



# VIA KEEP SA MOVING

Upcoming Procurements and Conflicts

June 2024

**This document serves as a summary of identified conflicts of interest for firms pursuing VIA contracts for services that will either develop deliverables or oversee the development of deliverables for the Advanced Rapid Transit (ART) Program, which includes VIA Rapid Green Line, VIA Rapid Silver Line, and the 2<sup>nd</sup> Operations and Maintenance Facility.**

**A complete listing of the applicable solicitations are found on page 8 of this document. Note that the solicitation of these contracts are subject to change based on the needs of VIA.**

## UPCOMING/CURRENT PROCUREMENTS

Project/Contract	Typical Scope	Typical Vendors
<p><b>Green Line: Program Management Support Consultant (Owner Representative)</b></p>	<p>Staff Augmentation /Construction Management /Project and Program Management of all projects under the Advanced Rapid Transit Program and Small Capital Projects. This may include invoice review, scope development, material testing, project/document controls, etc.</p>	<p>Project Management Firms, A/E Firms</p>
<p><b>Keep San Antonio Moving (KSAM): Public Engagement Support Services (Owner Representative)</b></p>	<p>Strategic Advisory / Project Management / Staff Augmentation Services for projects during the planning and development phases –Communications, Website and Outreach Support, Public/Stakeholder Engagement</p>	<p>An agency having expertise in outreach, developing educational materials, large capital projects, and planning projects</p>

## Upcoming Procurements and Conflicts

- ❖ **VIA reserves the right to determine in its sole discretion whether a conflict that is detrimental to VIA exists. So, firms with existing, active tasks/contracts related to KSAM Capital Contracts (e.g. ART and 2nd Maintenance Facility) need to closely review their tasks/contracts as they may be conflicted out of proposing/working on upcoming solicitations.**
- ❖ **Upcoming procurements may also have conflict limitations that may prevent a contractor/consultant from proposing/working on more than one at the same time**
  - For example, firms (primes and subs) cannot work on both the upcoming Program Management Support Consultant contract and is already a prime or sub currently performing work/deliverables to support the ART Program.

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- ❖ **Sub-consultants who have contracts with a Prime listed on page 7, *but are NOT currently performing any services*, need to determine if any conflicts exist. To be considered by VIA, a Sub-consultant will need to determine how best to eliminate any such conflict prior to the due date of the various proposals to prevent the Sub-consultant's preclusion.**
  - For example, the Sub-Consultant may want to contact their respective Prime Contractor to discuss their removal from the Prime's contract. If this avenue is followed, to confirm it, VIA will need the Prime Contractor to provide VIA with a letter on its company letterhead attesting to the fact that the sub-consultant is not performing work in the current task orders or has requested to be removed from current or proposed task order under their respective contract and that the Prime confirms to terminate its contract with the Sub-consultant. Provided VIA and the Sub-consultant agree, this action will prompt VIA to issue a Contract Modification removing the Sub-Consultant from the Prime's contract. At this point VIA would consider the conflict resolved.
- ❖ **Primes and sub-consultants who are providing services for a contract or task order related to National Environmental Policy Act (NEPA) work will be conflicted from the solicitations listed on page 8.**
  - To mitigate any conflict, a sub-consultant may want to contact their respective Prime Contractor to discuss their removal from the Prime's contract following the process mentioned above. This will need to happen prior to any Notice to Proceed (NTP) is given to a Prime to begin services under a contract or task order related to NEPA.

## Clarifying Potential Conflicts

- ❖ Primes and Sub-Consultants with any doubt should reach out to VIA's Procurement Department for clarification.
- ❖ A Prime or a Sub-Contractor holding a contract as an Owner's Representative can not participate in other VIA contracts where the Owner's Representative Contract scope has a provision to oversee other VIA contractors' work.
- ❖ Prime or Sub-Contractors under the Owner's Representative contract can team with other Owner Representative Prime or Sub-Contractors.

# Conflicts\*

As determined in its sole discretion, VIA identifies the following conflicts:

Construction Manager at Risk	Final Design Consultants	ART Design + NEPA	HDR
<p><b>Flatiron-Herzog JV - Prime</b></p> <ul style="list-style-type: none"> <li>Raba Kistner</li> <li>Legacy Engineering</li> <li>EZ Bel</li> <li>RJ Rivera, Associates</li> <li>Ascent Project Controls</li> </ul> <p>This prime and these subs are conflicted from proposing on the upcoming solicitations found on page 3.</p>	<p><b>Parsons Transportation Group - Prime</b></p> <ul style="list-style-type: none"> <li>Able City</li> <li>ADS Engineers</li> <li>ARS Engineers</li> <li>Baer Engineering</li> <li>Bain Median Bain</li> <li>Bowman Consulting Group</li> <li>HVJ Associates</li> <li>Pape Dawson Engineers</li> </ul> <p>This prime and these subs are conflicted from proposing on the upcoming solicitations found on page 3.</p>	<p><b>WSP - Prime</b></p> <ul style="list-style-type: none"> <li>Nelson Nygaard Consulting</li> <li>Poznecki-Camarillo, Inc.</li> <li>MIG, Inc.</li> <li>Maestas</li> <li>Arias</li> <li>TRG</li> <li>KAI Design</li> <li>Stantec/Cox McLain Environmental, LLC</li> <li>KGB Texas</li> <li>Economic Planning Systems</li> <li>Gonzales-De La Garza &amp; Associates / AG3</li> </ul> <p>This prime and these subs are conflicted from proposing on the upcoming solicitations found on page 3.</p>	<p><b>HDR – Prime</b></p> <ul style="list-style-type: none"> <li>Foursquare</li> <li>Kimley-Horn and Associates</li> <li>McCann Adams Studio, PLLC</li> <li>Astelle LLC dba Work5hop</li> <li>Economic &amp; Planning Systems, Inc. (EPS)</li> <li>KGB Texas Marketing/Public Relations, Inc. (KGB Texas)</li> <li>Cross-Spectrum Acoustics, Inc. (CSA)</li> <li>Rifeline, LLC</li> </ul> <p>This prime and these subs are conflicted from proposing on the upcoming solicitations found on page 3.</p>

\* - While this listing represents the latest comprehensive listing of sub-consultants under contract with respective Prime Contractors, it is the responsibility of all firms interested in proposing to ensure no conflict exists.

- ❖ **RFPs out for advertisement or expected to be released in the next 30-60 days:**
  - Project Management Consultant Services
  - Public Engagement Support Services





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