



**ATHALYE**

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May 26, 2014

California High Speed Rail Authority

Subject: RFQ No. HSR 13-81 Construction Management Services, Addendum to add ICE/ISE scope to this procurement

Athalye has a 22 year history of performing independent checks for major transportation and bridge projects. Most recently OCTA chose our firm to perform plan checking for the Orangerthorpe Corridor Grade Separations and a Metrolink station. Our total experience in performing an independent check has clearly demonstrated that Independent Check Engineering is most effective when an independent and separate entity performs the function. We can cite numerous experiences of significant deficiencies being identified and corrected as a result of this approach. An independent firm that reports to the HSR is the most cost efficient and direct way to communicate to HSR for corrective actions and thereby minimize project risk. In a major Design Build contract with an accelerated schedule the possibility of undetected deficiencies are compounded and significant. In our view, the benefit of getting a complete independence of this task far outweighs the effort to have a separate procurement.

The proposed amendment to have the PCM do the ICE/ISE also has a potential conflict of interest caused by a firm within the PCM team doing overlapping roles in CM and ICE/ISE functions.

We respectfully suggest changing the ICE/ISE as a separate procurement to have the complete independence from either the DB team or the PCM team. It will attract a separate specialized group of firms that have the expertise and specific experience and result in a better work product.

Sincerely,

**ATHALYE CONSULTING ENGINEERING SERVICES, INC.**

Ashok G. Athalye, P.E.

**Principal**

# **APAC - ASSOCIATED PROFESSIONALS AND CONTRACTORS OF CA**

June 3, 2014

Dan Richard, Chairman  
Jeff Morales, CEO  
California High Speed Rail  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: 1) Request for Small Business Enterprise (SBE) Participation Report on extended Regional Consultant and Program Management Contracts  
2) Unbundling/Bundling of Contracts

Dear Mr. Richard and Mr. Morales,

One year has passed since the following contracts were amended (time only) on May 2, 2013 and 30% SBE participation was included. The APAC Board of Directors requests a SBE participation report from the Authority for:

- Regional Consultants Contracts for time only; Los Angeles to San Diego Project Section, Sacramento to Merced Project Section, Merced to Fresno Project Section and Palmdale to Los Angeles Project Section.
- Program Management Contract

Please provide us with the names of the SBE sub-consultants, percentage of contract and dollar amount contracted.

Bundling/Unbundling. In your response to APAC's CEO, Diana LaCome and Attorney, Oren Sellstrom's letter of April 11, 2014, it is obvious that the Authority and APAC have a very different interpretation of FRA's directives on bundling and unbundling. Mr. Sellstrom is currently preparing a rebuttal letter to the Authority.

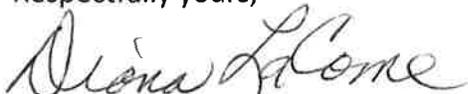
Today, Agenda Item #5: Consider Amending the Scope of Work Identified in the RFQ for Construction Package (CP) 2-3 Project Construction Management Services (PCMS) Contract, the board will be asked to support the amendment. APAC supports transferring the Independent Checking Engineer (ICE) and Independent Site Engineer (ISE) role from the design-builder contract; however, we recommend one or two RFPs. This would be in the best interest of small businesses. Each contract would be approximately \$10,000,000, an amount more digestible for

a small business team. The Authority is requesting approval for the ICE and ISE to PCM 2-3 contract. On the one hand, we support the unbundling but oppose the transferring to an already large PCM 2-3 contract.

Agenda Item #6 also in today's agenda. APAC supports an RFP on the Right of Way Services for the Initial Construction Section not an amendment to an existing contract for Right of Way Services.

Thank you for your attention to our recommendations.

Respectfully yours,

A handwritten signature in cursive script that reads "Diana LaCome".

Diana LaCome, CEO

Associated Professionals And Contractors (APAC) of CA