



## PART H: FORMS

### Pre-SOQ Forms

Form 1: RFQ Comment Submission Template

### SOQ Forms

Form 2: Proposal Letter

Form 3: Information Regarding Operating System Provider

Form 4: Participant Disclosure Form

Form 5: Legal and Project Performance Certifications

Form 6: Key Personnel



## FORM 1: RFQ COMMENT SUBMISSION TEMPLATE

### Instructions

Please generally see Section 13 of the RFQ. In addition:

- (1) RFQ Comments are to be submitted in Microsoft Word format.
- (2) General comments should be provided first. Other, more specific, RFQ Comments should be ordered sequentially and organized by reference to the order in which they appear in the RFQ (or other document, if applicable).
- (3) Operating System Providers should delete this instructions box and additional instruction notes prior to submitting any RFQ Comments using this Form.



Operating System Provider Name: [ ]  
Date: [ ]

Tunnel to Ontario International Airport Project  
RFQ Comment Submission No. [ ]<sup>1</sup>

RFQ Comments [on RFQ [Addendum] dated [ ]]

<u>No.</u>	<u>RFQ Cross-Ref. (if any)</u>	<u>Category*</u>	<u>RFQ Comment</u>
1.			
2.			
3.			

**\* Categories:**

“Category A” – an issue that, if not resolved in an acceptable fashion, would likely preclude submission of a SOQ;  
“Category B” – a substantive issue that does not qualify as a Category A or C issue; or  
“Category C” – a drafting issue, a clarification or a comment concerning conflicts between or within documents, or the equivalent of one of these, in each case which a reasonable reader would not interpret as intentional.

<sup>1</sup> Please sequentially number each set of RFQ Comments submitted, continuing from any prior submissions.



**FORM 2: PROPOSAL LETTER**

**Instructions**

Please generally see Section ~~25.4~~ 23.1 of the RFQ. In addition:

- (1) The Official Representative shall sign the Proposal Letter on behalf of the Operating System Provider.
- (2) An authorized representative of any Financially Responsible Party shall sign the certification set out at the end of the form of Proposal Letter. Delete signature block for the Financially Responsible Party if not applicable.
- (3) The signature block on this Form may be modified to properly reflect the authority of the person signing.
- (4) Operating System Providers should delete this instructions box and additional instruction notes prior to submitting this Form.

**Operating System Provider:**   
**Operating System Provider Address:**

**Date:**

San Bernardino County Transportation Authority  
1170 W. 3rd St., Second Floor  
San Bernardino, CA 92410-1715  
Attention: Shaneka Morris, Procurement Manager

**Re: Submission of SOQ in connection with the Tunnel to Ontario International Airport Project**

**1. Introduction.**

- (a) The undersigned (the “Operating System Provider”) submits this Statement of Qualifications (this “SOQ”) in response to the Request for Qualifications (RFQ 23-1002878) dated November 10, 2022 (as amended by *[list all Addenda numbers and dates]*, the “RFQ”), issued by the San Bernardino County Transportation Authority (“SBCTA”).
- (b) Capitalized terms not otherwise defined in this letter have the meanings given to them in the RFQ.
- (c) References to Sections and Parts herein are references to Sections and Parts of the RFQ.

**2. Enclosures.**

- (a) Enclosed, and by this reference incorporated herein and made a part of this SOQ, are Volume 1, Volume 2, Volume 3, and Volume 4 of the SOQ as required to be submitted in accordance with the RFQ. This letter itself constitutes the Proposal Letter.
- (b) For SBCTA’s ease of reference (and acknowledging that SBCTA is not bound by such materials):



- i. attached as Annex A to this letter is a reference chart indicating the conclusions of the Operating System Provider's evaluation of each element of the SOQ for compliance with the Proposal submission requirements; and
3. Representations and Warranties: Acknowledgments and Agreements.
- (a) The Operating System Provider represents and warrants to SBCTA that it has read the RFQ and agrees to abide by the contents and terms of the RFQ and the statements and commitments in the Operating System Provider's SOQ. Furthermore, the Operating System Provider agrees that SBCTA will not be responsible for any errors, omissions, inaccuracies, or incomplete statements in the RFQ.
  - (b) The Operating System Provider acknowledges access to all materials posted on the Project Website and otherwise provided to it by SBCTA with respect to the Tunnel to Ontario International Airport Project and the contemplated Operating Systems associated therewith.
  - (c) The Operating System Provider acknowledges that it received all addenda specifically listed above, together with those sets of RFQ Comments and published responses published, if any, through the SOQ Submission Deadline.
  - (d) The Operating System Provider understands and agrees that all costs and expenses incurred by it in preparing this SOQ and participating in the procurement process for the Work will be borne solely by the Operating System Provider.
  - (e) The Operating System Provider understands that SBCTA is not bound to pre-qualify any Operating System Provider and may reject each SOQ that SBCTA may receive.
  - (f) The Operating System Provider understands that even if pre-qualified by SBCTA, it is not guaranteed to be invited to join any Shortlisted Design-Build Team in subsequent phases of the procurement, and acknowledges that SBCTA will play no role in determining which Prequalified Operating System Provider will be selected to team with each Shortlisted Shortlisted Design-Build Team, which determination will be solely in the discretion of the Shortlisted Shortlisted Design-Build Teams (subject to any approval rights reserved by SBCTA with respect to such determination).
  - (g) The Operating System Provider agrees and acknowledges that, under the terms of the RFQ, SBCTA has reserved a number of rights related to the selection process for the Project, including the Reserved Rights in ~~Section 37~~ Section 33 of the RFQ.
  - (h) The Operating System Provider acknowledges and agrees to the protest provisions and understands that it limits the Operating System Provider's rights and remedies to protest or challenge the RFQ or any prequalification determination thereunder.

4. Address and Contact.

For purposes of any future communications, the Operating System Provider's address and Official Representative (who, under the terms of the RFP, will be the single point of contact for the Operating System Provider unless the communication is a notice) is:

Name: *[Operating System Provider to provide]*



Title:<sup>2</sup> [Operating System Provider to provide]  
 Employer: [Operating System Provider to provide]  
 Address: [Operating System Provider to provide]  
 Phone (office): [Operating System Provider to provide]  
 Phone (mobile): [Operating System Provider to provide]  
 Email: [Operating System Provider to provide]  
 Fax (if any): [Operating System Provider to provide]

5. Indemnity. The Operating System Provider agrees that if it is identified by SBCTA as a Prequalified Operating System Provider and subsequently becomes a Major Participant of a Shortlisted Design-Build Team, the Operating System Provider will indemnify, defend and hold Omnitrans, OIAA, the City of Rancho Cucamonga, the City of Ontario, and SBCTA and ~~its~~ their directors, officers, employees, agents, and consultants harmless from and against all liabilities, fees and costs, including legal and consultant fees and costs, and damages incurred or suffered as a result of the statements and commitments made in this letter and the Operating System Provider’s SOQ, including, but not limited to, any statements of commitments made to the Shortlisted Design-Build Team or any Major Participant thereof in making its determination to team in pursuit of the Project.
6. Governing Law. This letter and the SOQ all be governed by and construed in all respects according to the laws of the State of California.

Under penalty of perjury, I hereby:

- (a) certify on behalf of the Operating System Provider that the representations, certifications, statements, disclosures, authorizations—and commitments made, and information contained, in the SOQ in respect of the Operating System Provider have been authorized by such entity, and is or are correct, complete and not materially misleading; and
- (b) swear and affirm that I am authorized to act on behalf of the Operating System Provider in signing and delivering this letter, ~~and~~ and acknowledge that SBCTA is relying on my representation to this effect.

**Operating System Provider:** [insert name]

**By:** \_\_\_\_\_

**Title:** [insert title]

**Date:** [insert date]

<sup>2</sup> List individual’s current job title, other than “Official Representative”~~.”~~ .”



Under penalty of perjury, each of the undersigned:

- (a) certifies on behalf of the entity for which he or she signs that:
  - (i) the person named above is authorized by the relevant entity to sign this Proposal Letter on behalf of the Operating System Provider; and
  - (ii) the representations, certifications, statements, disclosures, authorizations and commitments made, and information contained, in the SOQ in respect of such entity for which he or she signs have been authorized by such entity, is or are correct, complete and not materially misleading, and
- (b) swears and affirms that he or she is authorized to act on behalf of the entity for which he or she signs and acknowledges that SBCTA is relying on his or her representation to this effect.

**On behalf of:** *[insert name of Financially Responsible Party]*  
**As a Financially Responsible Party for:** *[insert name of Operating System Provider]*

**By:** \_\_\_\_\_  
**Title:** *[insert title]*  
**Date:** *[insert date]*

**NOTICE TO SIGNATORIES**

A material false statement, omission or fraudulent inducement made in connection with this letter is sufficient cause for disapproval of the firm's participation in the procurement. In addition, such false submission may subject the person or entity making the false statement to criminal charges. (Title 18 USC 1001, false statements; California Penal Code ~~Section~~ Sections 132, offering altered or antedated or forged documents or records; ~~—~~ and ~~Section~~ 134, preparing false documentary evidence).



Release of ~~November 15~~ March 5, 2022 2023

**Annex A to the Proposal Letter<sup>3</sup>**

**Pass/Fail Criteria Verification<sup>4</sup>**

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<sup>3</sup> ~~Note to Draft:~~ To be updated with the pass/fail checklist ~~prior to release~~ in a subsequent Addendum.

<sup>4</sup> The Operating System Provider should check each box to confirm that it believes the relevant responsiveness criterion has been satisfied.

[Annex A – 1](#)





**Annex B to the Proposal Letter**

**Confidential Contents Index**

<b><u>Instructions</u></b>	
(1)	Include a brief explanation of the relevant Public Records Law exemption
(2)	Note that SBCTA will not accept blanket designations that do not clearly identify Public Records Exempt Materials with specificity.
(3)	SOQ references are to the unredacted volumes of the SOQ. Include SOQ page references only if the relevant materials are paginated. Otherwise, indicate "n/a" in the SOQ Page(s) column.
(4)	If a SOQ volume does not contain any Public Records Exempt Materials it is not necessary to include such volume in the redacted SOQ. Operating System Providers should include a note below indicating that such volume does not include any Public Records Exempt Materials.
(5)	Include as "Other Identifying Information" other indications, if any, necessary to determine which information or materials constitute potentially Public Records Exempt Materials (e.g. information in a graphic or chart that cannot be referenced alone by a combination of Volume, heading, Section and page references). If not applicable, indicate "n/a" in the Other Identifying Information column.
(6)	For the "Duration of Exemption", indicate either "Permanent" or "Until [date/event]" and include a brief explanation of the basis for such belief.

**Operating System Provider Name:** *[Operating System Provider to provide]*

**Volume 1[, Sub-Volume [ ]]:**

No	SOQ Heading(s)	SOQ Section(s)	SOQ Page(s)	Other Identifying Information (if any)	Applicable Public Records Law Exemption	Duration of Exemption
(1)						
(2)						
(3)						

**Volume 2[, Sub-Volume [ ]]:**



No.	SOQ Heading(s)	SOQ Section(s)	SOQ Page(s)	Other Identifying Information (if any)	Applicable Public Records Law Exemption	Duration of Exemption
(1)						
(2)						
(3)						

Volume 3[, Sub-Volume [ ]]:

No.	SOQ Heading(s)	SOQ Section(s)	SOQ Page(s)	Other Identifying Information (if any)	Applicable Public Records Law Exemption	Duration of Exemption
(1)						
(2)						
(3)						



**FORM 3: INFORMATION REGARDING OPERATING SYSTEM PROVIDER**

**A. TEAM MEMBER AND ROLE**

- 1. Name of firm: []
- 2. Role of firm:
  - Operating System Provider
  - Financially Responsible Party

**B. LEGAL INFORMATION**

- 1. Year established: []
- 2. Successor in Interest to Entity/Entities (if any, past five years):
- 3. State/county of organization: []
- 4. Type of Legal Entity (check one):
  - Corporation
  - Limited Liability Company
  - Joint Venture
  - Partnership
  - Other: [to provide]
- 5. If Joint Venture, is J.V. "joint and several":
  - Yes
  - No: [explain pursuant to Section ~~21.1.d~~ 20.1.d]
  - Not Applicable
- 6. Firm's relevant licenses, registrations and credentials: []
- 7. Business address: []
- 8. Headquarters address: []
- 9. Location of office performing work: []
- 10. Federal Tax ID No.: []
- 11. North American Industry Classification Code: [to provide]

Provide attached complete copies of the Operating System Provider's (or Financially Responsible Party's) organizational documents and, if available, evidence of the right to conduct business in the State. If the Operating System Provider is a partnership, joint venture, limited liability company or other privately held company, include a statement that the Financially Responsible Party will be fully liable for Operating System Provider's performance



Release of ~~November 15~~ March 5, 2022 2023

of all of the Operating System Provider's obligations under the ultimate Contract if part of a selected Shortlisted Design-Build Team.

**Attachment provided:**

- Yes
- No: [*explain why*]

[Form 3 – 2](#)



**FORM 4: PARTICIPANT DISCLOSURE FORM**

**Instructions**

- (1) The Operating System Provider should make copies of this form and submit for itself and any Financially Responsible Party.
- (2) Operating System Providers should delete this instructions box and additional instruction notes prior to submitting this Form.
- (3) References to “Bidder” in this form shall be deemed to refer to the Operating System Provider or Financially Responsible Party.
- (4) Operating System Providers should delete this instructions box and additional instruction notes prior to submitting this Form.

**Disclosure Form**

**Operating System  
Provider Name:**      [ ]

**Role on Team:**

- Operating System Provider
- Financially Responsible Party for Operating System Provider



**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY  
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS TO BOARD OF DIRECTORS**

Government Code Section 84308, 2 California Code of Regulations 18438.1, et seq.

No Member of the Board of Directors or alternates of the San Bernardino County Transportation Authority shall receive or solicit a campaign contribution of more than \$250 from Bidder or Bidder’s agent during the time of: 1) Bid solicitation; 2) Consideration of Bids received; and 3) Awarding of a contract or execution of a purchase and sale agreement based on a Bid (collectively referred to as the “Proceeding”), and for ~~3~~ 12 months following the conclusion of the Proceeding. This prohibition does not apply to the awarding of contracts that are competitively bid. In addition, Directors and alternates cannot participate in any such matters if they have received more than \$250 in campaign contributions within the last year from anyone financially interested in the Proceeding, such as Bidder and/or Bidder’s agent.

Pursuant to these requirements, Bidder shall disclose any campaign contribution in an amount of more than \$250 made by Bidder, and/or Bidder’s agent, to any Director within 12 months from the date of these Bid Documents/Request for Proposals (as applicable). For the purpose of this disclosure obligation, contributions made by Bidder within the preceding 12 months shall be aggregated with those made by Bidder’s agent within the preceding 12 months or the period of the agency relationship between the Bidder and Bidder’s agent, whichever is shorter. In addition, Bidder and/or Bidder’s agent shall not make a contribution of more than \$250 to a Director or alternate during the Proceeding and for ~~3~~ 12 months following the conclusion of the Proceeding.

The disclosure by Bidder, as set forth, herein, shall be incorporated into the written record of the Proceeding and shall be made available to the public for inspection and copying.

A current list of the Board of Directors and alternates of the San Bernardino County Transportation Authority is attached as Attachment A.

For purposes of the below, “company” means the entity named above.

- | <u>No.</u> | <u>Question</u>   | <u>Yes</u>               | <u>No</u>                |
|------------|---|--------------------------|--------------------------|
| (1)        | Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any SBCTA Director or alternate in the 12 months preceding the date of issuance of this Request for Bids/Requests for Proposals?<br><br><i>If yes, please identify the Board member or alternate and date of contribution</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2)        | Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contributions of more than \$250 to any Board member or alternate?   | <input type="checkbox"/> | <input type="checkbox"/> |



<u>No.</u>	<u>Question</u>	<u>Yes</u>	<u>No</u>
	<i>If yes, please identify the Board member or alternate and date of contribution</i>		



**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) BOARD OF DIRECTORS AND ALTERNATES**

**Board of Directors**

<b>Agency</b>	<b>Board Representative</b>	<b>Alternate</b>
City of Adelanto	Daniel Ramos	Gabriel Reyes
<u>Town of Apple Valley</u>	<u>Art Bishop</u>	<u>Larry Cusack</u>
City of Barstow	Paul <del>Anthony</del> Courtney	<del>Barbara Rose</del> <u>Carmen Hernandez</u>
City of Big Bear Lake	Rick Herrick	Randall Putz
City of Chino	Eunice Ulloa	<del>Karen Comstock</del> <u>Marc Lucio</u>
City of Chino Hills	Ray Marquez	Cynthia Moran
City of Colton	Frank Navarro	<del>Isaac Suchil</del> <u>David Toro</u>
City of Fontana	Acquanetta Warren	<del>Phillip Cothran</del> <u>Peter Garcia</u>
City of Grand Terrace	<del>Darcy McNabee</del> <u>Sylvia Robles</u>	<del>Sylvia Robles</del> <u>Bill Hussey</u>
City of Hesperia	Rebekah Swanson	Larry Bird
City of Highland	Larry McCallon	Penny Lilburn
City of Loma Linda	Rhodes "Dusty" Rigsby	Bhavin Jindal
City of Montclair	John Dutrey	Tenice Johnson
City of Needles	<del>Edward Paget</del> <u>Janet Jernigan</u>	<del>Jeff Williams</del> <u>Kirsten Merritt</u>
City of Ontario	Alan Wapner	Paul Leon
City of Rancho Cucamonga	L. Dennis Michael	Lynne Kennedy
City of Redlands	Paul Barich	Denise Davis
City of Rialto	Deborah Robertson	Andy Carrizales
City of San Bernardino	<del>John Valdivia</del> <u>Helen Tran</u>	Damon Alexander
City of Twentynine Palms	Joel Klink	Dan Mintz, Sr.
City of Upland	<del>Carlos A. Garcia</del> <u>Rudy Zuniga</u>	<del>Janice Elliott</del> <u>James Breitling</u>
City of Victorville	Debra Jones	<del>Leslie Irving</del> <u>Bob Harriman</u>
City of Yucaipa	<del>David Avila</del> <u>Bobby Duncan</u>	<del>Bobby Duncan</del> <u>Matt Garner</u>
Town of Yucca Valley	Rick Denison	Robert Lombardo
County of San Bernardino 1st District	Paul Cook	N/A
County of San Bernardino 2nd District	<del>Janice Rutherford</del> <u>Jesse Armendarez</u>	N/A
County of San Bernardino	Dawn Rowe	N/A





3rd District		
County of San Bernardino 4th District	Curt Hagman	N/A
County of San Bernardino 5th District	Joe Baca, Jr.	N/A

Town of Apple Valley  
Art Bishop  
Larry Cusack



**FORM 5: LEGAL AND PROJECT PERFORMANCE CERTIFICATIONS**

**Instructions**

Please see generally Section ~~[29.4]~~ 23.5 of the RFQ. In addition:

- (1) References to an entity include the relevant experience of the Operating System Provider, any Affiliate, including any Financially Responsible Party, and any entity to which it is a successor or assign (but only to the extent the experience is legally deemed to be that of the firm as a result of the relevant succession or assignment).
- (2) Operating System Providers are not required to include responses that are restricted from disclosure under any ~~applicable~~ Applicable Law.
- (3) Operating System Providers should delete this instructions box and additional instruction notes prior to submitting this Form.

**Operating System Provider Name:** [ ]

**No. Certification Questions**

**Yes      No**

(1) Has the entity or any Affiliate or any current officer, director or employee of either the firm or any Affiliate, been indicted or convicted of bid (e.g., fraud, bribery, collusion, conspiracy, antitrust, etc.) or other contract-related crimes or violations within the past ten (10) years (measured from the date of issuance of this RFQ)?

    

*If yes, please explain:*

(2) Has the entity or any Affiliate or any current officer or director of either the firm or any Affiliate, been indicted or convicted of any other felony or serious misdemeanor within the past ten (10) years (measured from the date of issuance of this RFQ)?

    

*If yes, please explain:*

(3) Has the entity or any Affiliate ever sought protection through receivership or under any provision of any bankruptcy act within the past ten (10) years (measured from the date of issuance of this RFQ)?

    

*If yes, please explain:*

(4) Has the entity or any Affiliate ever been disqualified, removed, debarred or suspended from performing work for the federal government, any state or local government, or any foreign governmental entity within the past ten (10) years (measured from the date of issuance of this RFQ)?

    

*If yes, please explain:*



**No. Certification Questions**

**Yes No**

(5) Has the entity or any Affiliate ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or other material misrepresentation within the past ten (10) years (measured from the date of issuance of this RFQ)?

*If yes, please explain, including the result of the inquiry:*

(6) Has any project performed or managed by the entity or, to the knowledge of the undersigned, any Affiliate, involved repeated or multiple failures to comply with safety rules, regulations, or requirements within the past ten (10) years (measured from the date of issuance of this RFQ)?

*If yes, please identify the projects, provide an explanation of the circumstances, and provide owner contact information including telephone numbers:*

(7) Has the entity or any Affiliate been found, adjudicated or determined by any federal or state court or agency (including, but not limited to, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs and any applicable California governmental agency) to have violated any laws or Executive Orders relating to employment discrimination or affirmative action within the past ten (10) years (measured from the date of issuance of this RFQ), including but not limited to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sections 2000 et. seq.); the Equal Pay Act (29 U.S.C. Section 206(d)); and any applicable or similar California law?

*If yes, please explain:*

(8) Has the entity or any Affiliate been found, adjudicated, or determined by any state court, state administrative agency, including, but not limited to, the California Office of Labor Commissioner, federal court or federal agency, to have violated or failed to comply with any law or regulation of the United States or any state within the past ten (10) years (measured from the date of issuance of this RFQ) governing prevailing wages (including but not limited to payment for health and welfare, pension, vacation, travel time, subsistence, apprenticeship or other training, or other fringe benefits) or overtime compensation?

*If yes, please explain:*

(9) With respect to each of Questions 1-8 above, if not previously answered or included in a prior response on this form, is any proceeding, claim, matter, suit, indictment, etc. currently pending against the entity or any Affiliate that could result in the firm being found liable, guilty or in violation



**No. Certification Questions**

**Yes   No**

of the matters referenced in Questions 1-8 above and/or subject to debarment, suspension, removal or disqualification by the federal government, any state or local government, or any foreign governmental entity?

*If yes, please explain and submit the information requested as to such similar items set out in Questions 1-8 above.*

- (10) In the past five (5) years (measured from the date of issuance of this RFQ), has there been any violation by the entity or any Affiliate of the Contractors' State License Law, as described in Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, including alleged violations of federal or state law regarding the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or Federal Insurance Contribution Act (FICA) withholding requirements settled against the entity or any Affiliate?

*If yes, please explain:*

- (11) In the past five (5) years (measured from the date of issuance of this RFQ), have there been any citations, assessed penalties or settlements against the entity or any Affiliate for any serious, willful or repeat violations of Part 1 (commencing with Section 6300) of Division 5 of the Labor Code or the federal Occupational Safety and Health Act of 1970 (Public Law 91-596)?

*If yes, please explain:*

- (12) In the past five (5) years (measured from the date of issuance of this RFQ), has there been any instance where the entity or any Affiliate, or its owners, officers, or managing employees submitted a bid on a public works project, and were found to be nonresponsive or were found by an awarding body not to be a responsible bidder/proposer?

*If yes, please provide details identifying the owner and an explanation of the basis for the owner's determination:*

- (13) In the past five (5) years (measured from the date of issuance of this RFQ), has there been any adverse claim, dispute, or lawsuit between the owner of a public works project (or any higher-tier contractor, project company, concessionaire, developer or the equivalent) and the entity or any Affiliate (including to the extent settled prior to completion of the proceeding) in which the claim, settlement, or judgment exceeded fifty



**No. Certification Questions**

**Yes**    **No**

thousand dollars (\$50,000) (excluding matters that were processed under a customary change order process under the terms of a contract)?

*If yes, please provide details identifying all such projects by owner and include owner’s contact details, and all other information necessary to fully explain the circumstances surrounding the claim, dispute, lawsuit, or settlement, and the outcome:*

- (14) In the past ten (10) years (measured from the date of issuance of this RFQ), have there been change orders in excess of 10% of the contract value (at project award) on any contract between the owner and the entity or any Affiliate that were initiated by the entity or Affiliate (whether or not such change orders were processed under a customary process under the terms of a contract) for contracts in excess of one million dollars (\$1,000,000) in value?

*If yes, please provide details identifying all such projects by owner and include owner’s contact details, the date of completion of the project, dollar amount of contractor-initiated changes and all other information necessary to fully explain these change orders:*

- (15) In the past five (5) years (measured from the date of issuance of this RFQ), has the entity or any Affiliate had liquidated damages assessed against it during or after completion of a contract in an amount in excess of twenty-five thousand dollars (\$25,000)?

*If yes, please provide details identifying all such projects by owner and include owner’s contact details, the date of completion of the project, dollar amount of liquidated damages assessed, and all other information necessary to fully explain the rationale for project delays or others grounds for liquidated damages assessment:*

- (16) In the past ten (10) years (measured from the date of issuance of this RFQ), has a surety or any parent company completed a contract on the entity’s or an Affiliate of entity’s behalf, or paid for completion under any performance bond or guaranty, either because the entity or any Affiliate determined to terminate its involvement in a project for any reason, or was terminated by the project owner?

*If yes, please provide details identifying all such projects by owner and include owner’s contact details, and all other information necessary to fully explain the relevant occurrences:*



- | <b><u>No.</u></b> | <b><u>Certification Questions</u></b>  | <b><u>Yes</u></b>        | <b><u>No</u></b>         |
|-------------------|--|--------------------------|--------------------------|
| (17)              | <p>In the past ten (10) years (measured from the date of issuance of this RFQ), has a surety made payments on behalf of the entity of any Affiliate under any payment bond?</p> <p><i>If yes, please provide details identifying all such projects by owner and include owner’s contact details, and all other information necessary to fully explain the relevant occurrences:</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> |
| (18)              | <p>In the past ten (10) years (measured from the date of issuance of this RFQ), has the entity or any Affiliate had a contract terminated for cause or convenience, or received a written waiver of another party’s right to terminate a contract for cause?</p> <p><i>If yes, please provide details identifying all such projects by owner and include owner’s contact details, the date of termination or waiver, and all other information necessary to fully explain the relevant occurrences:</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> |
| (19)              | <p>In the past ten (10) years (measured from the date of issuance of this RFQ), has there been any instance involving any projects or contracts with a value in excess of one million dollars (\$1,000,000) in relation to which the entity or any Affiliate was determined by a court of law or in an arbitration proceeding, a dispute review board proceeding, or any other dispute resolution proceeding, or otherwise acknowledged in writing to be liable for a material breach of contract?</p> <p><i>If yes, please provide details identifying all such projects by owner and include owner’s contact details, and all other information necessary to fully explain the relevant occurrences:</i></p> | <input type="checkbox"/> | <input type="checkbox"/> |
| (20)              | <p>In the past five (5) years (measured from the date of issuance of this RFQ), has a surety or any Affiliate terminated a major subcontractor or dissolved a joint venture following award of a project but prior to its completion?</p> <p><i>If yes, please provide details indicating the project(s), the major subcontractor or joint venture that was terminated and describe the basis for this action:</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> |
| (21)              | <p>In the past five (5) years (measured from the date of issuance of this RFQ), has the entity or any Affiliate been issued any notice of default or notice to cure under by the owner of a public works project?</p> <p><i>If yes, please provide details identifying all such projects by owner and include owner’s contact details, the date of completion of the project, and</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> |



**No. Certification Questions**

**Yes**   **No**

*all other information necessary to fully explain circumstances surrounding the default, any cure, and the outcome:*

- (22) In the past five (5) years (measured from the date of issuance of this RFQ), has the entity, any of its Key Personnel, subsidiaries or Affiliates ever been an “expatriate corporation” as that term is defined in California Public Contract Code (PCC) §10286.1(b)?

*If yes, please provide the date such expatriate corporation” was established:*

*If yes, does the entity meet the requirements of PCC §10286.1(b)(2)(A) or (B)?*

- No; OR
- Yes, the entity ~~meet~~ meets the requirements of PCC §10286.1(b)(2)(A); OR
- Yes, the entity ~~meet~~ meets the requirements of PCC §10286.1(b)(2)(B).

- (23) In the past five (5) years (measured from the date of issuance of this RFQ), has the entity or any Affiliate removed a key personnel from a project, or had a key personnel removed by the owner of a public works project, for performance issues?

*If yes, please explain:*

- (24) In the past five (5) years (measured from the date of issuance of this RFQ), has the entity been convicted of violating a state or federal law respecting the employment of undocumented aliens?

*If yes, please explain:*

- (25) In the past five (5) years (measured from the date of issuance of this RFQ), has the entity had any license, credential, or registration revoked or suspended?

*If yes, please provide specific details including date(s), reason(s), for revocation or suspension, whether same was reinstated, and any conditions thereto:*

**FORM 6: KEY PERSONNEL****Instructions**

- (1) Excluding the page required under instruction (2) below, each resume must not exceed two pages in length and must include (in the following order):
  - (a) state the specific role that the person is fulfilling for the Project;
  - (b) describe how the person(s) prior experience relates to their potential role in the Project;
  - (c) length of employment with current employer and all prior employers (the names of each of which must be specified) for at least the past ten (10) years;
  - (d) title, employer, roles, and responsibilities on any operational projects listed in the Operating System Provider's SOQ and (ii) any other potentially relevant reference projects;
  - (e) identification of any relevant (i) licenses and/or registrations, (ii) community or professional organization service activities or recognitions and/or (iii) professional disciplinary actions; and
  - (f) an express, written statement from each entity employing such individuals committing that the individuals designated for the Key Personnel position shall be available to serve the role so identified in connection with the Work.
- (2) Each resume shall include details of three references on a third page in the format provided in Annex A to this Form. References shall be previous owners or clients on projects on which the individual has worked within the past ten years which appear on the identified personnel's resume. If the individual has worked on less than four projects that meet these criteria, then other references may be included but shall clearly be marked as such.
- (3) Operating System Providers should delete this instructions box and additional instruction notes prior to submitting this Form.





Operating System Provider Name: [ ]  
 Date: [ ]

**Form 6: List of Key Personnel**

By submitting this completed form (with corresponding attached resumes), the Operating System Provider is deemed to confirm that each of the below named individuals is, and is reasonably expected to remain, available to serve in the position indicated by their name in connection with the Project for the period for which such position will be required to be filled as specified below.

Key Personnel Position	Description
Operating System Manager  Name: <i>[Operating System Provider to provide.]</i>	<p><b>Position Description:</b></p> <ul style="list-style-type: none"> <li>• Leader of the overall team responsible for developing an innovative and implementable design and delivering a safety-certified operational transportation system in accordance with current SBCTA, federal and state standards and requirements, applicable law and good industry practice.</li> <li>• Required to work closely with SBCTA, PCM, Omnitrans and other key Stakeholders.</li> <li>• Ensure Major Participants, other subcontractors and suppliers, Key Personnel and other personnel are responsive, detailed and timely and where not, take necessary action to remedy.</li> <li>• Has authority to bind the Operating System Provider on key matters relating to the Project.</li> <li>• Has authority to stop work.</li> <li>• Responsible for continued adherence to the Project schedule and budget.</li> </ul> <p><b>Preferred Qualifications:</b></p> <ul style="list-style-type: none"> <li>• 15 years of major projects experience. While prior major transit project experience is not required, it is preferred.</li> <li>• Further desired qualifications for this position include experience with alternative project delivery scope and size similar to this Project.</li> </ul>



Key Personnel Position	Description
<p>Operating System Design Manager</p> <p>Name: [<i>Operating System Provider to provide.</i>]</p>	<p><b>Position Description:</b></p> <ul style="list-style-type: none"> <li>• Responsible for ensuring that the overall Operating System design is completed and design criteria requirements are met in accordance with Project standards and contract requirements, current SBCTA, City, federal and California standards and requirements, Applicable Law and good industry practice.</li> <li>• Manage and coordinate the engineering expertise, including automated vehicle experience, needed for the design of the Operating System efficiently and in accordance with the approved Project schedule, budget and requirements.</li> <li>• Work closely with various governmental entities to efficiently obtain approvals.</li> </ul> <p><b>Preferred Qualifications:</b></p> <ul style="list-style-type: none"> <li>• <del>California registered Professional Engineer. (Required)</del></li> <li>• 15 years of experience managing the design of complex transportation projects.</li> <li>• Prior experience acting as a design manager on other transportation facilities.</li> </ul>
<p>Operating System Integration &amp; Testing Manager</p> <p>Name: [<i>Operating System Provider to provide.</i>]</p>	<p><b>Position Description:</b></p> <ul style="list-style-type: none"> <li>• Manage and coordinate operations and activities regarding the integration of subsystems into a cohesive operating system</li> <li>• Manage and coordinate operations and activities regarding the integration of the system and subsystems with fixed facilities and systems by others</li> <li>• Responsible for all aspects of Operating System verification testing and acceptance efforts for factory, local, field acceptance, and integration testing.</li> <li>• Coordinate access to test locations and arranging for personnel and equipment support from other contractor functional areas and subcontractors.</li> <li>• Compile and organize Operating System testing and test backup documentation for the safety certification process.</li> <li>• Coordinate testing activities with SBCTA and other Entities with Jurisdiction.</li> </ul>



Key Personnel Position	Description
	<p><b>Preferred Qualifications:</b></p> <ul style="list-style-type: none"> <li>• Ten (10) years of experience in testing and systems integrations on major underground transportation projects.</li> </ul>
<p>Operating System Safety / Security Manager</p> <p>Name: [<i>Operating System Provider to provide.</i>]</p>	<p><b>Position Description:</b></p> <ul style="list-style-type: none"> <li>• Coordinate Operating System safety and security certifications prior to the start of revenue operations.</li> <li>• Primarily and directly responsible for compliance with all Operating System safety and security requirements.</li> <li>• Responsible for coordinating with SBCTA, the City of Rancho Cucamonga, OIAA, Omnitrans, and all other applicable authorities regarding safety and security issues in the tunnel and surrounding areas.</li> </ul> <p><b>Preferred Qualifications:</b></p> <ul style="list-style-type: none"> <li>• Desired/targeted experience includes ten (10) years of experience managing public transportation system safety and security certification and/or the safety and security of public transportation system operations.</li> </ul>



Key Personnel Position	Description

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Annex A to Form 6
Form for Key Personnel References

Operating System Provider Name: [ ]
Position: [relevant Key Personnel position]
Individual: [name]

References

Table with 4 columns: Required Information, Reference No. 1, Reference No. 2, Reference No. 3. Rows include Project(s)/Transaction(s), Reference's Name, Reference's Title (current), Reference's Employer (current), Reference's Title (at time of project/transaction), Reference's Employer (at time of project/transaction), Reference's Phone and Email, Reference's Location and Time Zone, and Other:5.

5 Include any other notes that may be useful when speaking to this individual, e.g., that they are a non-English speaker, etc.