



CALIFORNIA High-Speed Rail Authority

Notice of Industry Comment Period For the Draft Contract Documents for Construction Manager/General Contractor (CM/GC) for Track and OCS Construction

TIME EXTENDED FOR WRITTEN COMMENTS

The California High-Speed Rail Authority (Authority) invites interested industry participants to submit comments and feedback on draft contract documents for the upcoming Construction Manager/General Contractor (CM/GC) for Track and Overhead Contact System (OCS) construction on the 171-mile Early Operating Segment from Merced to Bakersfield. This industry review does not constitute a solicitation document, nor does it represent a commitment to issue any type of solicitation or enter into any contract or agreement related to the high-speed rail program in the future.

All industry comments are due by noon on Friday, January 17, 2025. Comments should be provided in one document, emailed to TrackOCS@hsr.ca.gov. Each comment should be individually numbered and begin with the relevant RFP document name and section number (e.g. Preconstruction Scope of Work, section 1). The Authority has no obligation to respond to individual comments but may follow up with industry participants to clarify the information provided. The Authority is not currently scheduling one-on-one meetings for this procurement. If the Authority elects to conduct one-on-one meetings in the future, instructions will be issued on the Authority’s website regarding how to request such a meeting. Information provided in industry comments may be used for development of the CM/GC for Track and OCS construction contract and procurement documents.

Firms seeking to review the documents can find them at [Cal eProcure](#). Additional information about this review, including questions for industry consideration, is available on the Authority’s website at [Construction Manager/General Contractor \(CM/GC\) for Track and OCS - California High Speed Rail](#).

The Authority anticipates the following schedule for release of the CM/GC Track and OCS procurement:

RFP Release:	First Quarter 2025
Proposals Due:	Second Quarter 2025
Contractor selected:	Third Quarter 2025

Please be advised that all comments submitted, and any accompanying materials, will become property of the Authority and are subject to open government laws such as the California Public Records Act, the Bagley-Keene Open Meeting Act, and Freedom of Information Act (FOIA). If a submitting party has special concerns about information that it desires to make available to the Authority, but which it believes constitutes a trade secret, proprietary information, or other information exempt from disclosure, such submitting party should specifically and conspicuously designate that information as “TRADE SECRET” or “CONFIDENTIAL” in its submittal. Blanket, all-inclusive identifications by designation of whole pages or sections as containing proprietary information, trade secrets, or confidential commercial or financial information will be deemed invalid. The specific proprietary information, trade secrets, or confidential commercial and financial information must be clearly identified as such. Under no

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circumstances, however, will the Authority be liable for the disclosure of all or a portion of the information submitted in response to this invitation for comment, including the disclosure of any such labeled materials.

Any questions regarding this notice should be directed to Kristal McCain at TrackOCS@hsr.ca.gov or (916) 324-1541.

Industry Comment Period for the Draft Contract Documents for Construction Manager/General Contractor for Track & Overhead Contact Systems

INTRODUCTION

Thank you for participating in this industry outreach and input effort. Your efforts assist the Authority in making this procurement and Project successful. This notice provides a high-level overview of the procurement and contract approach for the performance of Track & OCS CM/GC procurement. This notice also includes a list of questions for industry to respond to as part of the industry review process for the Track & OCS CM/GC procurement.

The Authority welcomes feedback on the industry review drafts of the Track & OCS CM/GC Preconstruction Contract General Provisions and Scope of Work, and selected terms for the Construction Contract, including the construction scope overview. The Authority has identified areas of special focus for industry in the drafts and requests that industry participants respond to the questions listed below. Industry participants are not required to respond to any or all questions and may also provide the Authority with feedback relating to the Track & OCS CM/GC outside of these questions.

Capitalized terms used but not defined in this summary have the meanings given in the Track & OCS CM/GC Preconstruction Contract.

OVERVIEW

The Track & OCS CM/GC Contractor will be responsible for Preconstruction Services and Construction Work for the track and overhead contact system installation on the 171-mile Early Operating Segment of the California High-Speed Rail System. The work will be delivered utilizing a construction manager/general contractor delivery method that incorporates collaborative partnering, in-depth communication, motivation for innovation, and progressive project development of construction packages and pricing using open-book pricing methods.

For the Preconstruction work, the Authority and the Contractor will execute a Preconstruction Contract that includes design support services, constructability reviews, construction planning and phasing, cost estimates, and Work Package proposal development. The full anticipated scope of services for the Preconstruction Contract is included in the CM/GC Track and OCS Preconstruction Contract Scope of Work document.

During the Preconstruction Contract, the Authority and the Contractor will negotiate Work Packages for the performance of the Construction Work using a staged approach. The Authority anticipates issuing an early Work Package for the procurement of long lead items and will retain an option to issue a Work Package for maintenance and security of the existing assets handed over from the civil works. Additionally, the Authority expects to issue Work Packages for the construction and static testing of the Track/OCS system, for the provision of support for dynamic testing/certification/commissioning/acceptance in collaboration with other Interfacing Contractors, and to retain an option to issue a Work Package for the maintenance term. If any Work Package negotiations are successful, the Parties will execute the Construction Contract prior to issuance of the first Work Package. Work will continue concurrently on both the Preconstruction Contract and the Construction Contract and

Work Packages will continue to be issued as they are prepared and negotiated based on the Contractor's construction schedule.

The Work also includes proactive engagement with the Authority, the Track & OCS Design Services Consultant, and other Interfacing Contractors to deliver the Preconstruction services and the Construction Work, and to ensure the successful identification and integration of all technical and non-technical interfaces within the CM/GC Work across the Interfacing Contracts.

The Authority anticipates issuing three NTPs for the Preconstruction Contract:

1. NTP 1 authorizing Preconstruction Services to support the Design Principles (preliminary design) for the 171-mile Early Operating Segment and the Detailed Design for the 119-mile First Construction Section;
2. NTP 2 authorizing Preconstruction Services to support the Detailed Design for Merced to Madera; and
3. NTP 3 authorizing Preconstruction Services to support the Detailed Design for Fresno to Bakersfield Locally Generated Alternative.

QUESTIONS FOR INDUSTRY COMMENT

1. Role in CM/GC Procurement:

- a. Please provide a summary of your firm's intended role in the Authority's Track & OCS CM/GC procurement. Specify if you will be acting as a prime contractor, joint venture team member, subcontractor, supplier, or another role.

2. Approach to CM/GC

- a. Please provide any comments on the industry review draft documents. Are there any changes or improvements that could enhance competition or assist proposers to prepare a response?
- b. Are there any particular omissions in the documents, other than areas that are expressly marked as reserved, that you noticed and that should be included?
- c. Are there any lessons learned/recommendations you want to share with the Authority regarding the implementation of the CM/GC approach for this procurement?

3. Integration and Coordination among Contractors:

- a. The Authority plans to have a mutually developed governance structure that applies to all Interfacing Contractors to promote integrated project delivery. What governance structure components between Interfacing Contractors have you found to be the most successful for project delivery?
- b. Do the Scope of Work and General Provisions of the Preconstruction and Construction Contracts provide clear information regarding the expected interactions between the CM/GC Contractor and the other Interfacing Contractors?

4. Maintenance

- a. The Authority envisions that the CM/GC Contractor will provide maintenance support services for periods that occur before, during, and after the completion of the construction.
 - i. Please provide recommendations for the Authority to consider as it relates to structured maintenance periods for different periods of the Construction Contract.
 - ii. How would the recommended structure ensure reliability and performance of the Project Assets?

5. Dispute Resolution

- a. The Authority is committed to a collaborative and facilitated partnering process in which project-related disputes are resolved at the lowest level possible. In the event that there are any disputes that cannot be resolved in that forum, the Authority has proposed additional dispute resolution options in Section 17 of the General Provisions of the Preconstruction Contract and Section 22 of the Construction Contract.
 - i. What positive and/or negative experiences have you had with the proposed alternative dispute resolution options?

- ii. What have you found to be the most effective method of resolving disputes on a CM/GC project?

6. Insurance and Bonding

- a. Please provide comments regarding the use of a Rolling Owner Controlled Insurance Program under the Construction Contract.
- b. Are there changes the Authority should consider in the structure of the Project, and/or to the General Provisions that would improve the bonding conditions for the Contractor.

7. Testing, Commissioning, and Warranties

- a. The Authority anticipates issuing multiple overlapping Work Packages with one global substantial completion and one final acceptance upon successful completion of testing and commissioning of the Project with other Interfacing Contractors.
 - i. Please provide comments regarding the Authority's intent to issue Work Package(s) for construction and static testing, in addition to further Work Packages for supporting dynamic and integration testing, system start-up, pre-revenue operations, verification and validation, and system certification and acceptance.
 - ii. Please provide recommendations and/or input regarding this approach and when your firm proposes that warranties should attach.
 - iii. Please provide recommendations and/or input regarding a single substantial completion, given the potential length of time between initial construction Work Package completion and dynamic testing.

8. Other feedback:

- a. Please provide any other feedback you would like the Authority to consider regarding the draft Track & OCS CM/GC Preconstruction General Provisions, draft Preconstruction Scope of Work, and the draft Construction Contract.