



December 1, 2022
amended
December 20, 2022

REQUEST FOR QUALIFICATIONS (RFQ)

FOR

**THE PROGRESSIVE DESIGN-BUILD OF THE PHASE II AND PHASE III
SEWER COLLECTION SYSTEM**

PROPOSALS DUE:
January 24, 2023
4:00 PM

Hi-Desert Water District
55439 29 Palms Highway
Yucca Valley, CA 92284
(760) 365-8333
info@hdwd.com

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Exhibits

- A. Wastewater Collection System Planning Study Report – Phase II and III (Atkins, 2018)
- B. Environmental Studies & Mitigated Negative Declaration (June 2020)
- C. Scoring Sheet
- D. Reference Verification Form

1 INTRODUCTION

- A. **Hi-Desert Water District (HDWD)** invites qualified **Progressive Design Builders (PDB)** to submit a **Statement of Qualifications (SOQ)** for the Progressive Design-Build of the **Phase II and III Sewer Collection System in Yucca Valley, California, which shall be referred to as the PROJECT.**
- B. The method of the PROJECT execution is a Progressive Design-Build project delivery method. HDWD's long-term goal is to complete the design and construction of the Phase II and III sewer collection system BEFORE December 2025. HDWD seeks qualified entities to design and build the PROJECT through a Progressive Design-Build agreement (Agreement).

1.1 Procurement Process and Steps

- A. HDWD is using a two-step procurement process to select a Progressive Design-Builder (PDB) for the PROJECT. The procurement process is summarized below.
 - 1) Step 1: RFQ, SOQs and Shortlisting – The first step involves issuing this RFQ, conducting a pre-qualifications meeting, and receiving SOQs from PDBs. HDWD will evaluate the SOQs (including checking PDBs references and possibly conducting PDB interviews with PDBs according to the criteria in this RFQ) and prequalify PDBs.
 - 2) Step 2: Request for Proposals (RFP) and Selection – The second step involves issuing a request for proposals (RFP) to the prequalified PDBs, holding proprietary meetings, receiving proposals, evaluating proposals, additional reference checking, conducting interviews, selecting the highest ranked PDB based on best value, and negotiating the Agreement.

2 COMMUNICATIONS PROTOCOL

2.1 Request for Information

- A. All questions and requests for information related to this RFQ must be submitted via email as soon as possible, but no later than January 10, 2023 at 4:00 PM.
- B. Answers to relevant questions will be issued via addendum to the RFQ only. No answers will be given on an individual basis. Oral and telephonic inquiries will not receive a response.
- C. All the questions should be submitted electronically via email to both HDWD contacts provided below:

- Tony Culver, Assistant General Manager, Operations - tonyc@hdwd.com
- Ryan Hutchins, Project Coordinator - ryanh@hdwd.com

The RFQ and related documents, including addenda are available on www.hdwd.com

3 SUBMITTAL INSTRUCTIONS

- A. The SOQ shall be limited to 50 pages consisting of arial 12-point font exclusive of any front and back covers, table of contents or index, title pages/separation tabs, resumes, and appendices.
- B. Responses to this RFQ shall not regurgitate the information contained herein, but rather expand and elaborate on the information provided.
- C. Responses shall demonstrate an in-depth understanding of the requested services. Contents of the responsive proposal shall include the elements listed in the sub-sections below. Scoring for the submittals will be based on the selection process presented in Section 7.

3.1 Transmittal Letter

- A. Each SOQ must include a transmittal letter, signed by an authorized representative of the PDB. If the PDB is a joint venture, an authorized representative for each member of the joint venture shall sign the letter, and specifically state that, if the joint venture is selected as the PDB, each member will be jointly and separately liable to HDWD obligations arising out of all contracts between the joint venture and HDWD. In addition to the authorized signatory, the letter shall include:
 - 1) The name, title, email, and phone number for the PDB's preferred single point of contact for all procurement-related communication.
 - 2) A signed acknowledgment of all addenda to this RFQ as an appendix to the SOQ.
 - 3) A clear description of the PDB, including the designer of record, key sub-contractors including tunneling sub-contractor, the design firm and key design sub-consultants, and all other members of the PDB.
 - 4) The PDB's license number with the California State License Board for contractor and engineer of record, active California Department of Industrial Relations (DIR) registration number, and any DIR violations within the last 5 years. This item can be provided as an appendix to the SOQ.

- 5) Certification under penalty of perjury that the information provided in the SOQ is true and correct.

3.2 Submittal Instructions

- A. Submit six (6) printed hard copies, one (1) electronic submittal on a USB flash drive, and upload one (1) electronic submittal to a share file account.
- B. The SOQ is due before 4:00 PM, January 24, 2023.
- C. Mail six (6) hard copies and one (1) electronic Statement of Qualifications (SOQ) submittal on a USB flash drive with a searchable electronic PDF format addressed to:

Hi-Desert Water District
Attn: Tony Culver
55439 29 Palms Hwy
Yucca Valley, CA 92284

4 PRE-QUALIFICATIONS MEETING

- A. A pre-qualifications meeting will be held on **January 12, 2023, at 10:00 AM.**
- B. **Meeting Location:**
HDWD, Boardroom, 55439 29 Palms Hwy., Yucca Valley, CA 92284
- C. The meeting will be held to answer any general questions regarding the PROJECT or proposed scope of work. HDWD requests questions in advance to the meeting if possible. Please email anticipated known questions to Ryan Hutchins at ryanh@hdwd.com by 4:00 PM January 10, 2023.
- D. Attendance at the pre-qualifications meeting is not mandatory.

5 BACKGROUND AND PROJECT DESCRIPTION

5.1 Background

- A. Yucca Valley is subject to a state septic discharge prohibition. HDWD is initiating this PROJECT to expand the existing sewer collection system and connect to the wastewater treatment plant to eliminate the use of septic systems in the Warren Basin.

5.2 Existing Wastewater Collection and Disposal System

- A. HDWD owns and operates an existing wastewater collection, treatment and disposal system which includes gravity sewers, lift stations, force mains, and one 1.6 MGD treatment facility, often referred to as the Phase I Project area.
- B. Existing conditions along the proposed PROJECT route have been mapped in a Geographic Information System (GIS). Access to the GIS viewer Nobel

GeoViewer will be provided upon request and will include active utilities and any available drawings. The information provided is intended for general use and shall not be relied upon in any way for planning, estimating, design, or other activities necessary for the preparation of or completion of PROJECT. Contact Ron Wortham at ronw@hdwd.com for access.

5.3 PROJECT Description

- A. The PROJECT consists of the design and construction of the Phase II and III collection system and necessary lift stations. Figure 1 below the PROJECT areas.
- B. Phase I is complete, except for some deferred areas. The Phase II and III system is anticipated to be divided into the same four basins identified in the Phase I existing system, with potential for inclusion of Phase I deferred areas. Each basin is defined by topographical constraints and is comprised of several sub-basins which are defined by a network of sewer mains that feed into a branch of the backbone collection system. The proposed system to service every planned parcel within the Phase II and III boundaries is summarized below:
 - 1) Approximately 334,900 feet of gravity sewer collection line.
 - 2) Approximately 3,585 feet of force main.
 - 3) Approximately 3,780 lateral stub outs
 - 2,984 developed lots serviced
 - 796 vacant lots serviced.

5.4 PROJECT Phasing

The PROJECT will be divided into multiple design and construction packages and referred to as such to avoid confusion with the overall wastewater system master plan phases. Packages will be designed and constructed progressively throughout the overall timeline with the requirement that construction be completed, and the PROJECT be completed no later than December 2025.

- A. The existing Phase I collection system was divided into four major basins, Barron, Sunnyslope, Paxton, and Kickapoo. Each basin is defined by topographical characteristics, has one terminating low point, and is comprised of sub-basins. A sub-basin is defined by a network of sewer mains that feed a branch of the trunk sewer. For the Phase II and III areas, these basins will be extended by adding additional service area to the existing sub-basins. The services areas added to each sub-basin will be further divided into regions.
- B. Each region corresponds to a single connection point into the either the Phase I portion or the Phase II portion of the PROJECT. To maintain continuity with the labelling scheme and basin designations of the Phase I system, the new regions for the Phase II and III areas will adopt a similar naming convention.
- C. The estimated total length of gravity pipe for all four basins under the condition of providing service to every planned parcel within the Phase II boundary is 160,225 feet and within the Phase III boundary is 174,675 feet. The total length of force main to service every planned parcel within the Phase II boundary is 700 feet and within the Phase III boundary is 2,885 feet. This length of pipe is used to service 1,969 lots within Phase II and 1,811 lots within Phase III. Within Phase II, 1,656 of

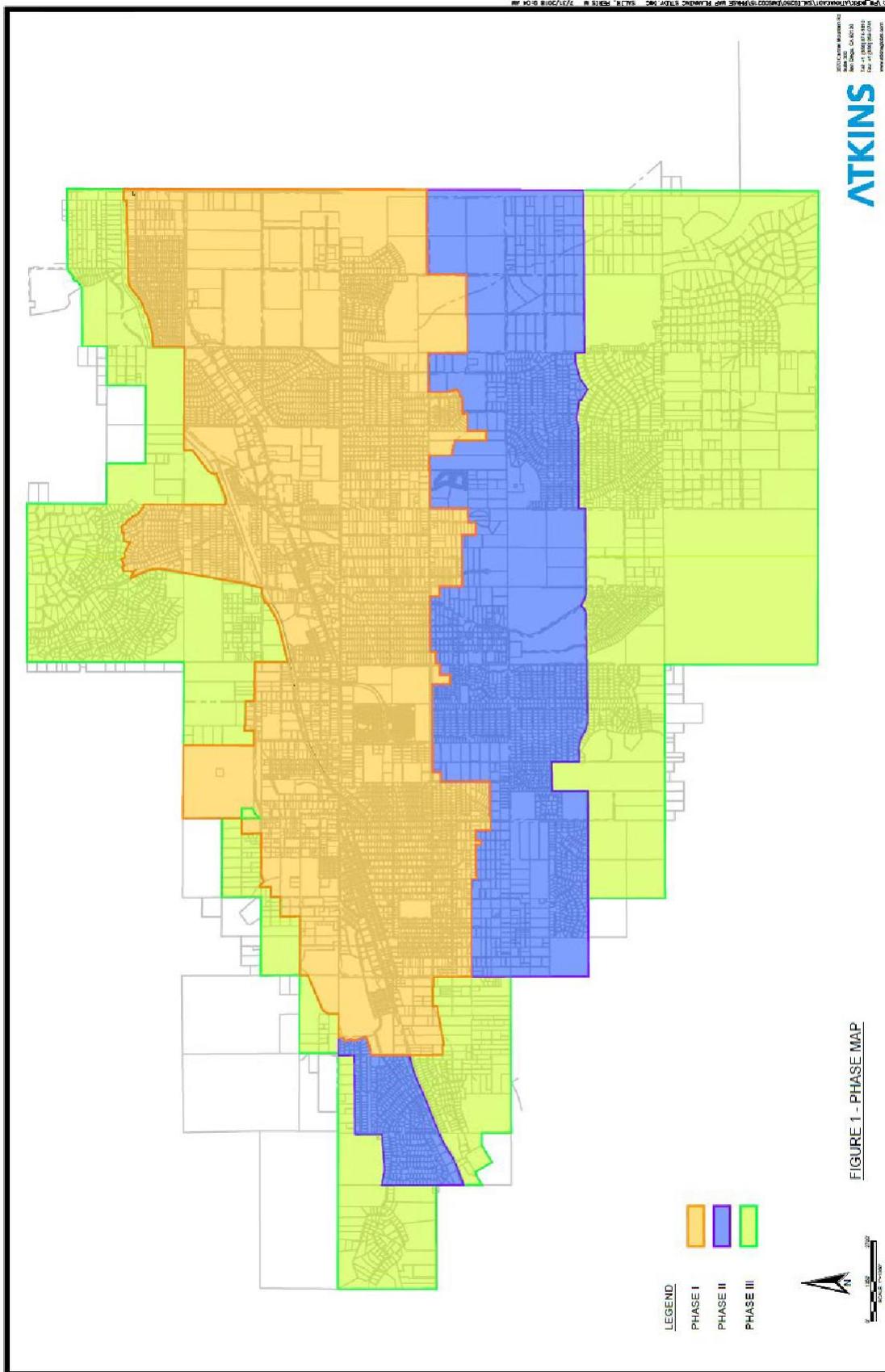
those lots, or 84%, are developed, and within Phase III, 1,328 of those lots, or 73% are developed.

- D. The selected PDB, in consultation with HDWD, will determine the best method to deliver the packages throughout progressive design and construction to best meet overall PROJECT requirements.

5.5 PROJECT Guaranteed Maximum Price (GMP).

- A. The selected PDB will be responsible for developing the final scope and Guaranteed Maximum Price (GMP) for the PROJECT.

FIGURE 1



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5.6 PROJECT Schedule

A. HDWD anticipates the following overall PROJECT milestones:

1) Request for Qualifications	December 1, 2022
2) Revised RFQ	December 20, 2022
3) RFQ Questions due by	January 10, 2023
4) Pre-Qualifications Meeting	January 12, 2023
5) Submission of Statements of Qualifications	January 24, 2023
6) SOQ Interviews (option at HDWD's discretion)	January 31, 2023
7) Notification to Shortlisted Teams	February 7, 2023
8) Request for Proposals	March 2023
9) Pre-Proposal Meeting	March 2023
10) Field Walk-Through	March 2023
11) Questions Due by 4:00 PM	April 2023
12) Proposals Due at 4:00 PM	April 2023
13) Proposal Review and Evaluation	April 2023
14) RFP Interviews	April 2023
15) Award of Contract and Notice to Proceed	April 27, 2023
16) Guaranteed Maximum Price (GMP) (Anticipated)	August 2023
17) First Package (Design) Completion (Anticipated)	October 2023
18) Construction First Package Authorization (Anticipated)	November 2023
19) PROJECT Completion (Anticipated)*	December 2025

5.7 Hydraulic Analysis

- A. As part of the 2018 Planning Report by Atkins, a hydraulic analysis was completed for the PROJECT. Atkins updated and expanded the existing Phase I hydraulic model of the collection system. The hydraulic model uses the estimated pipe slopes, materials, and projected flows, to simulate the volume of wastewater in the system at any given time of day. This volume is used to size the pipe diameter to conform with the design criteria depth to diameter (d/D) ratio, as well as to produce a velocity as close to the desired minimum velocity of 2 feet per second, which is generally considered to be a “self-cleaning” velocity. To generate projected wastewater flows, Atkins used the same process followed for the Phase I system design. This process included obtaining water meter flow data for each property in the Phase II and III areas, which was then tied back to a specific parcel through the APN. A return to sewer (RTS) rate of 90% was used, meaning that 90% of the water meter flow was modeled to return to the sewer system as wastewater.
- B. Pairing this flow data with the system layout in this study yielded potential flow rates in each pipe segment of the Phase II and III areas. Each pipe was initially set to a minimum diameter of 8-inches, and the model was used to highlight pipes that were over capacity and needed to increase in diameter.

5.8 Environmental Review

- A. HDWD adopted a Mitigated Negative Declaration in June 2020 for this PROJECT, biological surveys will be updated prior to construction. The PROJECT requires the State Water Board complete an environmental review as part HDWD’s State Revolving Fund application.
- B. After conducting a cursory permits analysis, HDWD has identified the following permits may be required for the PROJECT:
 - 1) United States Army Corps of Engineer 404 Permit (Federal Clean Water Act)
 - 2) United States Fish and Wildlife Take Permit (Section 10 of Endangered Species Act)
 - 3) State of California Fish and Wildlife Take Permit (Western Joshua Tree)
 - 4) State Water Resource Control Board 401 Permit (Federal Clean Water Act)
 - 5) State Water Resource Control Board 2009-0009-DWQ Construction General Permit
 - 6) AB-52 Coordination
 - 7) Town of Yucca Valley Encroachment Permits

- 8) Storm Water Quality Management Plan
- 9) Regional Water Quality Control Board NPDES Permit
- 10) Town of Yucca Valley Traffic Control Permit

C. It is the responsibility of the selected PDB, to verify if the above referenced potential permits are required and identify, if any additional permits are required. All permitting will be the responsibility of the PDB. Additional Environmental requirements and responsibilities of the PDB will be presented in the RFP.

5.9 Land Acquisition

A. The selected PDB will determine required easements, draft easement documents and all matters associated with obtaining sufficient easements to ensure completion of the PROJECT. For information purposes, most if not all collection mainlines will be in public right of way and existing easements.

6 QUALIFICATIONS AND KEY PERSONNEL

6.1.1 PDB Details

- A. Identify the legal name of PDB including Joint Venture Partners, if applicable).
- B. The PDB must be a legal entity and may not be a division or business unit of a legal entity (in such case, the legal entity would be the PDB). If the name is a "doing business as," identify underlying names.
- C. Identify a single point of contact (a real person) and include the following information: name, title, address, office telephone number, and e-mail address.
- D. If a PDB has branch offices, state which office will be performing the majority of the work. If PDB is a consortium, partnership or any other form of a joint venture, the SOQ shall contain any Memoranda of Understandings (MOU), as applicable. If a MOU does not yet exist, the SOQ shall contain the summary of the key terms of the anticipated agreement, including the percentages of ownership, roles of the various PDB parties and anticipated execution date. Executed teaming agreements or summaries of teaming agreement key terms shall be included in an appendix.

6.1.2 Joint and Several Liability

- A. Clearly state and define the joint and several liabilities, if any, of the PDB’s consortium membership and clearly define any specific roles or responsibilities allocated for individual consortium members. Discuss how the PDB has used this or a similar entity structure to deliver similar Projects in the past, lessons learned from those Projects, and benefits of the structure to HDWD.

6.1.3 Organizational Chart and Management Structure

- A. The PDB shall provide a narrative describing the PDB’s proposed PROJECT team. A description of any joint venture and/or proposed subcontract arrangements, which would be utilized during the PROJECT should be included in the narrative. The narrative shall describe the proposed PROJECT organization, management structure, identification, and responsibilities of key personnel, including prime contractor and prime design firm including any key sub-contractors or sub-consultants. Key sub-contractors and sub-consultants to be identified shall include at minimum a geotechnical engineer and tunneling contractor.
- B. The organizational chart shall identify firms as well as key individuals, identify reporting relationships between organizations and indicate the proposed organizational structure for managing the PROJECT. In addition, the organizational chart should include personnel, individuals, staff assignments, and their relationships to the PROJECT responsibilities. The PDB shall provide a statement that assigned personnel substitutions will not occur without prior HDWD approval. Provide resumes of key individuals as an appendix. At a minimum, resumes shall be included for the following personnel, as applicable:

Contractor Staff	Design Staff
Project Executive Project Manager Foreman Scheduler Quality Control Officer Safety Manager Environmental Manager	Project Manager Collection System Design Manager Engineer Conveyance Tunneling Lead Lift Station Design Manager Lift Station Electrical Engineer Lift Station Structural Engineer Lift Station Mechanical Engineer Lift Station Site Civil Engineer Lift Station Instrumentation & Controls Engineer Environmental Lead Geotechnical Engineer

6.2 Project Experience of PDB Team

- A. The PDB Team shall provide a narrative describing the combined corporate level past project experiences of similar scope and complexity. The narrative shall delineate innovations, lessons learned, cost controls, quality of work, ability to meet schedule, challenges and how those past projects are similar to the PROJECT. The narratives shall identify which members of the PDB proposed PROJECT team worked on the past project and shall include a brief description of the project, facility size, construction cost, name, address, telephone number and recommendations of the facility owner.
- B. The PDB may submit up to twelve (12) past projects meeting the criteria below. The corresponding information provided by the PDB will assist HDWD in selecting a PDB. Describe the PDB's construction and design experience and or understanding as pertains the following:
1. Lift stations of similar size and complexity.
 2. Conveyance systems of similar size and complexity.
 3. Tunneling of similar size and complexity.
 4. Local (Town of Yucca Valley and/or San Bernardino County) environmental and regulatory requirements.
 5. Design-Build and or Progressive Design-Build Contracting methods.
 6. Overlap of Contractor and Design Firm is expected. A minimum of two (2) past projects shall be projects where the Contractor and the Design Firm worked together.

Note: The above reference experience criteria may include subcontractor/subconsultant experience. One reference project may cover several criteria. HDWD reserves the right to decrease the required experience if no submittal meets the aforementioned minimum requirements.

6.3 Management Approach

- A. The PDB shall provide a narrative describing the PDB's management approach for the PROJECT. Describe PDB's Progressive Design-Build approach that includes but is not limited to:
- 1) Interaction with the HDWD and the decision-making process.
 - 2) Innovative design and construction techniques and/or state of the technology and sustainability measures to achieve the owner's goals, increase safety,

and/or enhance communication and collaboration.

- 3) PROJECT controls including the scope, schedule, and cost management as well as risk management associated with the PROJECT.
- 4) Quality Assurance/Quality Control (QA/QC) methodology and approach as well as approach to ensure that adequate materials, equipment, and qualified resources are available to complete the PROJECT.
- 5) Approach in addressing environmental and permitting challenges specifically related to San Bernardino County region.
- 6) Approach and methods for the development and management of a sewer collection system including collaboratively developing a GMP with HDWD. Discuss how PDB's estimating and cost monitoring process and how information is conveyed to HDWD.
- 7) Factors that would drive an owner to consider taking a contractual "off-ramp", that may release the PDB from further engagement or, at the HDWD's option, may require the PDB to complete the design under the PDB Phase 1 contract, prior to and at GMP. Discuss the best practices the PDB would recommend to clearly address the "off-ramp" topic and minimize the chance of such an outcome.

6.4 Safety and Claims History

- A. The PDB shall provide a history of all safety claims associated with the PDB for the past five (5) years. If there is a joint venture, the history of safety claims shall be provided for both entities. Provide a summary of the PDB's safety program and safety record, including supporting evidence (Safety Record Documentation). The SOQ must include the following safety information for the past five years for each entity of the PDB:
 - 1) Experience modification rate (EMR) calculated by the National Council on Compensation Insurance or similar rating bureau.
 - 2) Describe all OSHA violations and all workers' compensation and safety claims.
 - 3) Completed OSHA Form 300A, Summary of Work-Related Injuries and Illness.

6.5 Financial Statements (Pass/Fail)

- A. To assure HDWD that the PDBs can perform the required Progressive Design-Build services, the PDBs must demonstrate financial strength by providing evidence of financial capability commensurate with a project cost of

\$180,000,000 and above. The PDB shall provide financial statements for the three most recent Fiscal Year (FY) for the lead contractor and lead design firm. The financial statement shall be included in an appendix labeled "CONFIDENTIAL". The financial statements shall include the following information, or alternatively, sufficient information to, in the opinion of HDWD, determine PDB's financial ability to complete this PROJECT. All information provided will be treated as confidential and proprietary within HDWD's ability to control, however, prospective PDBs should be aware that some information may require disclosure under California or Federal public records laws.

- 1) Summary financial statements (either from SEC filing or Certified Annual Financial Reports)
- 2) Annual overview of gross revenue and net Income
- 3) Statement from PDB's bonding company to demonstrate bonding capacity
- 4) Credit ratings (e.g., Fitch Ratings, Moody's Investors Service and/or S&P Global Ratings) for the past three (3) years and disclose any changes in the ratings during this period.
- 5) DUNS Number, if applicable.
- 6) A statement regarding any material changes in their business for the past three (3) years.
- 7) Disclosure of any potential mergers or acquisitions that will materially impact either workload or financial status of PDB.

6.6 Administrative Office and Key Personnel Location from Project Site

- A. The administrative office(s) for key personnel shall be within a 50-mile radius of the PROJECT site, during the PROJECT. For design and pre-construction, the key personnel shall include the project manager, conveyance and lift station project managers. For construction, this would include the conveyance and lift station project manager and environmental manager.

7 SELECTION PROCESS

- B. HDWD will establish a Selection Committee, which will be responsible for evaluating the SOQs and prequalifying PDBs.
- C. The Selection Committee will review the SOQs based on completeness, responsiveness to RFQ and demonstration of qualifications of the PDB. The Selection Committee will score the SOQs based on the scoring summary sheet

presented in Exhibit C and verify references based on the reference verification form included in Exhibit D. The Selection Committee will recommend to the HDWD General Manager, or designee, the prequalified PDBs. Only prequalified PDBs will be allowed to participate in the step 2 RFP process.

- D. Selection of qualified PDBs by the Selection Committee does not create a binding contract or obligation on the part of HDWD to issue an RFP nor to enter into a contract with any of the qualified PDBs. Furthermore, this RFQ does not commit HDWD to award a contract, to defray any costs incurred in the preparation of a SOQ, or to contract for services. In addition, HDWD reserves the right to reject any or all SOQ's and to waive any and all irregularities to choose the firm that, in its opinion, best serves its interests. HDWD will not be liable for any costs incurred by the PDBs incidental to the preparation and presentation of qualifications, either orally or in writing.

8 PROJECT DELIVERY APPROACH

8.1 Procurement Overview

- A. HDWD intends to procure and deliver the PROJECT utilizing a progressive design-build method as described above. The selection of the PDB will be on a best value selection process. All interested parties are invited to respond to this RFQ. Each PDB's SOQ will be evaluated according to the criteria published herein and it is HDWD's intent to shortlist qualified PDBs to be invited to propose on the RFP. This RFQ may be cancelled, delayed, or altered by HDWD at any time.

8.2 Payment for Work Product

- A. HDWD will not intend to issue a payment or stipend in connection with this RFQ, and no such payment or stipend will be provided to any PDB regardless of whether a PDB is shortlisted and fully participates in the RFP selection process.
- B. HDWD has applied for State Revolving Funds (SRF) and anticipates an approval and availability of funds in 2023 or 2024.
- C. Further details regarding the Agreement as pertains to the number, timing, and manner of payments will be included in the RFP and Agreement. Notwithstanding anything to the contrary in this RFQ, HDWD may revise the scope of this procurement and the delivery model for the PROJECT.

8.2.1 RFP (Step 2) Selection of PDB for PROJECT

- A. Final selection of the PDB during Step 2 will be based upon best value. Factors for determining best value include but are not limited to qualifications, experience, approach, potentially other non-price criteria and price. Evaluation

of qualifications and experience will rely upon information submitted with each PDB's SOQ during step 1 and any supplemental information provided with their proposal in step 2.

- B. Each prequalified PDB will be allowed to add firms and individuals to enhance its team or address additional expertise requirements added by HDWD at the RFP step.
- C. If during the Step 2 responses, a PDB desires to replace any principal participant or key personnel (firm or individual) submitted as part of Step 1 (SOQ), the PDB must:
 - a. Submit with its proposal information regarding that replacement's qualifications and experience; and
 - b. Obtain HDWD's written approval for that replacement, which approval may be withheld in HDWD's sole discretion.

9 LICENSING STATE AND FEDERAL REQUIREMENTS

9.1 Licenses

- A. HDWD will not require PDBs to be licensed as a condition of submitting an SOQ or being shortlisted. However, PDBs must be licensed in the State of California at the time of RFP Agreement award and provide evidence that PDB have, or at the time of Agreement award will have, all licenses, registrations and credentials required to design and construct the PROJECT, including date(s) obtained or anticipated to be obtained, type, number, classification, issuing agency and expiration date.

9.2 State and Federal Requirements

- A. HDWD will likely use state and/or federal funds, including funds from the Clean Water State Revolving Fund, to fund all or a portion of the PROJECT. The successful PDB will be required to comply with all requirements associated with state and federal funding to carrying out the PROJECT. This includes, but is not limited to, compliance with American Iron and Steel requirements, the Davis-Bacon Act, Build America, Buy America, and other funding requirements along with ensuring disadvantage business enterprises ("DBEs") have the opportunity to participate in the PROJECT. Ensuring DBEs participate in the PROJECT requires PDBs to take affirmative steps to include these DBEs when soliciting and awarding subcontracts. HDWD reserves the right to impose additional requirements on PDBs during the RFP process depending on the final state and/or federal funding sources for the PROJECT.
- B. HDWD may modify the procurement process described in this RFQ to address

any concerns, conditions or requirements of governmental agencies. PDBs shall be notified of any such modifications by way of addendum. Further information regarding applicable state and federal requirements will be provided in the RFP.

9.3 California Public Records Act

- A. Any information submitted in response to this RFQ is a public record subject to disclosure unless HDWD determines that a specific exemption in the California Public Records Act (CPRA) applies. If a PDB submits information clearly marked confidential or proprietary, HDWD may protect such information and treat it with confidentiality to the extent permitted by law. However, it will be the responsibility of the PDB to provide to the HDWD the specific legal grounds on which HDWD can rely in withholding information requested under the CPRA should HDWD choose to withhold such information. If the PDB does not provide a specific and detailed legal basis to HDWD to withhold the PDB's confidential or proprietary information, HDWD will release the information as required by the CPRA and the PDB will hold HDWD, its elected officials, officers, and employees harmless for release of this information. It will be the PDB's obligation to defend, at PDB's expense, any legal actions or challenges seeking to obtain from HDWD any information requested under the CPRA withheld by HDWD at the PDB's request.
- B. Furthermore, the PDB shall indemnify and hold harmless HDWD, its elected officials, officers, and employees from and against any claim or liability, and defend any action brought against HDWD, resulting from HDWD's refusal to release information requested under the CPRA which was withheld at PDB's request.

9.4 Rights of the District

- A. The issuance of this RFQ constitutes only an invitation to present qualifications. This RFQ is not a tender or an offer nor a request for proposals, and there is no intention by HDWD to make an offer by issuing this RFQ. The rights reserved by HDWD, which shall be exercised in its sole and absolute discretion, include without limitation the right to:
 - 1) Determine whether to issue the RFP.
 - 2) Reject any or all SOQs.
 - 3) Appoint the selection and evaluation personnel to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation.
 - 4) Extend the deadline for submitting SOQs.
 - 5) Require one or more PDBs to clarify the SOQs submitted through written

questions.

- 6) Waive any defect or technicality in any SOQ received when in the best interests of HDWD.
- 7) Determine which PDBs are qualified to be short-listed to receive the RFP.
- 8) Eliminate any PDB who submits an incomplete or inadequate response or is not responsive to the requirements of this RFQ.
- 9) Supplement, amend, or otherwise modify this RFQ, prior to the date of submission of the SOQs, including extending the due date for the SOQs.
- 10) Make changes to the schedule of events associated with the procurement process.
- 11) Cancel this RFQ in whole or in part with or without substitution of another RFQ, including but not limited to selection schedule, submittal date, and submittal requirements, if determined to be in the best interest of HDWD.
- 12) Cancel the Progressive Design-Build approach and proceed with a conventional design-bid-build approach.
- 13) Take any other action deemed to be in the best interests of HDWD. The foregoing reserved rights are in addition to and shall not serve to limit any of the specific rights and conditions set forth in this RFQ.