	Section 4.5.4.5(B)(1)
<ul style="list-style-type: none"> <li>• Experience Modification Rating</li> </ul>	Section 4.5.4.5(B)(2)
<ul style="list-style-type: none"> <li>• <a href="#">Safety History</a></li> </ul>	<del>Section 4.5.4.5(B)(3)</del>

<b>Volume, Section/Appendix, Title, and Required Information</b>	<b>Request for Qualifications Reference</b>
<b><u>Volume 1, Appendix A</u></b>	
<b>Team Experience</b>	<b>Section 4.5.4.3</b>
<ul style="list-style-type: none"> <li>Form F</li> </ul>	Section 4.5.4.3(C)
<b>Civil Rights</b>	<b>Section 4.5.4.6</b>
<ul style="list-style-type: none"> <li>Disadvantaged Business Enterprise Performance History and Summary of Achievements</li> </ul>	Section 4.5.4.6(B)(1)
<ul style="list-style-type: none"> <li>Equal Employment Opportunity Performance History and Summary of Achievements</li> </ul>	Section 4.5.4.6(B)(2)
<ul style="list-style-type: none"> <li>Title VI Performance History and Summary of Achievements with Community Participation</li> </ul>	Section 4.5.4.6(B)(3)
<b><u>Volume 1, Appendix B</u></b>	
<b>Team Experience</b>	<b>Section 4.5.4.3</b>
<ul style="list-style-type: none"> <li>Any prior Prequalification Certificate(s) issued by the MBTA to the Proposer, Major Participants, and Key Subcontractors, indicating the classifications and single project limit amounts approved by the MBTA.</li> </ul>	Section 4.5.4.3(D)
<b><u>Volume 1, Appendix C</u></b>	
<b>Financial</b>	<b>Section 4.5.4.2</b>
<ul style="list-style-type: none"> <li>A surety letter from a surety or an insurance company indicating that the Proposer is capable of obtaining a performance bond and payment bond in an amount of up to 100% of the Design Build Contract amount</li> </ul>	Section 4.5.4.2(B)
<b><u>Volume 1, Appendix D</u></b>	
<b>Legal and Past Performance</b>	<b>Section 4.5.4.1</b>
<ul style="list-style-type: none"> <li>On Form B, the legal name and form of the Proposer and the state of its organization; if the name is a DBA (“doing business as”), the underlying names; and an individual who will act as the designated representative and include the following information: name, title, address, telephone number, and E-mail address</li> </ul>	Section 4.5.4.1(B)(1)

Volume, Section/Appendix, Title, and Required Information	Request for Qualifications Reference
<ul style="list-style-type: none"> <li>Evidence of the Proposer's and each Major Participant's and Key Subcontractor's registration with the Massachusetts Secretary of State indicating that each entity is registered to do business in the Commonwealth, or a commitment to become registered prior to award of the DB Contract, including Form D, Attachment B.</li> </ul>	Section 4.5.4.1(B)(2)
<ul style="list-style-type: none"> <li>A signed copy of the joint venture agreement or, if the joint venture agreement is not yet executed, a draft of the joint venture agreement or memorandum of agreement setting forth the relevant terms of a joint venture agreement, including, but not limited to, percentage of control of the joint venture, distribution of joint venture profit and loss, identification of work responsibilities, and a joint and several liability statement</li> </ul>	Section 4.5.4.1(B)(3)
<ul style="list-style-type: none"> <li>Any significant anticipated legal issues which the Proposer must resolve in order to carry out the Project</li> </ul>	Section 4.5.4.1(B)(4)
<ul style="list-style-type: none"> <li>On Form C, a list and a brief description of all instances during the last three years involving projects in which the Proposer (or any other organization that is under common ownership with the Proposer), any Major Participant, or any Key Subcontractor was (1) determined, pursuant to a final determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract or (2) terminated for cause. For each instance, the Proposer shall identify a representative of the adverse party with a current telephone number (and E-mail address if available)</li> </ul>	Section 4.5.4.1(B)(5)
<ul style="list-style-type: none"> <li>On Form C, a list and a brief description (including the resolution) of each arbitration, litigation, dispute resolution board and other dispute resolution proceeding occurring during the last three years or listed in response to Section 4.5.4.3(B) (regardless of when it occurred) involving Proposer (or any other organization that is under common ownership with the Proposer), any Major Participant, or any Key Subcontractor. For each instance, the Proposer shall identify a representative of the adverse party with a current telephone number (and E-mail address if available)</li> </ul>	Section 4.5.4.1(B)(6)
<ul style="list-style-type: none"> <li>On Form E, certification that the Proposer and each Major Participant has filed all state tax returns and paid all state taxes required under law</li> </ul>	Section 4.5.4.1(B)(7)

<b>Volume, Section/Appendix, Title, and Required Information</b>	<b>Request for Qualifications Reference</b>
<ul style="list-style-type: none"> <li>On Form K, certification that the Proposer and each Major Participant and Key Subcontractor has submitted, or is submitting with the SOQ submission, an MBTA GLX Organizational Conflicts of Interest Disclosure Form</li> </ul>	Section 4.5.4.1(B)(8)
<ul style="list-style-type: none"> <li>Evidence that one or more Major Participants and/or Lead Designer(s) of the Proposer, or the Proposer itself, holds the appropriate licenses to conduct design and/or construction in the Commonwealth of Massachusetts or a commitment signed by the Proposer's designated representative to become appropriately licensed prior to award of the DB Contract</li> </ul>	Section 4.5.4.1(B)(9)
<b><u>Volume 1, Appendix E</u></b>	
<b>Key Personnel</b>	<b>Section 4.5.4.4</b>
<ul style="list-style-type: none"> <li>Résumés for the proposed key personnel</li> </ul>	Section 4.5.4.4(C)(1)
<ul style="list-style-type: none"> <li>For each officer and principal of the Proposer and each Major Participant, the résumé and other information pertaining to such individual's professional experience and indicate the extent of any involvement of the officers and principals in the Project</li> </ul>	Section 4.5.4.4(C)(2)
<ul style="list-style-type: none"> <li>At least three references for the Project Manager and two references for each of the other individuals identified as key personnel for comparable projects in which the key personnel have played a primary role</li> </ul>	Section 4.5.4.4(C)(3)
<ul style="list-style-type: none"> <li>An express, written commitment that the individuals designated in the SOQ as key personnel shall be available to serve the role so identified in connection with the Project</li> </ul>	Section 4.5.4.4(C)(4)
<b><u>Volume 1, Appendix F</u></b>	
<b>Team Experience</b>	<b>Section 4.5.4.3</b>
<ul style="list-style-type: none"> <li>Past performance evaluation grades and a list of all public projects for the past three years</li> </ul>	Section 4.5.4.3(E)
<b><u>Volume 2</u></b>	
<b>Financial</b>	<b>Section 4.5.4.2</b>
<ul style="list-style-type: none"> <li>Bank references</li> </ul>	Section 4.5.4.2(C)(1)
<ul style="list-style-type: none"> <li>Financial statements and credit ratings</li> </ul>	Section 4.5.4.2(C)(2)

Volume, Section/Appendix, Title, and Required Information	Request for Qualifications Reference
<ul style="list-style-type: none"> <li>Material changes in financial conditions</li> </ul>	Section 4.5.4.2(C)(3)
<ul style="list-style-type: none"> <li>Off-balance-sheet liabilities</li> </ul>	Section 4.5.4.2(C)(4)
<b><u>Volume 3</u></b>	
<b>Safety</b>	<b>Section 4.5.4.5</b>
<ul style="list-style-type: none"> <li>Corporate Safety and Accident Prevention Program</li> </ul>	Section 4.5.4.5(C)( <a href="#">1</a> )
<ul style="list-style-type: none"> <li><a href="#">Form G</a></li> </ul>	<a href="#">Section 4.5.4.5(C)(2)</a>

For Informational Purposes Only

## RFQ Attachment B

### FORMS

#### List of Forms

Form A	Transmittal Letter
Form B	Information Regarding Proposer and Team Members
Form C	Convictions and Fines and Litigation, Arbitration, and Dispute Resolution
Form D	Affidavit of Compliance
Form E	Certification of Tax Compliance
Form F	Terminations, Failure to Complete, and Liquidated Damages
Form G	Safety Experience Record
Form H	DBE Compliance Record
Form I-1	Firm's Employee Profile
Form I-2	Proposer's Management Diversity Profile
Form J	List of Key Personnel
Form K	Certification of Conflict of Interest
Form L	Title VI Program Development and Implementation and Summary of Achievements in a Design Build Context, including Community Participation



**FORM A**  
**TRANSMITTAL LETTER**

PROPOSER: \_\_\_\_\_

SOQ Date: [Insert Date]

Massachusetts Bay Transportation Authority  
Contract Administration  
100 Summer Street, Suite 1200  
Boston, MA 02110

Attn: Margaret Hinkle

The undersigned (“Proposer”) submits this Form A, Transmittal Letter, and proposal and qualification submittal (this “SOQ”) in response to that certain Request for Qualifications dated as of December 15, 2016, (as amended, the “RFQ”), issued by the Massachusetts Bay Transportation Authority (“MBTA”) to perform design and construction of the Green Line Extension Project (“Project”) in Cambridge, Medford, and Somerville, as described in the RFQ.

Enclosed, and by this reference incorporated herein and made a part of this SOQ, are Volumes 1, 2, and 3 containing the information required by Section 4.5.4 of the RFQ.

Proposer acknowledges receipt, understanding and in full consideration of all materials posted on the procurement FTP site as set forth in Section 2.2 of the RFQ and the following addenda and sets of questions and answers to the RFQ:

[Proposer to list any addenda to this RFQ and sets of questions and answers by dates and numbers prior to executing Form A.]

Proposer represents and warrants that it has read the RFQ and agrees to abide by the contents and terms of the RFQ and the SOQ.

Proposer understands that MBTA is not bound to select Proposers for issuance of an RFP and may reject each SOQ MBTA may receive.

Proposer further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process will be borne solely by the Proposer.

Proposer agrees that MBTA will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in this SOQ.

This SOQ shall be governed by and construed in all respects according to the laws of the Commonwealth of Massachusetts.

Proposer agrees that it has included all letters from Major Participants as required in accordance with Section 4.5.1 of the RFQ.

Proposer's business address:

\_\_\_\_\_  
(No.) (Street) (Floor or Suite)  
\_\_\_\_\_  
(City) (State or Province) (ZIP or Postal Code) (Country)

State or Country of Incorporation/Formation/Organization: \_\_\_\_\_

All communications and correspondence for our proposing team should be directed to *[insert name, E-mail address, and telephone number]* using the following contact information.

*[insert appropriate signature block]*

*[insert confidential contents index]*

## FORM B

### INFORMATION REGARDING PROPOSER AND TEAM MEMBERS

(for Public Release)

Submit this form for the Proposer, including information regarding each Major Participant, Key Subcontractor, and any other firm known at the time of submission of the Statement of Qualifications.

<b>PROPOSER:</b>		
Address:		
Contact Name:		Title:
Telephone Number:		E-mail:
<b>NAME(S) OF PROPOSER MEMBERS</b>		
<b>Company Name</b>	<b>Address, E-mail Address, and Telephone Number</b>	<b>State of Incorporation</b>
<b>Major Participant(s)</b>		
<b>Lead Designer</b>		
<b>Key Subcontractors</b>		

<b>Other Firms</b>		

For Informational Purposes Only

## FORM C

### CONVICTIONS AND FINES AND LITIGATION, ARBITRATION, AND DISPUTE RESOLUTION

Name of Proposer: \_\_\_\_\_

Name of Proposer, Major Participant, or Key Subcontractor, as relevant: \_\_\_\_\_

#### CONVICTIONS AND FINES

Submit this form for the Proposer and each Major Participant and Key Subcontractor. List all convictions and fines incurred by each firm for violation of any state or federal law within the past three (3) years. Failure to provide a complete and accurate list may result in the Proposer being deemed unqualified and further action may be taken against the Proposer. Attach additional sheets if necessary.

Matter Caption	List Enforcement Agency and All Parties	Location of Proceedings	Description of Action	Start/End Dates	Status and Outcome

#### LITIGATION, ARBITRATION, AND DISPUTE RESOLUTION

Submit this form for the Proposer and each Major Participant and Key Subcontractor. List all litigation, arbitration, dispute review board proceeding, and other dispute resolution involving a construction project or contract in which any firm was a named party, whether currently pending or concluded within the past three (3) years. Failure to provide a complete and accurate list may result in Proposer being deemed unqualified and further action may be taken against Proposer. Attach additional sheets if necessary.

Project Name and Location	Case Caption	List all Parties	Location of Proceedings	Description of Dispute	Start/End Dates	Status and Outcome

Project Name and Location	Case Caption	List all Parties	Location of Proceedings	Description of Dispute	Start/End Dates	Status and Outcome

I, \_\_\_\_\_, \_\_\_\_\_, of the  
Name Title

\_\_\_\_\_, with a principal office is located at \_\_\_\_\_

Proposer's/Company's Name

do hereby certify that the information included on this Form C is accurate and complete:

SIGNED UNDER THE PENALTIES OF PERJURY this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature of Duly Authorized Representative:

\_\_\_\_\_

**FORM D**  
**AFFIDAVIT OF COMPLIANCE**

Submit this form for the Proposer and each Major Participant and Key Subcontractor.

\_\_\_\_\_ Massachusetts Business Corp. \_\_\_\_\_ Foreign Corp. \_\_\_\_\_ Non-Profit Corp.

I, \_\_\_\_\_, President \_\_\_\_\_ Clerk \_\_\_\_\_

of \_\_\_\_\_, principal office is located at \_\_\_\_\_

do hereby certify that the above named corporation has filed with the State Secretary all certificates and annual reports required by Chapter 156B, Chapter 156D, or Chapter 180 of the Massachusetts General Laws.

SIGNED UNDER THE PENALTIES OF PERJURY this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Duly Authorized Corporate Officer

**FORM E**

**CERTIFICATION OF TAX COMPLIANCE**

Submit this form for the Proposer and each Major Participant.

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

Pursuant to M.G.L. Ch. 62c. sec. 49a.

I, \_\_\_\_\_,  
President, \_\_\_\_\_, Clerk, \_\_\_\_\_, Partner \_\_\_\_\_,  
of \_\_\_\_\_, hereby certify  
under the penalties of perjury that \_\_\_\_\_ has, to my best  
knowledge and belief, filed all state tax returns and paid all state taxes required under law.

\_\_\_\_\_  
Federal Identification Number  
or Social Security Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Duly Authorized (type/print)

\_\_\_\_\_  
Title/Company Position



## FORM F

### TERMINATIONS, FAILURE TO COMPLETE, AND LIQUIDATED DAMAGES

Name of Proposer: \_\_\_\_\_

Name of Proposer, Major Participant, or Key Subcontractor, as relevant: \_\_\_\_\_

Submit this Form F for the Proposer and each Major Participant and Key Subcontractor. List each and every project on which each firm **was terminated, failed to complete the work, or paid liquidated damages** within the past three (3) years. Failure to provide a complete and accurate list may result in the Proposer being deemed unqualified and further action may be taken against the Proposer. Attach additional sheets if necessary.

Project Name and Location	Owner	Scope of Work	Start/End Dates	Estimated Value	% Complete	Reason

I, \_\_\_\_\_, \_\_\_\_\_, of the

Name Title

\_\_\_\_\_, with a principal office is located at \_\_\_\_\_

Proposer's/Company's Name

do hereby certify that the information included on this Form F is accurate and complete:

SIGNED UNDER THE PENALTIES OF PERJURY this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature of Duly Authorized Representative:

\_\_\_\_\_

# FORM G

## SAFETY EXPERIENCE RECORD

Submit this form for Proposer and each Major Participant and Key Subcontractor.

**PROPOSER:** \_\_\_\_\_

**FIRM:** \_\_\_\_\_

**1. Provide the firm's Experience Modification Rate (EMR)**

YEAR	EMR
[ ]	
[ ]	
[ ]	

**2. Provide the firm's OSHA Recordable Incident Rate**

YEAR	OSHA Recordable Incident Rate
[ ]	
[ ]	
[ ]	

**3. Has the firm received any OSHA citations during the past three (3) years?  
If so, please explain.**



# FORM I-1

## FIRM'S EMPLOYEE PROFILE

**Proposer:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

Provide the employee profile, illustrating the ethnic and gender composition for the Proposer and each Major Participant and Key Subcontractor.

### Part A: Ethnicity Breakdown

<b>Ethnicity</b>	<b>FY [____]</b> <b>(by %/figure)</b>	<b>FY [____]</b> <b>(by %/figure)</b>	<b>FY [____]</b> <b>(by %/figure)</b>
Caucasian			
Black			
Hispanic			
Native American			
Subcont. Asian			
Asian Pacific			
Other			
Total			

### Part B: Gender Breakdown

<b>Gender</b>	<b>FY [____]</b> <b>(by %/figure)</b>	<b>FY [____]</b> <b>(by %/figure)</b>	<b>FY [____]</b> <b>(by %/figure)</b>
Male			
Female			

## FORM I-2

### PROPOSER'S MANAGEMENT DIVERSITY PROFILE

Proposer: \_\_\_\_\_

Provide the profile of the anticipated management team, illustrating the ethnic and gender composition for the Proposer's proposed organization.

#### Part A: Ethnicity Breakdown

Ethnicity	by %/figure
Caucasian	
Black	
Hispanic	
Native American	
Subcont. Asian	
Asian Pacific	
Other	
Total	

#### Part B: Gender Breakdown

Gender	by %/figure
Male	
Female	

# FORM J

## LIST OF KEY PERSONNEL

**Proposer:** \_\_\_\_\_

List the key personnel noted below to be assigned to the Project.

KEY PERSONNEL POSITION	NAME OF KEY PERSONNEL
Project Manager	
Project Safety and Security Manager	
Construction Manager	
Design Manager	
Project Controls Manager	
Systems Integration Manager	
Title VI Program Lead	
DBE Compliance Lead	

# FORM K

## CERTIFICATION OF CONFLICT OF INTEREST

Name of Entity: \_\_\_\_\_ (the "Entity")

This form is to be filled out by the Proposer, Major Participants, and Key Subcontractors.

**Check applicable statement:**

\_\_\_\_\_ The Entity has submitted an MBTA GLX Disclosure Form Organizational Conflicts of Interest dated \_\_\_\_\_ (Disclosure Form) and received a Determination from the MBTA. [**Attach Determination from MBTA.**]

\_\_\_\_\_ No changes have occurred since the date of the Disclosure Form and the information is still correct.

\_\_\_\_\_ Changes have occurred since the date of the Disclosure Form and **attached is an updated Disclosure Form** highlighting new information or changes.

\_\_\_\_\_ The Entity has submitted the MBTA GLX Disclosure Form Organizational Conflicts of Interest dated \_\_\_\_\_ (Disclosure Form) and has NOT received a Determination from the MBTA. [**Attach Determination from MBTA.**]

\_\_\_\_\_ No changes have occurred since the date of the Disclosure Form and the information is still correct.

\_\_\_\_\_ Changes have occurred since the date of the Disclosure Form and **attached is an updated Disclosure Form** highlighting new information or changes.

\_\_\_\_\_ The Entity is submitting the MBTA GLX Disclosure Form Organizational Conflicts of Interest dated \_\_\_\_\_ (Disclosure Form) with this SOQ. [**Attach Disclosure Form.**]

The undersigned certifies that the above information is correct and accurate and that except as set forth in its Disclosure Form, the Entity has no real or perceived conflict of interest in relation to services of the MBTA contract E22CN07 Green Line Extension Design Build Services and furthermore agrees to take any action or supply any information necessary should a conflict of interest arise consistent with the MBTA's Organizational Conflict of Interest Guidance Green Line Extension Project, policies and other applicable requirements.

SIGNED UNDER THE PENALTIES OF PERJURY this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Duly Authorized Representative

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title or Position

For Informational Purposes Only



**Form L**

**Title VI Program Development and Implementation and Summary of Achievements in a Design Build Context, including Community Participation**

<b>Projects (over \$50,000,000.00)</b>	<b>Demonstrated Capacity to Develop and Implement Title VI Program</b>	<b>Summary of Achievements</b>