



**SANTA CLARA VALLEY  
TRANSPORTATION AUTHORITY  
REQUEST FOR INDUSTRY FEEDBACK (RFIF)**

**RFIF S20209**

Issue Date: November 20, 2020

Requested Response Due Date: January 8, 2021

**SUBJECT: VTA's BART Silicon Valley Phase II Extension Program/Stations Contract**

**PURPOSE:** The purpose of this Request for Industry Feedback ("RFIF") is to gather information regarding interest from design professionals and contractors (each an "Organization") that may form design-build teams for Contract Package 4 ("CP4") - Stations which is part of VTA's BART Silicon Valley Phase II ("BSVII") Program (the "Program"). The information obtained pursuant to this RFIF will be considered by VTA in advancing the Program, and may be reflected in subsequent procurement documents, including but not limited to the Request for Qualifications ("RFQ") and the Request for Proposals ("RFP").

To deliver CP4, VTA will use a design-build ("DB") best value delivery method, whereby VTA will provide proposer teams with a form of contract that includes commercial terms as well as performance and prescriptive specifications for CP4 DB Contract (the "Contract"), with the intent of receiving definitive technical and price proposals. VTA will also provide geotechnical and survey information as part of the procurement process. BART and VTA entered into a Comprehensive Agreement in 2001 that defines the roles and responsibilities of both agencies. Among other things, the Comprehensive Agreement stipulates that BART is the responsible entity and advisor to the Program, providing technical oversight for the BART systems to be procured in the Contract. In this capacity BART will be actively reviewing the DB team's designs, shop drawing submittals, testing procedures and operations & maintenance ("O&M") instructions so that contractual requirements are maintained for the safe and efficient operation of the BART System.

VTA provides overall procurement, management, administration, technical review support, contract interfaces, and systems integration support for the Program. VTA will own the BSVII infrastructure and BART will operate and maintain the infrastructure.

It is expected that the scope of the Contract will include, but not be limited to the following:

- Management and administration, including contract scheduling, and risk management. The contractor for this Contract ("CP4 contractor") is responsible for interface and integration, both in terms of design, construction, installation and testing.
- Quality control, quality assurance, and safety management, including development of relevant plans and procedures consistent with Contract requirements.
- Interface management of CP4 scope elements that interface with or tie into the work of the CP1 and the CP2 contractors. The CP4 contractor will be required to update/maintain the owner-provided interface matrix for the Contract. There will be extensive interfaces to manage with multiple "handoffs" that will require designated coordinators during

design, construction, installation and testing. The CP4 contractor's interface specialists will work with the CP1 and CP2 contractors to ensure seamless interfaces.

- Engineer(s) of Record (“EORs”) and Architect(s) of Record (“AORs”) will be the CP4 contractor's designer(s) that prepare the construction plans and specifications. The EORs'/AORs' key responsibilities include cross-contract design integration, safety/security certification program, code compliance, and the preparation of as-constructed documentation, prior to contract closeout as a condition to final acceptance of the work.
- During the construction phase of the Contract, the CP4 contractor will be required to coordinate and monitor the “hand-off” dates defined in the Contract or identified during final design development. Each Program contract will use these “hand-off” dates and other cross-contract interface requirements to ensure that the overall Program schedule is monitored as progress is achieved.
- The CP4 contractor's integration team will work directly with VTA and BART for successful commissioning and turnover.

VTA expects that proposal requirements for the Contract will include, at a minimum, each proposer's management approach, efficiency of design and construction means and methods, and a collaborative strategy for working with the other Program contractors to complete the work and meet the systems, testing, commissioning and safety/security certification timelines to enter into passenger service. VTA intends to use a best value selection process to select a design-builder for CP4.

This RFIF for CP4 has two main goals:

- First, to seek the industry's perspective and feedback on the questions in Appendix A to this RFIF. Interested parties are strongly encouraged to submit written responses to these questions.
- Second, to arrange for optional follow-up individual meetings (at VTA's sole discretion) with qualified Organizations as described in Section 4 below.

**RFIF SCHEDULE:** VTA anticipates the following schedule for this RFIF S20209:

Milestone	Date
RFIF CP4 Released	Friday, November, 20, 2020
Submit RFIF CP4 Questions	5:00 p.m. Pacific Time, Friday, December 4, 2020
RFIF CP4 Clarification/Addendum Released	Friday, December 18, 2020
Submit RFIF CP4 Responses	5:00 p.m. Pacific Time, Friday, January 8, 2021
CP4 Discretionary Meetings	Monday, January 25 – Friday, February 5, 2021

**NOTE:** This is an RFIF only and is *issued solely for market research purposes*. It does not constitute a formal solicitation, nor does it guarantee that a formal solicitation may follow. This RFIF should not be construed as a means to pre-qualify vendors; not responding to this RFIF does not preclude participation in any future solicitation, if one is issued. Time and resources spent by Organizations in the development of a response to this RFIF or attending an individual meeting are voluntary and solely at that the Organization’s cost. Any future contract related to the subject of this RFIF that may be awarded must comply with VTA’s procurement policies/procedures as well as any other relevant VTA policies/procedures.

## **SECTION 1: INTRODUCTION**

**OPPORTUNITY:** VTA intends to award the Contract in the summer of 2022. The Construction Cost Estimate is currently between \$1.0B to \$1.2B.

**ABOUT THE PROGRAM:** The largest single public infrastructure project ever constructed in Santa Clara County, the Program will extend BART service six miles from the Berryessa/North San José BART station through downtown San José and terminating in the City of Santa Clara. BART will operate and maintain the BSVII Extension.

Transit-oriented development (“TOD”) is planned for each of the future station locations as part of VTA’s Transit-Oriented Development Program. However, while each station location will be built to not preclude future TOD, design and construction of TOD is not part of the BSVII Program. The Program is planned to include, among other things:

- 28<sup>th</sup> Street/Little Portugal Station
- Downtown San José Station
- Diridon Station
- Newhall Yard & Santa Clara Station
- Mid-Tunnel Ventilation/Egress Facilities

The Program is proposed to be divided into four discrete projects and corresponding contracts. These will include Contract Package 1 – Systems (“CP1”), Contract Package 2 - Tunnels and Trackwork (“CP2”), Contract Package 3 - Newhall Yard & Santa Clara Station (“CP3”), and Contract Package 4 – Stations (“CP4”). There will also be contracts associated with TOD. **This RFIF covers only CP4.**

There are significant interface and coordination complexities associated with the BSVII Program. The CP4 contractor must interface and coordinate with the CP1 contractor and CP2 contractor, both of whom will need to concurrently occupy portions of the station and site during construction. Having the ability to formulate and implement plans to overcome these logistical complexities is critical to the Program’s success.

VTA is planning to establish a Project Management Office (“PMO”) complex where the selected contractors for each of the four contract packages for the Program and VTA will be co-located. VTA believes that co-locating in this manner will be conducive to a collaborative and efficient work environment.

For more information, please visit <https://www.vta.org/projects/bart-sv/phase-ii>. Please note that much of the background information contained under this website link was prepared for a prior project configuration (i.e. twin bores rather than the current single bore). Regardless, the information is useful in providing a general understanding of many of the project-related complexities and issues.

**ABOUT VTA CONTRACT PACKAGE 4 - STATIONS:** CP4 includes three underground stations: 28th Street/Little Portugal, Downtown San Jose (“DTSJ”), and Diridon along with their associated headhouse, ancillary facilities, and site improvements. While the stations are to be

designed to accommodate and not preclude future TOD projects, development of TOD is not part of the CP4 scope of work or otherwise part of the Program.

Station scope elements generally include: site demolition and preparation for use as construction staging areas (“CSA”); maintenance of traffic and establishment of haul routes; temporary facilities and controls; utility relocations as required; ground improvement; excavation and support of excavation (“SOE”); instrumentation and monitoring of excavations including mitigation/remediation measures; waterproofing; placement of structural concrete; conveyance systems; ventilation and egress facilities, utility connections; civil site restoration; architecture, landscaping and street improvements including traffic signaling and street lighting; and providing access to and shared use of CSA with the CP1 and CP2 contractors.

The specific scope varies at each station location. Some project elements specific to each station are described below:

### **28th Street/Little Portugal Station**

The 28<sup>th</sup> Street/Little Portugal Station will be a large cut and cover, side platform station with main line tracks in the center, constructed in an off-street excavation located east of 28<sup>th</sup> Street and South of E. St. James Street. The scope of work includes: utility relocations, as-required removal of SOE, installation of waterproofing, placement of final structural concrete architectural fit-out including fixtures, furnishings + equipment (“FF+E”), and site improvements including landscaping, wayfinding, 1,200 parking spaces, a community plaza and street improvements.

The contractor for CP2 will perform existing building demolition, site preparation, SOE installation and mass excavation. Once tunnel excavation is completed, the CP2 contractor will hand over the site to the CP4 contractor.

Future VTA TOD at the 28<sup>th</sup> Street/Little Portugal Station site is anticipated to be located on the remaining VTA property and not directly above the station.

### **Downtown San José (“DTSJ”) Station**

The DTSJ Station includes two cut and cover, off-street headhouses (public entrances), and a station ventilation/egress shaft with underground adits connecting to the in-tunnel passenger platforms in the single bore tunnel. The adits and single bore tunnel will be constructed by the CP2 contractor. The main headhouse is located on the north side of Santa Clara Street, in between Market and 1<sup>st</sup> Street. The east headhouse is located one block east, in between 1<sup>st</sup> and 2<sup>nd</sup> Streets. The ventilation/egress shaft is located on the NW corner of Santa Clara Street and 3<sup>rd</sup> Street.

The scope of work includes utility relocations (as required), hazardous material abatement and building demolition, installation of deep foundations and SOE, internal dewatering, geotechnical and sensitive structures/utilities instrumentation and monitoring, mass excavation, waterproofing, structural concrete, architectural fitout including FF+E, site and street improvements.

Since the headhouses and ventilation shafts are connected to the tunnel via complex adits that are likely to be built by the CP2 contractor, a high level of coordination between the two contracts

(and their respective contractors) will be required. These interfaces include design, construction, access and shared use of CSA.

The CP4 contractor will need to take extra precautions to ensure the project does not impact adjacent historical buildings and other sensitive structures in the area.

Future VTA TOD is anticipated above the main station headhouse between Market and 1<sup>st</sup> Streets, as well as on the remaining block properties.

### **Diridon Station**

The Diridon Station includes a large cut and cover, off-street headhouse located south of Santa Clara Street, directly across from the SAP Center. Additional egress and ventilation shafts may be located east and west of the station; and all will connect to the in-tunnel platform with adit connections.

The scope of work includes utility relocation (as required), hazardous material abatement, installation of deep foundations and SOE, internal dewatering, geotechnical and sensitive structures/utilities instrumentation and monitoring, mass excavation, waterproofing, structural concrete, architectural fit-out including FF+E, site and street improvements.

Since the headhouse and ventilation shafts are connected to the tunnel via complex adits that are likely to be built by the CP2 tunnel contractor, a high level of coordination between the two contracts (and their respective contractors) will be required. These interfaces include design, construction and access.

Significant vertical developments are planned in the vicinity of the station by other developers.

Future VTA TOD is anticipated above/adjacent to the station.

VTA may consider separate notices to proceed (“NTPs”) for work on each of the CP4 stations. The NTPs may help to properly integrate and coordinate the CP4 contractor’s work with the work of the other Program contractors, particularly the CP2 contractor. The CP4 contractor will be expected to submit a construction schedule that addresses project goals and constraints related to construction sequencing, logistics, installation, as well as testing means and methods.

At the conclusion of construction, the CP4 contractor will be responsible for providing verifiable as-built design documents reflecting what it actually built, including any approved changes, variances and specifications.

VTA will include a Geotechnical Baseline Report (“GBR”) as part of the CP4 RFP. Proposer teams may comment on the report, but it is currently envisioned that the GBR and any revisions to the GBR will remain a VTA-produced document.

Considering these characteristics, VTA currently anticipates the pricing structure to be as follows:

<b>Category of Work</b>	<b>% of Contract Value*</b>
Program, Quality & Safety Management and Administration	5%
Program Professional Services (Design, Integration and Interface Management, Coordination)	10%
Stations + Site Construction	75%
Testing, Commissioning, Punch-List and Closeout Items	5%
Contract Allowances	5%

(\* ) This is an approximation of the percentage of the estimated contract value

VTA expects to enter into a Project Labor Agreement (“PLA”) to cover all contracts within the Program, including this Contract. It is currently under discussion and, if successfully negotiated, VTA believes that it will be in-place by the end of 2020.

**ABOUT VTA:** The Santa Clara Valley Transportation Authority, also known as VTA, is the result of a 1995 merger between two previously separate entities: the Santa Clara County Transit District and the Congestion Management Agency for Santa Clara County. VTA is an independent special district responsible for bus and light rail operations, paratransit, congestion management, specific highway improvement projects and countywide transportation planning. As such, VTA is both an accessible transit provider and multi-modal transportation planning organization involved with transit, highways, roadways, bikeways, and pedestrian facilities. Working under the direction of a 12-member Board of Directors (“Board”), VTA’s annual operating budget is approximately \$400 million, and its currently approved capital program is approximately \$1 billion. VTA’s bus fleet of 505 buses serves a 346 square mile urbanized service area and operates approximately 18 million miles annually. The 42.2-mile light rail system is served by 99 rail cars and 5 historic trolley cars and operates approximately 2.2 million miles annually. VTA employs approximately 2,300 people, of whom approximately 700 are administrative, clerical and professional positions and approximately 1,600 are operators and maintenance positions. There are four operating/maintenance facilities located within Santa Clara County. The administrative headquarters is located separately from these four facilities.

For more information about VTA, log on to [www.VTA.org](http://www.VTA.org).

## **SECTION 2: INSTRUCTIONS & INFORMATION FOR ORGANIZATIONS**

**RESPONSES AND QUESTIONS:** Please submit your Organization's response to this RFIF to VTA using the contact information and subject line description below, no later than January 8, 2021.

In addition, you may submit questions or comments for clarification of this RFIF via email no later than December 4, 2020. A response to your questions or comments is not guaranteed.

Please send all responses, questions, comments and correspondence to:

Mary Talentinow, BSVII Commercial Manager  
Santa Clara Valley Transportation Authority  
3331 N. First Street, Bldg. B  
San Jose, CA 95134-1906  
Email: Mary.Talentinow@vta.org

Re: RFIF S20209 - BART Silicon Valley Phase II: Contract Package 4 - Stations

Please see Section 3 (Responses to Questions) below for further submittal requirements.

**VENDOR REGISTRATION:** Vendors are advised to register in VTA's vendor portal at [www.vta.org/business-center](http://www.vta.org/business-center) to ensure timely notifications to their e-mail address regarding this RFIF. This RFIF is posted under NAICS code 236220 – Commercial and Institutional Building Construction. Vendors must choose this NAICS code when registering to enable RFIF-related notifications.

**RFIF OWNERSHIP:** All responses, inquiries, and correspondence related to this RFIF and all reports, charts, displays, schedules, exhibits, and other documentation submitted by any Organization as part of this RFIF or in an individual meeting will become the property of VTA when received by VTA and will not be returned. VTA will have the right to use such materials, information and ideas without restriction.

**DISCLOSURE OF INFORMATION:** All written submissions and all other information submitted to VTA in response to this RFIF or in an individual meeting are subject to applicable public record laws. As a result, participants in this process should not provide any information they are not willing to publicly disclose.

**EFFECT OF RESPONSES TO QUESTIONS AND INDIVIDUAL MEETINGS:** Neither responding to the questions nor participating in an individual meeting is a prerequisite for participating in any future procurement for the Program. Similarly, responding to the questions or participating in an individual meeting will not confer on the participant any preference, special designation, advantage or disadvantage whatsoever in any subsequent procurement process related to the Program. VTA will not evaluate responses to the questions or the results of an individual meeting as part of any statement of qualifications or proposal evaluation process.



VTA will accommodate meeting requests in its sole discretion and is under no obligation to accommodate any or all meeting requests. VTA may cancel the opportunity to have individual meetings in its sole discretion at any time without any liability.

VTA will not make any commitments at the individual meetings. Similarly, Organizations may not rely in any way whatsoever on any statements made by VTA or its representatives related to this RFIF, including any statements at the individual meetings.

VTA makes no representations, warranties, or guarantees that the information contained in this RFIF, on the Program website or discussed at individual meetings is accurate or that such information accurately represents the physical conditions or contract terms during any subsequent procurement or contract. All such information is subject to change.

Consistent with applicable law, VTA may communicate with one or more Organizations, participants in the individual meetings or anyone else regarding the subject matter hereof.

By submitting a response to this RFIF and/or participating in an individual meeting, each Organization and meeting participant, as applicable, expressly agrees that it will not have any rights against VTA arising from the RFIF process, including as a result of information provided by VTA, VTA's receipt and use of responses to questions, VTA's holding individual meetings or the results of those meetings.

### **SECTION 3: RESPONSES TO QUESTIONS**

In addition to written responses to the questions, respondents should provide a brief cover letter that references “RFIF S20209 - BART Silicon Valley Phase II: Contract Package 4 – Stations Responses to Questions,” and includes the following descriptive information:

- (1) Name of respondent and its anticipated team members (if any).
- (2) Principal line of business for respondent and its anticipated team members (if any).
- (3) Respondent’s interest in the Contract (i.e., design-builder, prime contractor, prime trade contractor, architectural/engineering discipline, etc.).
- (4) Name, title and contact information of the person responsible for submitting the response.

Please send responses via email to: [Mary.Talentinow@vta.org](mailto:Mary.Talentinow@vta.org). All responses should be in electronic .pdf format.

The subject line of the email transmitting the responses should clearly indicate the respondent’s name and “RFIF S20209 - BART Silicon Valley Phase II: Contract Package 4 - Stations – Responses to Questions”. Please limit your responses to no more than 20 pages total. Please do not include any extraneous marketing or business development collateral materials.

For Office 365 e-mail attachments, a 15MB size limit applies.

Alternatively, responses may be submitted on a flash/thumb drive labeled with the respondent’s name and “RFIF S20209 – BART Silicon Valley Phase II: Contract Package 4 - Stations – Responses to Questions” and delivered to the address shown in Section 2, above prior to the deadline.

The deadline to submit the cover letter and responses to the questions in Appendix A to this RFIF S20209 is 5:00 p.m. Pacific Time, January 8, 2021.

#### **SECTION 4: INDIVIDUAL MEETINGS**

Respondents to this RFIF may be offered an optional follow-up individual meeting (at VTA's sole discretion) to discuss the responses and gain further understanding of issues raised.

VTA will offer such meetings only to Organizations that have a proven track record of delivering projects of similar size, scale, and complexity as this Contract.

If VTA decides to conduct individual meetings, they will be offered during the following time period: January 25 – February 5, 2021. Meetings may be conducted in a virtual format. Further information regarding any such meetings will be contained in the meeting invite.

Each of the meetings will last up to 90 minutes. We request that Organizations offered an individual meeting limit their attendees to a maximum of eight (8) participants.

## **APPENDIX A QUESTIONS AND COMMENTS**

### **Contracting**

1. Based on your experience with other fixed price design-build procurements for transit projects, what should VTA consider to help ensure a successful outcome?
2. In your experience, what has been the most effective way to implement the alternative technical concepts (“ATCs”) process in the context of a DB procurement? How can the ATC process be utilized to produce meaningful results in innovation and cost savings?
3. The BSVII Program is a highly complex project involving several large design-build contracts. Multiple design, contractual and physical interfaces between CP4 and CP2 exist at each station location. What types of contract clauses and contracting mechanisms have you experienced that have helped with successfully managing these type of complex interfaces?

### **Contract Scope and Phasing**

4. The adits located between the tunnel and the underground stations at DTSJ and Diridon Station are very complex. VTA is evaluating which contract package would be best suited to design and construct the adits as well as the initial SOE of the DTSJ and Diridon stations. Would you recommend that these components be included in CP2’s or CP4’s scope of work? Please include your rationale for your recommendation.
5. VTA is evaluating whether CP1 or CP4 should design and install building services elements in the underground stations, including the heating, ventilation and air-conditioning (“HVAC”), and mechanical, electrical, and plumbing (“MEP”) systems. Would you recommend that these systems be included in CP1’s or CP4’s scope of work? Why?
6. VTA is evaluating whether the CP1 contractor will procure items that are standardized across the BSVII Program. This would include vertical conveyance systems (“VCS”). Would you recommend that the VCS be included in CP1’s or CP4’s scope of work? Why?
7. VTA is seeking the benefits of innovation capture from the design-build project delivery model. Are there specific design elements that VTA should be less prescriptive about (or scope differently) in order to maximize the opportunity for innovation from private sector proposers? Are there specific design elements that VTA should be more prescriptive about? Why or why not?

### **RFP Document and Approach**

8. For the RFP selection phase, VTA is considering a best value selection as described by the Design-Build Institute of America. What specific types of evaluation criteria have you

found successful? What is the maximum number of finalists that you recommend VTA shortlist for CP4?

9. VTA intends to provide architectural and art design parameters for the Stations as part of the evaluation criteria, and is forming a Stations Design Review Committee (“SDRC”). VTA currently anticipates that each of the shortlisted DB proposer teams would submit its architectural design concepts as part of the best value selection for confidential one-on-one reviews by the SDRC to confirm compliance with the design parameters and concept acceptability. What architectural design review processes have you found successful? What other proprietary meetings would you recommend? Why?
10. What level of design and supporting documents would a proposer need to understand the design intent and level of finishes to inform its cost proposal for CP4?
11. VTA is considering future TOD at the stations. Do you have experience in accommodating potential over-site TOD in the structural design of underground stations (e.g., foundation impact of the vertical development on the station structure)? If so, what are your recommendations for how best to define the structural requirements that would not preclude future TOD?
12. What contract incentives and pricing structure should VTA consider for CP4? What value would these incentives and structures have in mitigating key risks?
13. Do you consider a stipend for unsuccessful but responsive proposals to be a factor in deciding whether to submit a proposal? If so, indicate what amount would be reasonable for a design-build procurement of this size and nature.

### **Schedule**

14. VTA has developed a preliminary schedule for CP4 with an estimated construction duration of 5 years. What strategies have you seen that have helped contractors successfully stay on schedule? Are there specific tasks VTA can perform prior to NTP to facilitate the timely completion of work?
15. VTA may consider up to four Notice to Proceeds for CP4. Describe how this approach could impact the overall construction cost and duration. What are the advantages and/or disadvantages of this approach?

### **Sustainability Considerations**

16. VTA will be defining the contract’s sustainability goals for the RFP. What sustainability standard(s) do you recommend as appropriate for the Stations Contract scope?

The VTA Sustainability Plan 2020 can be found here:

[https://www.vta.org/sites/default/files/2020-06/SustainabilityPlan2020\\_Accessible\\_0.pdf](https://www.vta.org/sites/default/files/2020-06/SustainabilityPlan2020_Accessible_0.pdf)

### **Risk Assessment, Allocation and Mitigation**

17. In preparing the Contract, VTA will be making important decisions about the reasonable allocation of risks among itself, the CP4 Contractor, the other Program contractors and other third parties. Which aspects of the Contract would benefit from risk-sharing?
18. VTA has elected to utilize an Owner Controlled Insurance Program (“OCIP”) for this project. Describe your prior experiences with OCIPs and the key elements that made it successful and/or made it challenging including how the complexities were addressed and resolved.
19. Describe your recommendations for a robust safety program that enforces accountability, tracks preventable and non-preventable incidents and holds contractors responsible for both unfavorable and favorable loss history.
20. What forms of alternative dispute resolution should VTA consider for the Project? In your experience, is a mandatory mediation clause productive? Some contracts utilize a Dispute Review Board (“DRB”) or a Project Neutral - what insight do you have on DRBs or Project Neutral?
21. VTA is contemplating payment and performance bonds in the amounts equal to the cost of construction for the Contract, with the total estimated design-build budget of \$1.0B to \$1.2B. Would such a requirement be problematic, considering the size and scope of the Contract? Why or why not? If it would, what payment and performance security requirements do you believe would be appropriate for VTA to impose for the Contract, particularly in light of California law and FTA requirements for similar contracts?