



METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TX (METRO)

REQUEST FOR QUALIFICATIONS (RFQ) NO. 4023000080

FOR

CONSTRUCTION MANAGEMENT (CM) SERVICES – METRO PROJECTS

On An ‘As Needed’ Basis

METRO requests Statements of Qualifications (SOQs) from qualified consultant teams to perform the services described in this RFQ. Advanced experience in this area is mandatory.

Please contact the following Contract Administrator with any questions about this RFQ:

Dean Ainuddin
Contract Administrator
Email: dean.ainuddin@ridemetro.org
Office: (713) 652-8667

IMPORTANT – Notice to Proposer

Submit all responses to and questions regarding this solicitation electronically through METRO’s Bonfire hub at <https://ridemetro.bonfirehub.com> AND one (1) hardcopy of the proposal to the address below.

There is no cost to Contractors to register to submit bids on METRO’s Bonfire hub.

Metropolitan Transit Authority
Procurement Division
Plan Room, 2nd Floor
1900 Main Street
Houston, Texas 77002

Upper Left Corner of Envelope Must Indicate:
Proposer/Contractor Name and Address

Lower Left Corner of Envelope Must Indicate:
Solicitation Number
Due Date
Due Time
Solicitation Title

The Bonfire submission shall take precedence over any discrepancies between the hard copy and the Bonfire submission. Both the electronic (via Bonfire) and hardcopy submittal MUST be received by the deadline specified in the solicitation. A submittal MAY be deemed non-responsive if both the electronic and hardcopy are not received by the deadline specified in this solicitation.

TABLE OF CONTENTS

SECTION I – STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS AND INSTRUCTIONS 3

1 REQUEST FOR QUALIFICATIONS SUMMARY 3

2 STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS 4

3 EVALUATION CRITERIA 5

4 EVALUATION / SOURCE SELECTION..... 7

5 INSTRUCTIONS TO SOQ RESPONDERS 8

6 SMALL BUSINESS AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS 11

7 STATEMENT OF QUALIFICATIONS (SOQ) FORMS SUBMISSION CHECKLIST..... 155

8 INSURANCE ARTICLES 17

 1 CONTRACTOR’S INSURANCE 17

 2 INDEMNIFICATION AGREEMENT 19

SECTION II – EXHIBITS..... 20

1 EXHIBIT A: SCOPE OF SERVICES 20

2 EXHIBIT B: CERTIFICATION OF RESTRICTIONS ON LOBBYING 26

3 EXHIBIT C: DEBARMENT AND SUSPENSION FORM 27

4 EXHIBIT D: SMALL BUSINESS FORMS..... 28

 Form 1: CONTRACTOR UTILIZATION PLAN FORM 28

 Form 2: BUSINESS ASSURANCE STATEMENT 33

 Form 3: SUBCONTRACTOR/SUPPLIER LETTER OF INTENT 34

 Form 4: CONTRACTOR UTILIZATION PLAN PLEDGE 35

5 EXHIBIT E: CODE OF ETHICS OF THE METROPOLITAN TRANSIT AUTHORITY 36

6 EXHIBIT F: METRO’S ETHICS AND SAFETY HOTLINE..... 37

SECTION I – STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS AND INSTRUCTIONS

1. REQUEST FOR QUALIFICATIONS SUMMARY

RFQ NO.:4023000080

RFQ ISSUE DATE: April 28, 2023

PROJECT NAME: CONSTRUCTION MANAGEMENT (CM) SERVICES – METRO PROJECTS

For: Professional Construction Management (CM) Services on an **'As Needed' Basis**

ISSUED BY: Metropolitan Transit Authority of Harris County (METRO)

Website: <https://webapps.ridemetro.org/procurement/>

All questions and bid responses to this solicitation must be submitted electronically through METRO’s Bonfire hub at <https://ridemetro.bonfirehub.com>. Registration on METRO’s Bonfire hub is free. Additionally, submit one (1) Original hardcopy delivered in a sealed envelope to the METRO Procurement Office Plan Room, 1900 Main Street, Houston, Texas 77002

CONTRACT ADMINISTRATOR : Dean Ainuddin
Contract Administrator
Procurement Services
1900 Main Street, 8th Floor
Houston, Texas 77002
Email: dean.ainuddin@ridemetro.org
Phone: (713) 652-8667

NOTE TO PROPOSERS: PROPOSERS ARE RESPONSIBLE FOR ALL INFORMATION IN THIS SOLICITATION, HOWEVER, PLEASE PAY PARTICULAR ATTENTION TO INFORMATION SHADED IN GRAY.

DISCIPLINARY EXPERIENCE: The team/firm selected to provide these services will have considerable local experience in all of the following disciplines:

5 Architectural Services	6 Plumbing Services
7 Structural Services	8 Electrical Services
9 Civil Services	10 Construction Services
11 Mechanical Services	12 Quality Control Inspection Services

PROPOSAL DUE DATE/TIME/LOCATION: Proposals for work described herein must be submitted through **METRO’s Bonfire hub at <https://ridemetro.bonfirehub.com>** and **received by 2:00 PM (CST) on Wednesday June 21st, 2023**. Additionally, submit one (1) Original hardcopy delivered in a sealed envelope bearing the name and address of the Responder and the identification 'Request for Proposals No. XXXXXXXXXXXX' to the METRO Procurement Office Plan Room, 1900 Main Street, Houston, Texas 77002. Digital signatures accepted.

Both the electronic (via Bonfire) and hardcopy submittal **MUST** be received by the deadline specified in the solicitation. A submittal **MAY** be deemed non-responsive if both the electronic and hardcopy are not received by the deadline specified in this solicitation. Proposals received will not be opened publicly. (See additional submission requirements in Section 2 below.)

A PRE-SUBMITTAL BRIEFING will be held **at 3:00 p.m. or p.m. CST on Thursday 11th, May 2023**. (See access information below.) In-person participation is not offered for this briefing.

The purpose of the briefing is to explain the solicitation requirements and answer any questions prospective bidders may have regarding the solicitation. All questions pertaining to this solicitation shall be presented **IN WRITING** through Bonfire hub. **All interested firms are strongly encouraged to attend and have a copy of this RFQ readily accessible during the briefing.**

MS Teams Link: [Join Microsoft Teams Meeting](#)
Dial-In Telephone No.: +1 281-925-7469
Conference ID #: 239 982 427 774

PERFORMANCE PERIOD: The period of performance under this Contract shall be for a period of five (5) years and shall have two (2) one-year option period(s). (See Contract Article 'Period of Performance' in Section III). Services thereunder will be utilized on an 'as needed' basis.

OBLIGATION: This Request for Qualifications does not obligate the Metropolitan Transit Authority to award a contract, or to pay any costs incurred in the preparation or submittal of any response.

REGISTRATION ON PROCUREMENT WEBSITE: All Responders ***MUST*** register on METRO's procurement website at <https://webapps.ridemetro.org/procurement/> to ensure that they receive the latest solicitations and updates via their registered e-mail address.

REPRODUCTION: All forms contained in this solicitation may be reproduced if more space is needed due to the number of subcontractors or suppliers to be submitted with the SOQ or for any other reason.

SMALL BUSINESS PARTICIPATION GOAL: METRO has adopted a Small Business Enterprise Program to encourage the participation of Small Business enterprises in contracting activities through race-gender neutral means. METRO sets Small Business Participation goals on its contracts. Small Business Participation goals can be satisfied by METRO-certified Small Businesses (SBE), federally-certified Disadvantaged Business Enterprises (DBE), or a combination of both. All references to Small Businesses in this document include Disadvantaged Business Enterprises. Copies of METRO's Small Business and Disadvantaged Business Enterprise Programs can be obtained upon request.

The link to the METRO SBE directory is <https://ridemetro.sbdbe.com/> The link to the Texas Unified Certification Program (TUCP) DBE directory is <https://txdot.txdotcms.com/>.

This solicitation has a 35 % Small Business Participation goal.

BIDDERS WHO FAIL TO COMMIT TO THE SMALL BUSINESS CONTRACT GOAL WILL BE DEEMED NONRESPONSIVE AND NO FURTHER CONSIDERATION WILL BE GIVEN TO THEIR BID.

METRO ENCOURAGES SMALL BUSINESS PARTICIPATION EVEN IF NO SMALL BUSINESS CONTRACT GOAL HAS BEEN ESTABLISHED.

METRO encourages Contractors to use financial institutions owned and controlled by socially and economically disadvantaged individuals. A listing of such institutions may be found at <https://www.fdic.gov/regulations/resources/minority/mdi.html>

Veteran and Disability-Owned Business Enterprise Programs: METRO has also adopted a Veteran-Owned Business Enterprise (VOBE) Program and a Disability-Owned Business Enterprise (DOBE) Program and encourages the participation of veteran and disability owned firms. Copies of METRO's VOBE and DOBE programs can be found at www.ridemetro.org.

WRITTEN QUESTIONS: Written questions will be accepted until 5:00P.M., Friday, May 19, 2023. Submit questions via Bonfire hub.

2. STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS

- A. Respondents wishing to be considered for award of Construction Management (CM) Services METRO Projects as set forth in this RFQ, must submit an original hardcopy and one PDF electronic file of the RFQ response as described herein. The SOQ portion of the RFP response is not to exceed five (5) double-sided typewritten pages, using no smaller than 9-point, Arial font, describing the Responder's interest and the qualifications of the team and key personnel. Do not include a cover letter with the SOQ.
- B. To be submitted with each copy of the SOQ: A copy of a single Standard Form 330 - Part I for the prime, as well as copies of a Standard Form 330 - Part II for every firm identified as a team participant in the SOQ (not counted in the five double-sided pages). Firms listed as small businesses must have certification documentation attached (not counted in the five double-sided pages) that demonstrates their certification status.
- C. Please read the Standard Form 330 Instructions (pages 1-8) carefully.
- D. In Section E of the Form 330, resumes shall be grouped by firm name, starting with the prime, then by subcontractor firm names in alphabetical order. Please order the resumes included within a firm alphabetically by last name. Please format the resumes as indicated in the SF 330 instructions.
- E. In Section F, please select projects where multiple team members (firms) worked together. Use your best judgment in selecting projects that showcase a broad span of work similar to what may be required by a contract resulting from this solicitation. Present 10 projects and complete one Section F for each project. Subconsultant projects can be included in the ten projects selected.
- F. In Section G, list the names of key personnel and the role they will play in work described in THIS solicitation in the same order as in Section E. Link to Standard Form 330: <https://www.gsa.gov/forms-library/architect-engineer-qualifications> .

G. Required information that is **NOT INCLUDED** in the 5-double-sided-SOQ page count:

- a. METRO forms to be submitted that are included as Exhibits herein
- b. A copy of a single Standard Form 330, Part I for the prime, as well as copies of a Standard Form 330, Part II for each firm identified as a team participant in the SOQ
- c. Certification documentation that demonstrates all small business team members' current SBE/DBE status
- d. The organization chart required as part of the SF 330 Part I documentation. The organization chart must identify all team participants and all proposed subconsultants and/or subcontractors, and their responsibilities.
- e. Table of Contents and Tabs (although neither are required).
- f. If references are requested for key personnel in the evaluation criteria in section 3 below, the references may be submitted with all information requested in either list or matrix formats. Reference letters on a company's letterhead are not required. Unless specifically noted, references for prime or subcontractor entities are not required.
- g. A CIQ form must be submitted if a prime vendor has a relationship that must be reported. Please refer to paragraph C, 'Conflicts Disclosure' under Section 6 'Instructions to SOQ Responders' on page 9. It is not necessary to complete CIQ forms for subcontractors.

3. EVALUATION CRITERIA

- A. The SOQ shall address the following METRO criteria and shall be supported by the Standard Form 330. A Responder's Submittal will be evaluated on both technical and Small Business Program criteria for a possible total score of up to 100 points.
- B. Technical evaluation criteria are identified with relative weights adding up to a maximum of 95 points. If a Small Business Participation goal has been set for the solicitation, a Responder may be awarded up to 5 additional points if the Responder commits to Small Business participation at a rate higher than the Small Business Goal.
- C. Submittals should be organized under the following headings and should address each topic to demonstrate the Respondent's qualifications and ability to perform the Work.

	CRITERIA	MAXIMUM POINTS AVAILABLE
1	<p><u>Qualifications / Experience of the CM Firm and Team Members</u></p> <ul style="list-style-type: none"> • Describe past experience with contracts on projects of similar size and scope. List major Projects completed within the last 10 years, stating the project costs and durations. List the horizontal and vertical projects separately. • Describe the tools used for quality management. How is quality of construction measured, how non-conforming work will be addressed, and methodologies for successful delivery of the project. • Discuss software that you currently using for Construction Management Services. These could be scheduling, estimating, project management, or design software (P6, Atser, AutoCAD, BIM, etc.). Discuss what you find most useful in proactive management of projects. • Explain your project controls process for timely completion of projects. Provide specific examples for referenced projects. 	30 Points

<p>2</p>	<p><u>Qualification / Experience of Key Personnel</u></p> <ul style="list-style-type: none"> • Provide resume for key personnel and include description of training, related work experience, number of years in area of expertise, education, professional licensing and certifications, work experience, type of projects including specific roles and level of responsibility. • Provide an organizational chart and explain your organization structure and the necessary expertise and resources to efficiently manage construction projects. Additionally, provide a written assurance that the key personnel listed will be performing the work and will not be substituted with other personnel or reassigned to another project without metro's prior written approval. • Provide a summary describing the role each key personnel will perform, how each individual has demonstrated experience providing value on previous projects and describe roles and interaction with the client and design consultant, internal and external stakeholders, as applicable. 	<p>20 Points</p>
<p>3</p>	<p><u>References form Clients on Recent Projects</u></p> <ul style="list-style-type: none"> • Provide reference letters from Clients who have direct working experience with the Team or Key Personnel on projects completed within the past 10 years. • Indicate the project details including cost and duration for which the CM services were provided. • Identify the key personnel for the projects listed on these referrals. • Indicate the contact details on the client referrals, including: name, position held in the company, address, email and phone number. • Specific examples of projects completed on time and under budget and those that required additional time, and your team's role in addressing the overages. 	<p>10 Points</p>
<p>4</p>	<p><u>Contractor Management & Field Experience</u></p> <ul style="list-style-type: none"> • Provide examples of monitoring progress (daily look ahead, 3-week look ahead, monthly P6 schedules, Delivery Logs, etc.). • List of employees that have been contractors in the past (experience in actually building the work). • Constructability review example of past projects identifying issues and recommending solutions during the design phase. • Previous CMAR / CSP experience. • List of projects indicating experience in doing post tensioning, pre-stressing and other specialized construction work. • Safety awards/ recognitions and OSHA certifications. • Past Experience with Public Engagement. • Past Experiences of working with Contractors. List the projects, scope, cost and provide references from these Contractors. • Experience with Claims. 	<p>20 Points</p>

	<ul style="list-style-type: none"> Buy America Compliance Review (identify qualified staff listing past projects with this role) 	
5	<p><u>Familiarity & Experience with Local Requirements</u></p> <ul style="list-style-type: none"> List of projects completed within the Houston area. Office locations in Houston. Key personnel and their certifications (PE, PMP, CPM) Current list of projects coordinating with City of Houston / Local jurisdictions. 	15 Points
6	<p><u>SBE Goal</u></p> <ul style="list-style-type: none"> Respondents must demonstrate a commitment to meet or exceed the Small Business Participation goal, if one has been established. A Respondent that fails to commit to the Small Business Participation goal will be deemed nonresponsive and no further consideration will be given to its submittal. A Respondent that commits to attaining the specified Small Business Participation goal will be deemed responsive and its Submittal will continue in the evaluation process. The Responder will be considered as having passed the requirement on a pass/fail basis and will receive 0 points. A Respondent that commits to exceeding the Small Business Participation goal will continue in the evaluation process and may receive up to 5 points. The determining factors in awarding any of the 5 points include, but are not limited to: <ul style="list-style-type: none"> Past compliance with the Small Business Enterprise (SBE) Program. Satisfactory completion of all administrative requirements of the SBE Program. Exceeding the specified SBE goal 	1-5 Points if SB Goal Exceeded

4. EVALUATION / SOURCE SELECTION

- A. Selection of a firm to provide the services required herein will be made by an Evaluation Committee. The Evaluation Committee will determine the most qualified firm(s) through validation of factors in described above and oral presentations, if necessary. If the decision is made to conduct oral presentations, oral presentations will be made accordingly.
- B. The evaluation process may include the participation of an Oral Presentation Committee; an Executive Selection Committee, or a Board Selection Committee. The participation of the Executive Selection Committee or the Board Selection Committee may occur at the beginning of the evaluation process, foregoing an Evaluation Committee of staff members all together, or to become involved after the Evaluation Committee has made an initial shortlist. Board members may elect to participate as scoring members or non-scoring observers in any of these committees.
- C. Following the evaluation of qualification submittals for Construction Management Services, METRO may, at its sole discretion:
 - a) Invite a short list of qualified Respondents to participate in oral interviews;
 - b) Take no further action; or
 - c) Modify (expand or reduce) the Scope of Services, Attachment A, and issue a Request for Submittal based upon the modified scope.

5. INSTRUCTIONS TO SOQ RESPONDERS

A. APPROVAL OF CONTRACT

If required by the METRO Procurement Manual, award of a Contract evolving from this solicitation shall be contingent upon the prior receipt of written approval from the METRO Board of Directors. No contractual agreement shall be binding on METRO until this approval has been obtained. It shall be the responsibility of firms responding to this solicitation to monitor Board award decisions. All persons and/or entities responding to this Solicitation hereby acknowledge the contract award requirement enumerated in this Paragraph. Anticipated Board Items are posted on METRO's web site at: <https://www.ridemetro.org/Pages/BoardMeetingsAndNotices.aspx>

Public Notice of Solicitation Results

The anticipated METRO Board meeting month for approval of a contract resulting from this solicitation will be forthcoming. It is the responsibility of the proposer to check METRO's website for notices on the specific dates for METRO Board meetings. All proposers of this Solicitation and METRO hereby agree that this provision shall serve as the minimum required action by the proposer toward exercising due diligence in obtaining the results of this Solicitation. The requirement of approval by the METRO Board of Directors for any particular solicitation is dependent upon several factors. However, all proposers shall be required to check the METRO web site regarding whether or not the solicitation associated with their proposal requires approval by the METRO Board of Directors. All persons and/or entities responding to this Solicitation hereby acknowledge the Public Notice of Solicitation Results enumerated in the Paragraph. METRO Board meeting notices are posted on METRO's web site at: <https://www.ridemetro.org/Pages/BoardMeetingsAndNotices.aspx>

Unsuccessful proposers can request a debriefing by contacting the Contract Administrator named in this solicitation.

B. CERTIFICATION

By submitting a SOQ in response to this announcement, a Respondent certifies that neither its firm nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in this procurement process by any federal department or agency. Further, if any of the aforementioned situations occurs during the course of the procurement, the Respondent is required to inform METRO thereof. See Section XI, Exhibit C, 'Debarment and Suspension Form.'

C. CONFLICTS DISCLOSURE

Vendors doing business with METRO or seeking to do business with METRO are required to file a completed questionnaire (FORM CIQ) disclosing the vendor's affiliations or business relationship with any Board Member, local government officer (or his or her family member). Form CIQ is available on METRO's web site at <https://www.ridemetro.org/Pages/ConflictsDisclosure.aspx>.

D. DEBARMENT AND SUSPENSION

- a. This Contract is a covered transaction for purposes of 49 Part 29. As such, the Contractor is required to verify that none of the Contractor's principals, as defined at 49 C.F.R. § 29.995, or affiliates, as defined at 49 C.F.R. § 29.905, are excluded or disqualified as defined at 49 C.F.R. § 29.940 and § 29.945.
- b. The Contractor is required to comply with 49 C.F.R. § 29, Subpart C and must include the requirement to comply with 49 C.F.R. § 29, Subpart C in any lower tier covered transaction it enters into.
- c. The Contractor must sign and submit the 'Debarment and Suspension Certification,' included herein as Exhibit C. The certification in this Clause is a material representation of fact relied upon by METRO. If it is later determined that the proposer knowingly rendered an erroneous certification, in addition to remedies available to METRO, the federal government may pursue available remedies, including but not limited to suspension and/or debarment. The proposer agrees to comply with the requirements of 49 C.F.R. § 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions. **See Section XI, Exhibit C, 'Debarment and Suspension Form.'**

E. ELIGIBILITY FOR AWARD

1. Each proposer shall complete, and submit the applicable forms contained in this document. If the proposer is a joint venture, each joint venturer shall prepare and submit separate forms.
2. In order for a proposer to be eligible to be awarded the contract, a proposal must be responsive to the Request for Proposals, show the proposer's technical competency, and METRO must be able to determine that the proposer is responsible to perform the contract satisfactorily.
3. A responsive proposal complies with all material aspects of the solicitation. Proposals that do not comply with all the terms and conditions of this solicitation will be rejected as nonresponsive.
4. Responsible proposers as a minimum must:
 - a. Have financial resources adequate to perform the contract, or ability to obtain such resources as required during the performance of the contract.
 - b. Have the necessary technical equipment, material and capability, including qualified supervision and skilled workforce, adequate to perform the contract, or the ability to obtain such resources as are required during the course of the contract.
 - c. Have a satisfactory record of business integrity and ethics.
 - d. Have a satisfactory record of current and/or past performance on behalf of METRO and/or other owners, including the areas of scheduling, submittals; record keeping, reporting, qualified supervision, skilled workforce, safety, quality of equipment, materials and workmanship, timely performance, warranties and guarantees;
 - e. If applicable, have a satisfactory record as a Contractor of achieving Small Business Participation goals in past METRO projects, as well as providing evidence satisfactory to METRO that the proposer will comply with Small Business Program requirements and any Small Business Participation goal contained herein.
 - f. Certify that it is not on the U.S. General Services Administration's 'Lists of Parties Excluded from Federal Procurement or Non-Procurement Programs.' Signing and submitting the proposal is so certifying.
 - g. Be otherwise qualified and eligible to receive an award under applicable laws and regulations.
1. A proposer may be requested to submit written evidence verifying that it meets the minimum criteria necessary to be determined a responsible proposer. Refusal to provide requested information will result in the proposer being declared non-responsive, and the proposal will be rejected.

F. PREPARATION OF STATEMENTS OF QUALIFICATIONS (SOQs)

In an effort to promote greater use of recycled and environmentally preferable products and to minimize waste, all Submittals should comply with the following:

1. All Submittals and copies should be printed on recycled paper with a minimum post-consumer content of thirty percent (30%) or on tree-free paper (i.e., paper made from raw materials other than trees, such as kenaf).
2. Unless absolutely necessary, all Submittals and copies should minimize or eliminate the use of non-recyclable or non-reusable materials, such as plastic report covers, plastic dividers, vinyl sleeves and bindings.
3. To further reduce the use of materials not essential to Submittals, METRO encourages Responders to forgo the use of three-ringed binders or glued materials when assembling the originals and copies of the SOQ, Standard Form 330 Parts I and II, and other required information. Instead, METRO prefers and appreciates the use of paper clips, binder clips, staples, rubber bands, and other materials containing recycled content, such as folders, paper clips, discs or thumb drives, envelopes, boxes, etc. METRO also appreciates receiving submittals assembled in formats that allow for easy removal and recycling of paper and other materials.
4. Unnecessary samples, attachments or documents not specifically asked for should not be submitted with a Submittal.
5. SOQs may be submitted on 11" x 17" fold out pages, but each double-sided 11" x 17" page will count as two (2) double-sided 8.5" x 11" pages.

G. PROHIBITION ON LOBBYING

No Responder shall, directly or indirectly, engage in any conduct (other than the submission of the SOQ or other prescribed submissions and/or presentations before the Evaluation or Selection Committees) to influence any employee of METRO or any member of the Metropolitan Transit Authority Board of Directors concerning the award of a contract as a result of this Solicitation. Violation of this prohibition may result in disqualification of the Bidder or Proposer from further participation in the solicitation for the services or goods sought herein or from participation in future METRO solicitations or contracts. The communication blackout period shall commence from the issue of a solicitation through contract award. The Contract Administrator is the only METRO representative authorized to communicate with firms or their representatives during the blackout period.

H. PROTESTS

1. Any protest of the Request for Qualifications shall be submitted for resolution to the Chief Procurement Officer. Such protest shall be in writing and shall be supported by the information set forth in Chapter 12 of METRO's Procurement Manual to enable the protest to be considered. A protest will not be considered if it is insufficiently supported or it is not received within the time limits specified herein.
2. A protest based upon terms, conditions or form of a proposed procurement action prior to submission of qualifications, shall be submitted so that it is received by the Chief Procurement Officer no later than five (5) calendar days prior to the specified date for submission of qualifications.
3. For a protest concerning award decision, including evaluations, the initial protest must be received by the Chief Procurement Officer not later than five (5) calendar days after the interested party knows, or through exercise of reasonable diligence should have known, whichever is earlier, of the grounds for the protest.
4. Each protest will be processed in accordance with METRO's Protest Procedures located in Chapter 12 of METRO's Procurement Manual. A copy of the procedures will be provided to the protester upon written request to METRO's Chief Procurement Officer.
5. A written final determination on any protest will be rendered by METRO's President & Chief Executive Officer and will be provided to the protester as soon as practicable.
6. The protestor must exhaust its administrative remedies by pursuing METRO's protest procedures to completion prior to appealing METRO's decision to the FTA.
7. Federal Transit Administration (FTA) Circular 4220.1F, Paragraph 7L, addresses bid protests. A copy of this Paragraph will be provided to the protester upon written request to METRO. Review of a protest by FTA will be limited to a grantee's failure to have or follow its written protest procedures or its failure to review a complaint or protest or violation of federal law or regulation. An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of any adverse decision by METRO, or other basis of appeal to the FTA. Violations of a specific federal law or regulation will be handled by the complaint process stated with that law or regulation. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities.

I. RESTRICTIONS ON LOBBYING

Contractors who apply or propose for an award of \$100,000 or more shall file the certification required by 49 C.F.R. part 20, 'New Restrictions on Lobbying.' Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contracts on its behalf with non-federal funds with respect to that federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier, up to the recipient.' **See Section XI, Exhibit B, 'Certification of Restrictions on Lobbying.'**

6. SMALL BUSINESS AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS

- a) THE Metropolitan Transit Authority of Harris County, Texas (METRO) has implemented a Small Business Enterprise Program, hereinafter referred to as the Program, for small businesses attempting to provide goods and/or services as prime Contractors to METRO or as subcontractors to other prime Contractors to METRO. It is the policy of METRO to promote equal opportunity and non-discrimination in all of its procurement matters in accordance with state and federal law. The Program seeks to provide METRO-certified Small Businesses (SBE) and federally-certified Disadvantaged Businesses Enterprises (DBE) a full and fair opportunity to participate in METRO projects through race-gender neutral means. The Small Business Enterprise Program shall not be used to discriminate against any person or company or group of persons or companies because of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age. Each bidder, proposer, Contractor and subcontractor shall comply with this non-discrimination requirement.
- b) The Small Business Enterprise Program is a separate program from METRO's Disadvantaged Business Enterprise (DBE) Program which is administered by the federal government and applies to federally funded projects. METRO's Small Business and Disadvantaged Business Enterprise Programs can be found at <https://www.ridemetro.org/Pages/SB-FormsTemplates.aspx>
- c) Nothing in the Small Business or Disadvantaged Business Enterprise Programs should be construed to give a bidder or proposer a property interest in a proposal, bid or contract prior to the Board of Directors' award of the contract and compliance with all statutory and legal requirements.
- d) **THE Small Business Participation goal METRO established for this solicitation is 35%.** The Small Business Participation goal may be satisfied by utilizing a METRO-certified Small Business Enterprises (SBE), a federally-certified Disadvantaged Business Enterprises (DBE) or a combination of both. These certification types are hereafter referred to as "certified". All references to Small Businesses include Disadvantaged Businesses.

PROPOSERS WHO FAIL TO COMMIT TO THE SMALL BUSINESS CONTRACT GOAL WILL BE DEEMED NONRESPONSIVE AND NO FURTHER CONSIDERATION WILL BE GIVEN TO THEIR BID.

- E. All certified and non-certified primes must self-perform a minimum of thirty percent (30%) of the contract value, regardless of the Small Business Participation goal percentage.
- F. Below are the requirements to satisfy the minimum Small Business Participation goal and the Small Business Enterprise (SBE) Program:

1. A non-certified prime:

- a) must self-perform a minimum of thirty percent (30%) of the contract value;
- b) Cannot self-perform one hundred percent (100%) of the contract value;
- c) Must subcontract, at a minimum, the Small Business Participation goal percentage to one or more certified firms;
- d) Cannot submit a Good Faith Effort (GFE) response. The names of all subcontractors and suppliers must be listed on the required Contractor Utilization Plan (CUP) form;
- e) Is **prohibited from multiple submissions** of bids or proposals, i.e., Submitting as a prime contractor in one submission and as a subcontractor in another submission for the same project. Such multiple submissions may result in the disqualification of all submissions where the bidder/proposer is listed.

Note: If any one of the above requirements (a thru d) is not met, your bid/proposal WILL BE DEEMED NONRESPONSIVE.

2. A certified SBE/DBE prime:

- a) Must self-perform a minimum of thirty percent (30%) of the contract value;
- b) Cannot self-perform one hundred percent (100%) of the contract value;
- c) Must subcontract, at a minimum, the Small Business Participation goal percentage;
- d) Must subcontract, at a minimum, fifty percent (50%) of the Small Business Participation goal to one or more certified small or disadvantaged subcontractor(s);

(e.g. If the SB goal is 35%, then the certified SBE/DBE prime must subcontract at least 35% of the contract value; of which, at least half of the subcontracted 35% (which equates to 17.5%) must go to one or more certified SBE/DBE firms. The remaining 17.5% can go to one or more certified or non-certified firms.)

- e) Cannot submit a Good Faith Effort (GFE) response. The names of all subcontractors and suppliers must be listed on the required Contractor Utilization Plan (CUP) form;
- f) Participation will count towards the Small Business Participation goal;
- g) May submit as a prime in one submission and as a subcontractor in **only one (1)** other submission for the same project.

Note: If any one of the above requirements (a thru e) is not met, your bid/proposal WILL BE DEEMED NONRESPONSIVE.

3. Certified SBE/DBE subcontractors, not submitting as a prime are limited to submitting as subcontractors on **up to four (4)** proposal submissions for the same project. Failure to adhere to these four (4) proposals limit may result in the disqualification of the offending certified subcontractor from all bids/proposals.
4. A Joint Venture (JV) can participate on a METRO project as a prime contractor or as a subcontractor. METRO views a JV as one legal entity and is subject to the same rules and requirements as other primes and subcontractors. For example (but not limited to):
 - a) The JV-prime must self-perform a minimum of thirty percent (30%) of the total contract value.
 - b) The JV-prime cannot self-perform 100% of the total contract value.
 - c) The JV-prime must demonstrate a commitment to the small business goal. Failure to commit to the SB goal will deem the JV Prime non-responsive and will not be considered for contract award.
 - d) If one (or more) of the firms that make up the JV partnership is a certified small or disadvantaged business, then the portion of the work performed by the certified firm(s) will be counted towards the small business goal.
 - e) The JV-prime must subcontract at a minimum, the small business goal percentage.
 - f) JV primes with a certified small or disadvantaged partner(s) are viewed the same as certified SBE/DBE primes, and therefore must subcontract, at a minimum, fifty percent (50%) of the Small Business Participation goal to a small or disadvantaged subcontractor(s).
 - g) The certified small or disadvantaged firm(s) that is part of a JV-prime partnership, can also be listed as a subcontractor(s) on one other team.
 - h) A JV-prime, without certified small or disadvantaged partners, is prohibited from submitting as a prime and as a subcontractor on the same submission.
 - i) A JV-subcontractor, with a certified small or disadvantaged partner(s), is limited to submitting as subcontractor(s) on only four (4) bid/proposal submissions for the same project. Only the portion of the work performed by the certified firm(s) will be counted towards the small business goal. Failure to adhere to these four (4) proposals limit may result in the disqualification of the offending JV-subcontractor on all bids/proposals.
5. Agreements between a bidder/proposer and a certified SBE/DBE subcontractor in which the certified subcontractor promises not to provide subcontracting quotations to other bidders/proposers shall be prohibited.

G. Required Small Business Documents

Note: The 'Contractor's Utilization Plan,' 'Business Assurance Statement,' 'Subcontractor/Supplier Letter of Intent,' and 'Contractor Utilization Plan Pledge' forms constitute the Contractor's commitment to subcontract to certified businesses. Submission of these documents is a condition to be met by the primes to be deemed responsive.

Note: All Small Business forms are to be submitted together under a single tab in bid/proposal submissions. If no Small Business Participation goal has been established, only the Contractor Utilization Plan Form must be submitted.

1. Contractor Utilization Plan See Exhibit D, Form 1
 - a) **IT IS MANDATORY that every bidder or proposer submit a Contractor's Utilization Plan (the 'Plan') when submitting a bid or proposal or response to request for qualifications, whether or not a Small Business Participation goal has been established.**
 - b) The bidder/proposer must use this form to identify all subcontractors with whom the bidder/proposer intends to contract, specifying the agreed price and/or percentage to be paid each subcontractor for such work, and certifying the contract items and parts thereof to be performed by each subcontractor. Only percentages of Contract Work Effort are to be indicated when responding to RFQ/RFP submissions, as pricing is determined later in the procurement process. The METRO SBE program does not accept a Good Faith Effort (GFE) response to its solicitations. All bidders/proposers must list each certified and non-certified firm on the Contractor Utilization Plan (CUP) form that it plans to utilize to satisfy the requirements of the scope of work.
 - c) If applicable, the Plan should set forth how the Small Business Participation goal for the proposed project is to be met. The Plan will be used by METRO as a factor in evaluating whether a bidder/proposer has complied with the requirements of the Program to satisfy the Small Business Participation goal.
 - d) **If the Small Business participation submitted by the bidder/proposer does not meet an established Small Business Participation goal, if any, the bidder/proposer will be deemed non-responsive and will not be considered for contract award.**
 - e) **Failure to submit a complete Plan for a contract with a Small Business Participation goal will result in bid/proposal being deemed non-responsive and will not be considered for contract award.**
 - f) When a Small Business Participation goal has been established, the Contractor shall adhere to the Plan submitted unless a waiver is received from the Office of Economic Business Opportunity. Any changes in the Plan regarding the proposed use of certified subcontractors in discharging the contract duties must be approved by the Office of Economic Business Opportunity. The approval of the Office of Economic Business Opportunity will not be unreasonably withheld upon a showing of good cause to make the change.
 - g) When adding a certified subcontractor to the Plan with a Small Business Participation goal, the Contractor must submit a copy of the subcontract agreement to the Office of Economic Business Opportunity within fifteen (15) days of receiving approval from the Office of Economic Business Opportunity.
 - h) The Contractor Utilization Plan must include the following:
 1. A simple, straight-forward statement outlining subcontractor participation regardless of certification, inclusive of scope, responsibilities and percentage of work.
 2. Materials and supplies shall be counted towards the small business goal as follows:
 - i. One hundred percent of the cost of materials or supplies purchased from a small business manufacturer can be applied towards the Small Business Participation goal of a Contract. A manufacturer is defined as a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment of the general character described by the scope and/or specifications of the contract.
 - ii. Sixty percent of the cost of materials or supplies purchased from a small business regular dealer can be applied towards the Small Business Participation goal of a Contract. A regular dealer is defined as a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the scope and/or specifications of the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
 3. Copies of documents demonstrating that each Small Business team member is acceptably certified as either a METRO-certified Small Business Enterprise (SBE) or TUCP-certified Disadvantaged Business Enterprise (DBE) and verifying that such certification is current as of the date of submission.

i. METRO **accepts** the following certifications:

- SBE - Metropolitan Transit Authority of Harris County (METRO)
- DBE - City of Houston/Texas Unified Certification Program (TUCP)
- DBE - City of Austin
- DBE - Corpus Christi Regional Transportation Authority
- DBE - North Central Texas Regional Certification Agency
- DBE - South Central Texas Regional Certification Agency
- Department of Transportation (DOT) approved DBE certification (from any state)
- Small Business Administration (SBA) 8a

Important: While any certified or non-certified firm may participate on a METRO project, only the participation of firms with any one of above certifications will count towards the Small Business Participation goal.

ii. METRO **does not count the participation of any other small business type certification toward the Small Business Participation goal, such as (but not limited to):**

- State of Texas Historically Underutilized Business (HUB)
- Minority Business Enterprise (MBE)
- Women Business Enterprise (WBE)
- Small Business Enterprise (SBE) from any other certifying entity
- Self-certifying declarations (of any type)

iii. The link to the METRO SBE directory is <https://ridemetro.sdbbe.com/> The link to the TUCP DBE directory is <https://txdot.txdotcms.com/>iv. If a proposer/bidder submits plans to add a firm as part of its small business participation that is not yet certified as referenced above, that firm must be either METRO Small Business- or federal Disadvantaged Business Enterprise-certified **prior** to the bid/proposal submittal date. Firms certified after the bid/proposal submittal date will not be counted towards the commitment. Additional Small Business certification information and forms may be found at METRO's website: www.ridemetro.org under Small Business.

4. When requested, a timeline for performance by subcontractors.

5. Signature of the bidder/proposer.

2. Business Assurance Statement (BAS) See Exhibit D, Form 2

- a) Bidders/proposers are **required to submit an executed Business Assurance Statement form with their bid/proposal when a Small Business Participation goal has been established.**
- b) Bidders/proposers must enter their Small Business Participation goal commitment. This includes the SBE/DBE prime's participation if applicable.
- c) Bidders/proposers must enter into agreements with the subcontractors listed on the Plan
- d) Bidders/proposers must include the BAS Clauses in their subcontractor agreements

3. Letter of Intent (LOI) See Exhibit D, Form 3

- a) Bidders/proposers are required to submit a Letter of Intent form for all subcontractors when a Small Business Participation goal has been established.
- b) The Letters of Intent must be executed by the prime and the subcontractor

- 4. Contractor Utilization Plan Pledge (Pledge) Exhibit D, Form 4
 - a) Bidders/proposers are required to submit an executed Pledge form with their bid or proposal **when a Small Business Participation goal has been established.**
 - b) Bidders/proposers must pledge prompt payment to ALL subcontractors
 - c) Bidders/proposers must pledge to notify ALL subcontractors of disputed invoices.
 - d) Bidders/proposers must affirm adherence to METRO’s Non-discrimination Mandate.
 - e) When applicable, bidders/proposers must pledge prompt payment of retainage
 - f) Bidders/proposers must include the Pledge Clauses in their subcontractor agreements

H. Incentives Utilizing Small Businesses

- 1. Fees for Solicitation Documents. Submitters making a valid bid and participating in the Program will receive a refund for up to seven (7) sets of documents purchased from METRO.
- 2. Bid Security/Bond. A bid security will no longer be required except for federally funded construction solicitations exceeding \$100,000.
- 3. METRO’s Incentives. METRO may utilize other incentives, as set forth in the bid specifications or request for proposal, as it determines appropriate.

- I. METRO encourages Contractors to use financial institutions owned and controlled by socially and economically disadvantaged individuals. A listing of such institutions may be found at <https://www.fdic.gov/regulations/resources/minority/mdi.html>

7. STATEMENT OF QUALIFICATIONS (SOQ) FORMS SUBMISSION CHECKLIST

Insert requested information and sign and date where indicated.

SUBMIT WITH COMPLETED SUBMITTAL

- Statement of Qualifications, responses to Evaluation Criteria Section I, No. 2 A
- Organization Chart Section I, No. 2 D
- Standard Form 330, Part I (prime) and Part II (For each subconsultant/subcontractor) Section I, No. 2 C
- ‘Certification of Restrictions on Lobbying’ form Section II, Exhibit B
- ‘Debarment and Suspension Certification’ form Section II, Exhibit C
- ‘Contractor’s Utilization Plan’ form Section II, Exhibit D, Form 1
- SIGNED copy of all Amendments issued (if any) to acknowledge receipt

SUBMIT IF A SMALL BUSINESS GOAL IS ESTABLISHED

- ‘Business Assurance Statement’ form Section II, Exhibit D, Form 2
- ‘Subcontractor/Supplier Letter of Intent’ form Section II, Exhibit D, Form 3
- ‘Contractor’s Utilization Plan Pledge’ form Section II, Exhibit D, Form 4
- Acceptable certification documentation

SUBMIT ONLY IF APPLICABLE

- Evidence of attainment of proper license or permit, if special licensing or permitting is required by federal, state or local law or ordinance.

METRO SBE Program Checklist

The following SBE Program items are **MANDATORY TO BE DEEMED RESPONSIVE** to this solicitation, which has a Small Business Participation goal. Bidders/Proposers that fail to meet these requirements, will be deemed non-responsive and no further consideration will be given to their bid/proposal.

- All certified and non-certified primes must self-perform a minimum of thirty percent (30%) of the contract value, regardless of the Small Business Participation goal percentage.
- A certified or non-certified prime cannot self-perform 100% of their bid/proposal value.
- All certified and non-certified primes must, at a minimum, meet the small business participation goal percentage. (A certified prime's participation counts towards the SB goal percentage.)
- All certified and non-certified primes must subcontract, at a minimum, the Small Business Participation goal percentage.
- ALL CERTIFIED PRIMES** must subcontract, at a minimum, fifty percent (50%) of the Small Business Participation goal to one or more certified firms.

Special Notes:

1. For a firm's participation (prime/subcontractor/supplier) to be counted towards the Small Business Participation goal percentage, the firm must be certified as a METRO certified Small Business Enterprise (SBE), a Disadvantaged Business Enterprise (DBE) and/or an SBA (8a).
2. The METRO SBE program does not accept a Good Faith Effort (GFE) response to its solicitations. All bidders/proposers must list each certified and non-certified firm on the Contractor Utilization Plan (CUP) form that it plans to utilize to satisfy the requirements of the scope of work.

8.. INSURANCE ARTICLES

The articles contained herein are for informational purposes and shall be applicable to and included in the Contract(s) resulting from this solicitation. After Contract award, the Contractor is required to provide insurance documentation acceptable to METRO and compliant with the requirements specified below.

CONTRACTOR'S INSURANCE

A. The Contractor shall purchase and maintain in effect during the entire period of this contract, including any maintenance period thereof, insurance of the types and with minimum limits of liability as stated below. Such insurance shall protect Contractor from claims which may arise out of or result from Contractor's operations whether such operations are performed by Contractor or by any subcontractor or by anyone for whose acts any of them may be liable.

WORKERS' COMPENSATION INSURANCE providing Statutory Benefits in accordance with the Workers' Compensation Act of the State of Texas and/or any other State or Federal law as may be applicable to the work being performed under this contract. EMPLOYER'S LIABILITY with limits of liability not less than:

- \$1,000,000 Each Accident
- \$1,000,000 Each Employee for Disease
- \$1,000,000 Policy Limit for Disease

Policy shall be endorsed with a waiver of subrogation recognizing the waiver of all rights of subrogation or recovery against METRO as stated in paragraph B. below.

COMMERCIAL GENERAL LIABILITY utilizing Insurance Services Office Form CG 00 01 or its substantial equivalent providing coverage on an "occurrence" basis, including bodily injury, property damage, and products and completed operations with limits no less than:

- \$1,000,000 Each Occurrence
- \$2,000,000 General Aggregate
- \$2,000,000 Products and Completed Operations Liability Aggregate

- 1 Policy shall be endorsed to name METRO as Additional Insured as respects Contractor's operations in performance of this contract.
- 2 Policy shall be endorsed with a waiver of subrogation recognizing the waiver of all rights of subrogation or recovery against METRO as stated in paragraph B. below.
- 3 Such insurance shall be primary and non-contributing with any other valid and collectible insurance or self-insurance available to METRO.

BUSINESS AUTOMOBILE LIABILITY utilizing Insurance Services Office Form CA 00 01 or its substantial equivalent including liability coverage for all autos owned, rented, hired or borrowed by the Contractor, as well as liability coverage for mobile equipment subject to compulsory insurance or financial responsibility laws or other motor vehicle insurance laws with the following minimum limit:

- \$1,000,000 Any One Accident- Combined Single Limit

- 4 Policy shall be endorsed to name METRO as Additional Insured as respects Contractor's operations in performance of this contract.
- 5 Policy shall be endorsed with a waiver of subrogation recognizing the waiver of all rights of subrogation or recovery against METRO as stated in paragraph B. below.
- 6 Such insurance shall be primary and non-contributing with any other valid and collectible insurance or self-insurance available to METRO.

PROFESSIONAL LIABILITY covering acts, error or omissions arising out of the rendering of or failure to render professional services, whether committed or alleged to have been committed by the Contractor or by its employees, subcontractors, consultants or other to whom the Contractor is legally responsible. The limit of liability shall not be less than:

- \$2,000,000 Each Occurrence

Contractor shall maintain Professional Liability insurance for not less than five years following completion of services performed under this contract and shall so evidence by Certificate of Insurance each year.

The following provisions apply with respect to all insurance coverages required above:

The insurance coverages required in this section shall not limit the Contractor's liability or limit the indemnification provisions set forth herein.

If the Contractor maintains higher limit than the minimums shown above, METRO requires and shall be entitled to coverage for the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specific minimum limits of insurance and coverage shall be available to METRO.

The limits of liability as required above may be provided by a single policy of insurance or by a combination of primary, excess or umbrella policies. But in no event shall the total limits of liability available for any one occurrence or accident be less than the amount required above.

All policies of insurance presented as proof of compliance with the above requirements shall be on forms and with insurance companies approved by METRO. All such insurance policies shall be provided by insurance companies having Best's ratings of A- or greater and VI or greater (A-/VI) as shown in the most current issue of Best's Key Rating Guide. Policies of insurance issued by insurance companies not rated by Best's or having Best's ratings lower than A-VI will not be accepted as complying with the insurance requirements of the contract unless such insurance companies were approved in writing prior to award of contract.

- B. Contractor agrees to waive all rights of subrogation or recovery against METRO arising out of any claims for injury(ies) or damages resulting from the work performed by or on behalf of Contractor under this agreement and/or the use of any METRO premises or equipment in the performance of this agreement.
- B. Proof of compliance with these insurance requirements shall be furnished to METRO in the form of an original certificate of insurance including the endorsements mentioned in section A. above, or copies of the applicable policy language effecting required coverage signed by an authorized representative or agent of the insurance company(ies), within fourteen (14) days of notice of award of contract and before any work under this contract will be allowed to commence. Certificates will be unacceptable unless they clearly show that all of the above stipulated requirements have been met. Renewal or replacement certificates shall be furnished METRO not less than seven (7) days prior to the expiration or termination date of the applicable policy(ies). Otherwise, METRO may halt all work under this contract upon expiration or other termination of any required coverage, and work will not be allowed to resume until a satisfactory renewal certificate is received.
- D. The Certificate Holder shall read as follows on the Certificate of Insurance:

**Metropolitan Transit Authority of Harris County, TX (METRO)
1900 Main St
Houston, TX 77002**

- E. Contractor shall require any and all subcontractors performing work under this contract to obtain and maintain the insurance coverage specified in this section. Such insurance shall be endorsed to name METRO and its directors, officers and employees as Additional Insured as respects to subcontractor's operations in performance of this contract. In addition, subcontractor and their respective insurers providing the required insurance coverage will waive all rights of subrogation or recovery against METRO providing such coverage shall be endorsed to recognize this required waiver of subrogation. The insurance limits may be provided through a combination of primary and excess policies, including the umbrella form of policy. In the event a subcontractor is unable to furnish insurance in the limits required under this contract, the Contractor shall endorse the subcontractor as an Additional Insured on its General Liability and Automobile Liability policies and provide METRO a certificate of insurance showing such coverage.

Such insurance will be primary and non-contributing with any other insurance and be in a form and from insurance companies reasonably acceptable to METRO.

Any request to deviate from the stipulated insurance limits required of subcontractor must be approved by METRO and will be based solely on the scope of work to be performed by the subcontractor. Contractor shall obtain and make available for inspection by METRO upon request current certificates of insurance evidencing insurance coverages carried by subcontractor.

2. INDEMNIFICATION AGREEMENT

- **CONTRACTOR AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS METRO, ITS DIRECTORS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS AND ATTORNEY’S FEES, FOR BODILY INJURY, SICKNESS, DISEASE OR DEATH OF ANY PERSON, OR FOR DAMAGES TO ANY PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES OR LOSS OF USE THEREOF, BROUGHT OR RECOVERABLE BY THIRD PARTIES AGAINST METRO, ITS DIRECTORS AND/OR EMPLOYEES AND ARISING OUT OF OR RESULTING FROM ANY NEGLIGENT ACT OR OMISSION BY CONTRACTOR IN THE PERFORMANCE OF THIS CONTRACT. CONTRACTOR AGREES TO PROVIDE ACKNOWLEDGEMENT OF INDEMNIFICATION WITHIN TEN DAYS FROM RECEIPT OF DEMAND FOR INDEMNIFICATION FROM METRO.**

- **THE INDEMNITY PROVIDED FOR IN THIS ARTICLE SHALL HAVE NO APPLICATION TO ANY CLAIM, LOSS OR DAMAGE, CAUSE OF ACTION, SUIT OR LIABILITY BROUGHT OR RECOVERABLE AGAINST METRO, ITS DIRECTORS AND/OR EMPLOYEES TO THE EXTENT THE INJURY, DEATH OR DAMAGE RESULTS SOLELY FROM A GROSS NEGLIGENT ACT OR WILLFUL BEHAVIOR BY METRO.**

SECTION II – EXHIBITS

1. EXHIBIT A: SCOPE OF SERVICES

1. General

As part of METRO's service enhancement activities and a mission to provide safe, clean, reliable, accessible, and friendly public transportation, METRO has prioritized an initiative for a number of linear and vertical infrastructure projects. These include, but are not limited to the following:

1. Parking Garages
2. Transit Centers
3. Bus Operating Facilities
4. New Community Connectors / circulators
5. Safety and security enhancements
6. Universal Accessibility
7. BOOST enhancements
8. BRT Projects, limited to early works for University Corridor and Inner Katy
9. CNG Projects
10. Petroleum Storage Tank Projects
11. Light Rail Projects

The scope of services specifies the requirements for the Construction Management of projects as part of the METRO Next Initiative, by the Consultant, herein referred to as the "Consultant". Prior METRO experience is not required.

The Consultant shall provide the necessary constructability review, coordination, management, technical, supervisory, and QUALITY Control inspection services required by METRO for management of METRO's Construction and Maintenance projects. The Consultant shall provide technical support for coordination between METRO and the EOR (Engineer of Record). Expertise is required in architectural, structural, civil, mechanical, plumbing, electrical and construction, for proper and timely delivery of the Services under this contract. The consultant shall also have expertise in accordance with METRO Criteria, City of Houston standards and regulations, the Texas Department of Licensing and Regulation, TXDOT standards and requirements, Harris County standards and requirements and the latest International Building Code (IBC). The Consultant shall also assist METRO in close-out of projects.

The Consultant shall ensure that the Contractor provides a safe & secure work zone at all times, in accordance with local & state jurisdictions.

The Metropolitan Transit Authority of Harris County, herein referred to as "METRO", shall determine and direct work that is to be done under this contract.

METRO reserves the right to add or deduct work from the contract and ask for the assignment or re-assignment of personnel based on performance and / or project needs.

2. Period of Performance

Services will be required, on an approved Work Authorization basis, for a period of Five (5) years beginning from Notice-to-Proceed, with a possibility to extend this service agreement for an additional two (2) years, unless extended according to the terms of this Contract. The Consultant's team shall have adequate staff capacity and capabilities to successfully respond to METRO's Work Authorizations on short notice during the prescribed period.

3. Work Authorizations

Performance of the Services contemplated in this Contract shall be undertaken **ONLY** upon issuance of written Work Authorizations by the METRO Contracting Officer. Work Authorizations will set forth, with the necessary, particularity the following:

- a. Contract number along with the Consultant's name, address, and telephone number.
- b. Work Authorization number and date.
- c. Identity of the Consultant's staffing plan including key personnel.
- d. A Scope of Service specifically identifying the Service to be performed.
- e. A period of performance.
- f. The place of performance.
- g. METRO Project Manager and Construction Phase Organization.
- h. A breakout to include identification, by line item, of the required various position classifications to perform the Services, the estimated hours, the fixed hourly rate, and extended dollar amount.
- i. A total not-to-exceed amount for Services to be performed.
- j. Balance of funds remaining in the Contract.
- k. Such other information as may be necessary to perform the Services

Work Authorizations may be amended by the METRO Contracting Officer in the same manner as they are issued. Work Authorization may be issued for a certain scope of the project and not necessarily the entire project.

Work Authorizations issued prior to and in effect at the time of expiration date of this Contract shall continue to be in effect and performed by the Consultant until such time as all requirements have been met and a written acceptance of the Services performed has been made by METRO's Project Manager.

4. Construction Management

The Consultant shall be responsible for the following requirements when assigning personnel to perform under this Contract. Metro may require additional experience, certification, or expertise as necessary for the scope and complexity of particular project assignments.

- a) The Consultant shall submit to METRO for approval the name, grade classification, and descriptive employment resume of each individual proposed for assignment to a project.
- b) The Consultant shall provide Resident Engineers who are registered professional engineers in the state of Texas or Construction Managers with relevant experience. The proposed personnel shall have a minimum of eight (8) year experience in management of construction projects of similar scope and magnitude.
- c) The Consultant shall provide Site Representatives with at least five (5) years of local construction inspection experience in the disciplines of work being inspected.
- d) Consultant shall provide Project Management Services including constructability review as needed under of the direction of METRO staff. The Project manager(s) shall have a minimum of eight (8) years of project management experience with (4) years of experience in the design and construction of projects with similar scope and magnitude.
- e) The Consultant shall assure that all time charged to this Contract is utilized in the most productive manner. In general, on-site personnel work hours should be adjusted to coincide with the construction contractor's work hours. As practical, periods when no work is being performed, such as rain delay times, should be utilized for administrative type work and project status review/planning. The Consultant will be required to make personnel adjustments as necessary during extended scheduled or unscheduled delays in the construction work. Hours worked in excess of 40 per week must have prior approval from METRO. All hours worked shall be compensated at the hourly rate(s) set forth in the Contract Price Schedule.
- f) The Consultant's personnel must be able to work individually or under the direction of METRO personnel depending on the role on a specific project.

5. The Consultant shall provide the following construction management services during the Pre-construction Phase.
- a) The Consultant shall, if requested, review the Construction Contract Documents, specifically the plans, specifications, estimates and Quantity Take-offs prior to issue for bidding for clarity and completeness, Buy America Compliance, and for constructability. The review shall also determine that the Documents are adequate for the quality, budget, and schedule control of the Project. Comments generated from the review will be provided to METRO.
 - b) The Consultant shall attend and assist METRO in responding to inquiries concerning requirements and expected performance at pre-bid conferences and other pre-construction tasks.
 - c) The Consultant, if requested, will assist METRO in evaluating the bidder's qualifications and making a Contract award recommendation.
6. The Consultant shall provide the following construction management services during the Construction Phase.
- a) Pre-Construction Conferences will be conducted by METRO. The Consultant shall attend and participate in such conferences. The conferences serve as orientation sessions to introduce all parties, to define their roles and responsibilities, and to explain the tools and procedures that will be utilized during construction.
 - b) Groundbreaking and Grand opening ceremonies will be conducted by METRO. The Consultant shall provide assistance and coordination, when requested to ensure the success of these events.
 - c) When required by METRO, the Consultant shall use METRO's Project Management System for processing documentation, including, but not limited to, correspondence, submittals, requests for information, test results, requests for payment, change orders, etc.
 - d) The Consultant shall review the construction schedule submitted by the Construction Contractor for reasonableness and compatibility with contract requirements and shall either recommend acceptance or confer with the Contractor to develop an acceptable construction schedule.
 - e) The Consultant shall require the Construction Contractor to provide evidence that all required permits, licenses, and certificates have been obtained.
 - f) The Consultant shall coordinate all aspects of construction work with local municipal authorities, other governmental agencies, utility companies and others who may be involved in the projects. In addition, the Consultant must communicate with METRO's offices of Public Engagement and Government Affairs. These offices act as a liaison between METRO and the public for all project updates and construction notifications. As requested, the consultant shall assist in the coordination of work with property owners.
 - g) Review Contractor's work plans, daily look ahead schedules, 3-week schedules, and assign inspection staff accordingly. Ensure work plans, daily look ahead schedules, and 3-week look ahead schedules are being completed and by the Contractors and track progress of such.
 - h) As requested, the Consultant shall provide qualified, full-time Resident Engineers, Construction Quality Control Inspectors and other necessary supervisory staff for the management and inspection of all construction work being performed on assigned projects for conformance with the Contract Documents. Responsibilities of the staff shall include, but not necessarily be limited to, the following:
 - i. Continuously monitor Construction Contractor's schedules and manpower usage to determine compliance with contract terms.
 - ii. Furnish technical interpretation of the plans and specifications to Construction Contractors.
 - iii. Initiate and conduct regularly scheduled project progress meetings.

- iv. Review and approve Construction Contractor's job site temporary plant and equipment layouts.
 - v. Identify and make recommendations to METRO regarding any pending labor or material shortages, and/or labor relation problems.
 - vi. Establish and implement procedures for enforcement of Construction Contractor's traffic control programs. Inspect traffic control daily and report to METRO accordingly.
 - vii. Cooperate and comply with safety audits performed by METRO personnel, or its designated safety Consultant.
 - viii. Receive and process to the METRO Project Manager all requests for information (RFI) from the Construction Contractor in a timely fashion.
- i) The Consultant shall receive submittals/shop drawings from the Contractor and assist in review of these submittals/shop drawings. The Consultant shall maintain a log of submittals/shop drawings to monitor and facilitate proper response action. METRO may delegate the review and approval of submittals to a Design Consultant. The Consultant shall monitor the Construction Contractor's actual submittals against schedule to confirm overall project schedule compliance.
- j) The Consultant shall perform inspections to determine that all materials furnished, and work performed on the project are in conformance with Contract Documents. This includes, but is not necessarily limited to the following:
- i. Check Construction Contractor's materials certifications and samples.
 - ii. Inspect delivered materials and equipment.
 - iii. When requested by METRO, perform shop inspection of Construction Contractor furnished special equipment and fabricated construction elements.
 - iv. Inspect work in progress and in place.
 - v. Supervise and schedule the field testing of construction materials. Direct and supervise the sampling of construction materials for analysis by laboratories. These laboratories / material testing companies will be under a separate contract to METRO. The Consultant shall review and maintain records of the required test reports produced by the testing laboratory and coordinate direction for further testing or remedial action with the Construction Contractor.
 - vi. As delegated, maintain and report Time & Material (T&M) activities.
- k) Check survey layouts and controls for line, grade, and dimension for conformance with the plans and specifications.
- l) Coordinate schedule and document utility work performed by others. Assist the Construction Contractor in the coordination of the project work with outside agency utility work.
- m) When requested by METRO, attend conferences with officials of METRO, governmental agencies, or other persons.
- n) Recommend adjustments to the work to accommodate changed conditions and anticipated interferences. Support METRO Project Manager and METRO Procurement in reviewing the changes.

- o) Notify METRO of any potential changes to the work and for claims. This notification shall include an evaluation of the impact of potential changes in work and/or claims on the contract, project costs, and schedules.
- p) Prepare and submit to METRO in a timely manner reports on the status of individual construction contracts. Reports shall represent an accurate assessment of the current status of the project and of the work remaining to be accomplished. Additionally, these reports shall identify variances and problems, and provide a sound basis for management decisions. Such reports shall include, but not necessarily be limited to, the following:
 - i. Construction Status Reports.
 - ii. Construction Changes Log.
 - iii. Special reports related to manpower, material, traffic control, change order work, etc. as may be requested.
 - iv. Inspector's Daily Reports.
 - v. Assistance with providing information for METRO's weekly Management Report.
- q) Meet with appropriate METRO staff as required to review Construction Contract status. If requested, the Consultant shall participate in periodic METRO management meetings to provide information and make recommendations pertinent to issues under discussion.
- r) Assist in preparing Change Orders directing changes to the work in accordance with METRO's Procurement Manual.
- s) Receive and evaluate requests for proposed Change Orders. As a result of this evaluation, the Consultant shall, in accordance with METRO's Procurement Manual, advise METRO of the impact of potential changes on project costs and schedules; make recommendations regarding Change Order disposition; where necessary, participate in negotiations with Construction Contractor on Change Orders, and prepare Field Change Orders for approval and issue.
- t) The Consultant shall review the safety article in the Construction Contract and review the Construction Contractor's written safety program for compliance. The Consultant shall forward the Construction Contractor's Safety Program to METRO's Safety Department for review. The means and methods of construction shall remain the whole and exclusive liability of the Construction Contractor.
- u) Familiarize with project schedules, emphasizing those items of work and materials which are critical to the project.
- v) Obtain from each Construction Contractor a complete list of all critical material and equipment items, the name of each supplier, and the required and promised delivery dates for such items. The Consultant shall take appropriate steps to see that shop drawings and samples are submitted and approved as per the schedule.
- w) Establish a schedule for progress meetings to review the status of each project, take accurate minutes of the meetings, and reproduce and distribute copies of the minutes.
- x) Review and certify monthly invoices submitted by Construction Contractors, utility companies, and material suppliers to ascertain accuracy. Prepare the payment requests in accordance with METRO procedures.
- y) Maintain detailed cost records for each project. These records must support payment requests and pass independent audit.
- z) Maintain an up to date, marked set of record contract plans and specifications at the job site, to include information from Design Consultants and Construction Contractors.
- aa) On completion of each contract, the Consultant, accompanied by representatives of METRO, shall inspect the work. The Consultant shall, within five (5) days after this inspection, present the Construction Contractor with a list of all deficiencies and omissions. Upon correction of these, the Consultant shall notify METRO that the work is complete and ready for acceptance inspection. Based on information from Construction Contractors, the Consultant shall prepare and furnish to

METRO marked prints of contract drawings showing as-built conditions. The Consultant shall further require that as-built shop drawings showing actual conditions are prepared by Construction Contractors and submitted to METRO, and that all shop drawings, catalog cuts and diagrams, and such other information prepared by the Construction Contractor, or furnished to the Construction Contractor by suppliers and manufacturers, that are necessary to properly maintain the accepted facility, are furnished to METRO.

- bb) Receive, check for accuracy, and submit to METRO all releases of liens and claims required of Construction Contractors. Throughout the project METRO may ask consultant to assist in reviewing documentation from prime contractors and subcontractors confirming they have been paid for all prior month's work before additional payment applications are executed.
- cc) Recommend to METRO, the institution of any partial or complete default action against Construction Contractors and assist METRO in determining the amounts due under default settlements.
- dd) When requested by METRO, provide liaison with METRO's Community Relations activity to coordinate programs to minimize and solve community-associated construction problems.
- ee) Review the submittals for Buy America Compliance; if the documentation and certification is not sufficient for verification, alert Metro's Project Manager about the need for a specialist to be assigned by METRO to review the products for Buy America compliance. METRO may ask consultant to assist in various Buy America Compliance tasks during design or construction and drafting Buy America compliance waivers.
- ff) METRO will review conflicts due to relations between CM Services Consultants and Project Design Teams when project work authorization selections are made.

1. EXHIBIT B: CERTIFICATION OF RESTRICTIONS ON LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an office or employee of any agency, a member of Congress, an officer or employee of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions. After a Contract is awarded by METRO, if applicable, the undersigned is also required to submit to METRO's Contracting Officer a signed copy of the Form-LLL, 'Disclosure Form to Report Lobbying,' for all sub-awards at all tiers in excess of \$100,000.00.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. Once a Contract is awarded by METRO, the undersigned is also required to submit to METRO's Contracting Officer a signed copy of the certificate for all sub-contracts at all tiers in excess of \$100,000.00.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ day of _____, 2023.

Company Name: _____

By: _____
(Signature of Company Official)

(Title of Company Official)

2. EXHIBIT C: DEBARMENT AND SUSPENSION FORM

The undersigned certifies, by submission of this certification, that neither the proposer's/contractor's company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

If the company is unable to certify to any of the statements in this certification, the company shall attach an explanation to this certification.

I hereby certify that I am authorized to execute this certification on behalf of the company and certify the truthfulness and accuracy of the contents herein or attached hereto to the best of my belief. The company does/does not (strike one) have in-house legal counsel.

Company Name: _____

By: _____
Signature of Company Official Date

Title of Company Official

The following shall also be completed if the Company has in-house legal counsel:

The undersigned legal counsel for _____ hereby certifies that _____ has authority under state and local law to comply with the subject assurances and that the certification above has been legally made.

Signature of Company's Attorney Date

3. EXHIBIT D: SMALL BUSINESS FORMS

Form 1: CONTRACTOR UTILIZATION PLAN FORM

INSTRUCTIONS TO COMPLETING CONTRACTOR UTILIZATION PLAN FORM

The Contractor Utilization Plan identifies the bidder’s/proposer’s (prime) team of certified and non-certified subcontractors and suppliers. It is also used to determine the percent (%) of Small Business (SB) participation on the team. **All team members must be listed on the form regardless of certification status.** The METRO SBE program does not accept a Good Faith Effort (GFE) response to its solicitations. All bidders/proposers must list each certified and non-certified firm on the Contractor Utilization Plan (CUP) form that it plans to utilize to satisfy the requirements of the scope of work. Make additional copies of the appropriate Section(s) of the form, if needed, to include all team members.

Information applicable to all members of the team in Sections 1, 2, 3 & 4 of the CUP:

- Name, tax identification number, business address and contact information of prime, subcontractors and suppliers.
- Brief description of work to be performed by prime or subcontractors; or products to be provided by the suppliers.
- Certification status of prime, subcontractor(s) and supplier(s). Include a copy of the METRO SBE certificate or a DBE certificate for any applicable members of the team. Be sure to reference the solicitation regarding the types of SB certifications that METRO accepts or visit the METRO website www.ridemetro.org and go to the Small Business link.
- Percentages of the total contract value to be performed by the prime and each subcontractor and supplier. (Note: The total of all team members must equal 100%.)
- Price is **REQUIRED** on this form when responding to “Invitations for Bid” (IFB) solicitations. Price is only required on the **FINAL CUP** for “Requests for Qualifications” (RFQ) or “Requests for Proposals” (RFP) solicitations.

	Type of Work to be Performed or Materials Supplied	Indicate if SBE/DBE (Y/N)		Percent of Contract Effort	Price (IFB ONLY)
		SBE	DBE		
Name of Business					
Tax ID No.					
Business Address					
Telephone No.					
Contact Person					
Title					
Email Address					

CUP Completion Instructions continued on next page

Section 1 – Prime Contractor: This Section is only for the bidder’s/proposer’s information.

Section 2 – Subcontractors: This Section is used to list all certified and non-certified subcontractors.

Section 3 – Suppliers – Manufacturers (100%): In this section, list all certified and non-certified suppliers that manufacturer or produce the product they are providing.

- 100% of each certified supplier’s contract value (or percentage) will count towards the SB goal.

Section 4 – Suppliers – Dealers (60%): In this section, list all certified and non-certified suppliers that purchase their products from a wholesaler.

- 60% of each certified supplier’s contract value (or percentage) will count towards the SB goal.
- Note that the “**Percent of Contract Effort**” in this section is divided into 2 parts: “**100%**” and “**60%**”. **BOTH PERCENTAGES MUST BE SPECIFIED IF A SUPPLIER IS CERTIFIED.**
- The “**100%**” represents the total value of the P.O. (or Contract) as a percentage of the total value of the bid. *For example:* If the total bid is \$1,000,000 and the P.O. value is \$100,000, then the **100% value = 10%** and the **60% value = 6%**. In this example, only 6% (\$60,000) will be counted towards the SB goal. See example below:

Percent of Contract Effort		Price (IFB ONLY)
100%	60%	
100% Value (%): 10%		100% Value (\$): \$100,000
	60% Value (%): 6%	60% Value (\$): \$60,000

- Reminder: In the case of an RFP or RFQ, only specify the percentages.

Summary Totals & SBE/DBE Participation Section

- In this section, under “**TOTAL AMOUNT OF BID/PROPOSAL**”, specify the dollar amounts and the corresponding percentages relative to the total proposal amount from Sections 1, 2, 3, & 4. (**Important:** The total dollars must match your proposal amount and the corresponding percentages must total to 100%.)
- Under “**% SBE/DBE Participation**” specify the percent of SB participation per Sections 1,2,3 & 4. See IFB example below:

EXAMPLE ONLY SCENARIO: The Prime is not certified, and all of the subcontractors and suppliers are certified firms. The Small Business goal is 35%.

	TOTAL AMOUNT OF BID/PROPOSAL	% SBE/DBE Participation
PRIME:	\$ 500,000 _____ 50 %	0 %
SUBCONTRACTORS:	\$ 300,000 _____ 30 %	30 %
SUPPLIER-MANUFACTURERS:	\$ 100,000 _____ 10 %	10 %
SUPPLIERS-DEALERS:	\$ 100,000 _____ 10 %	6 %
TOTAL BID/PROPOSAL AMOUNT:	\$ 1,000,000 _____ 100 %	46 %

(Note: If the solicitation is an RFP or RFQ, only specify the percentages.)

Remember to submit all Sections, enter the information highlighted in yellow below, sign and date the form.

Submitted By: _____
Signature of Owner/Officer of Business (Date)

Business Name: _____

Address: _____

Telephone/Email: _____

Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

Section 1 – PRIME CONTRACTOR		Type of Work to be Performed or Materials Supplied	Indicate if SBE/DBE (Y/N)		Percent of Contract Effort	Price (IFB ONLY)
			SBE	DBE		
Name of Business	_____					
Tax ID No.	_____					
Business Address	_____					
Telephone No.	_____					
Contact Person	_____					
Title	_____					
Email Address	_____					
Section 2 – SUBCONTRACTORS		Type of Work to be Performed or Materials Supplied	Indicate if SBE/DBE (Y/N)		Percent of Contract Effort	Price (IFB ONLY)
			SBE	DBE		
Name of Business	_____					
Tax ID No.	_____					
Business Address	_____					
Telephone No.	_____					
Contact Person	_____					
Title	_____					
Email Address	_____					
Name of Business	_____					
Tax ID No.	_____					
Business Address	_____					
Telephone No.	_____					
Contact Person	_____					
Title	_____					
Email Address	_____					

Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

Section 3 – SUPPLIERS – MANUFACTURERS 100%		Counts for 100% toward small business goal when purchased from small business manufacturer (see Instructions to Bidders/Proposers).				
		Type of Work to be Performed or Materials Supplied	Indicate if SBE/DBE (Y/N)		Percent of Contract Effort (100%)	Price (IFB ONLY)
			SBE	DBE		
Name of Business	_____					
Tax ID No.	_____					
Business Address	_____					
Telephone No.	_____					
Contact Person	_____					
Title	_____					
Email Address	_____					
Name of Business	_____					
Tax ID No.	_____					
Business Address	_____					
Telephone No.	_____					
Contact Person	_____					
Title	_____					
Email Address	_____					
Name of Business	_____					
Tax ID No.	_____					
Business Address	_____					
Telephone No.	_____					
Contact Person	_____					
Title	_____					
Email Address	_____					

Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

Section 4 – SUPPLIERS – DEALERS 60%		Counts for 60% toward small business goal when purchased from small business regular dealer (see Instructions to Bidders/Proposers).					
		Type of Work to be Performed or Materials Supplied	Indicate if SBE/DBE (Y/N)		Percent of Contract Effort		Price (IFB ONLY)
			SBE	DBE	100%	60%	
Name of Business _____ Tax ID No. _____ Business Address _____ Telephone No. _____ Contact Person _____ Title _____ Email Address _____					100% Value (%):	100% Value (\$):	
					60% Value (%):	60% Value (\$):	
					100% Value (%):	100% Value (\$):	
					60% Value (%):	60% Value (\$):	
					100% Value (%):	100% Value (\$):	
					60% Value (%):	60% Value (\$):	

TOTAL AMOUNT OF BID/PROPOSAL

% SBE/DBE Participation

PRIME: \$ _____ % _____ %
 SUBCONTRACTORS: \$ _____ % _____ %
 SUPPLIERS-MANUFACTURERS: \$ _____ % _____ %
 SUPPLIERS-DEALERS: \$ _____ % _____ %
 TOTAL BID/PROPOSAL AMOUNT: \$ _____ % _____ %

The Contractor agrees to adhere to this Plan submitted unless a waiver is received from the Office of Economic Business Opportunity. Any changes in the Plan regarding the proposed use of certified subcontractors in discharging the contract duties must be approved by the Office of Economic Business Opportunity. The approval of the Office of Economic Business Opportunity will not be unreasonably withheld upon a showing of good cause to make the change.

Submitted By: _____
 Signature of Owner/Officer of Business (Date)

Business Name: _____

Address: _____

Telephone/Email: _____

Form 2: BUSINESS ASSURANCE STATEMENT

The undersigned certifies that he/she has read, understands and agrees to be bound by the small business provisions set forth in this Solicitation. The undersigned further certifies that he/she is legally authorized by the bidder/contractor to make the statements and representations in this solicitation and that said statements and representations are true and accurate to the best of his/her knowledge and belief. The undersigned agrees to attain the small business utilization percentages of the total offer amount as set forth below:

Small Business Contract Goal Commitment = _____% - must match commitment on the Contractor Utilization Plan form

The undersigned will enter into formal agreement(s) for work to be identified on the 'Contractor Utilization Plan Form' form conditioned upon execution of a contract with METRO and agrees to include the two assurance statements below in all subcontracts.

Copies of the subcontract agreements will be submitted to the Contracting Officer within fifteen (15) days of contract award and within fifteen (15) days of the addition of new subcontractors to the Contractor Utilization Plan.

The undersigned certifies that the firm shown below has not discriminated against any subcontractors because of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age, but has provided full and equal opportunity to all potential subcontractors irrespective of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age.

The undersigned understands that if any of the statements and representations are made knowing them to be false or there is a failure to implement any of the stated intentions, objectives, goals, and commitments set forth herein without prior approval of METRO's President & Chief Executive Officer or duly authorized representative, the bidder/contractor will be subject to the loss of any Contractor, the termination thereof resulting from this proposal, and could be ineligible for future METRO contract awards.

Signature: _____

Title: _____

Date of Signing: _____

Firm or Corporation: _____

Address: _____

Telephone Number: _____

Form 3: SUBCONTRACTOR/SUPPLIER LETTER OF INTENT

PLEASE SUBMIT SEPARATE FORMS FOR EACH SUBCONTRACTOR/SUPPLIER

For use by submitters to identify subcontractors and suppliers.

Solicitation No.: _____

Project Title: _____

Prime Contractor: _____

Subcontractor/Supplier: _____

Small Business Yes No Disadvantaged Business: Yes No

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

Period of Performance: _____

Description of proposed materials or services to be performed under the Contract Utilization Plan:

Signature of Subcontractor/Supplier

Title

Signature of Prime Contractor

Title

Form 4: CONTRACTOR UTILIZATION PLAN PLEDGE

Copies of the Subcontract Agreements will be submitted to the Contracting Officer within fifteen (15) days of Contract award and within fifteen (15) days of the addition of new Subcontractors to the Contractor Utilization Plan and will include the Clauses below.

Pledge of Prompt Payments

I pledge to pay all Subcontractors within five (5) business days after receiving payment from METRO for amounts previously invoiced for work performed or materials furnished under the Contract. I understand METRO may withhold payment if Subcontractors are not paid within five (5) business days of receipt of payment.

Signature: _____

Title: _____

Date: _____

Pledge of Disputed Invoice Notification

I pledge to notify Subcontractors, in writing, within five (5) business days of either receiving a disputed invoice from the Subcontractor or receiving notice from METRO of a disputed invoice, to resolve the disputed issue in a timely manner and to pay Subcontractors within five (5) business days of receiving payment from METRO.

Signature: _____

Title: _____

Date: _____

METRO's Non-discrimination Mandate

I affirm that _____ (Company name) adheres to METRO's Non-discrimination Mandate and has not discriminated against any subcontractors in considering subcontracting opportunities based on race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age.

Signature: _____

Title: _____

Date: _____

(FOR CONSTRUCTION CONTRACTS)

I pledge to release the retainage of all Subcontractors within thirty (30) days after satisfactory completion and approval of work performed. Subcontractors may petition the prime Contractor to make the final payment and may notify METRO of the request. As METRO releases retainage for payment to the Subcontractor, the prime Contractor is required to immediately (within 15 days) pay the Subcontractor. The release of retainage will be made to the Subcontractor regardless of the prime invoicing METRO.

Signature: _____

Title: _____

Date: _____

4. EXHIBIT E: CODE OF ETHICS OF THE METROPOLITAN TRANSIT AUTHORITY

Please refer to the current versions of METRO's Codes of Ethics for METRO Employees and for the METRO Board of Directors at <https://www.ridemetro.org/Pages/ConflictsDisclosure.aspx>

5. EXHIBIT F: METRO'S ETHICS AND SAFETY HOTLINE

METRO'S ETHICS AND SAFETY HOTLINE is a reporting system, administered by a third-party vendor, by which employees, Contractors, and others may report concerns or complaints they may have about improper conduct or safety conditions at METRO. Employees and Contractors may report confidentially and anonymously if desired, free of any retaliation. This reporting mechanism satisfies the Federal Transit Administration's Employee Safety Reporting Program Rule requirements (49 CFR 673.23(b), 673.27 (b) and 673.29 (b). Employees and Contractors may submit a report to the Hotline through one of the following methods: Toll-Free: 1-888-60-REPORT (888-607-37678); Fax: 215-689-3885; Website: www.Lighthouse-services.com/ridemetro; E-Mail: reports@lighthouse-services.com.