

# **NORTH COUNTY TRANSIT DISTRICT**



**PROCUREMENT & CONTRACT ADMINISTRATION DIVISION**

**REQUEST FOR LETTERS OF INTEREST (RFLOI)**

**RFLOI # P32371-388**

**FOR**

**Zero Emissions (ZE) Rail Vehicle Pilot Demonstration**

***NOTE:*** *The Table of Contents in this document is automated and contains hyperlinks to appropriate pages. Other portions of this document are also automated and hyperlink to referenced areas of the*

## **SECTION 01: NOTICE TO RFLOI RESPONDERS**

### **01.01 SUMMARY**

North County Transit District (NCTD) has received an unsolicited proposal to partner in the development and testing of a zero-emissions (ZE) rail vehicle pilot demonstration for use in commuter rail applications (Project). The Project would pilot the operation of a ZE rail vehicle to examine operational characteristics, maintenance considerations, and test potential infrastructure and appurtenance interfaces. NCTD is attempting to determine whether there are other entities that would be interested in competing to carry out the Project or if the Project could be awarded on a sole source basis to the unsolicited proposer without competition. To do so, NCTD is requesting Letters of Interest regarding a potential procurement for the Project. **THIS IS A REQUEST FOR LETTERS OF INTEREST (RFLOI) ONLY.** This RFLOI is issued solely for information and planning purposes; it does **NOT** constitute a Request for Proposal (RFP) or a promise to issue an RFP in the future.

This RFLOI does not commit NCTD to contract for any supply or service whatsoever. Responders are advised that NCTD will not pay for any information or administrative costs incurred in response to this RFLOI; all costs associated with responding to this RFLOI will be solely at the interested party's expense. Not responding to this RFLOI does not preclude participation in any future RFP, if any is issued. If a solicitation is released, it will be posted with NCTD's online bidding system, PlanetBids. It is the responsibility of the potential offerors to monitor this site for additional information pertaining to this RFLOI and any subsequent RFP.

### **01.02 RFLOI RESPONSE SUBMISSION**

ELECTRONIC ONLY – Responders will submit Letters of Interest (LOI) exclusively through NCTD's online bidding system as PDF attachments. Electronic responses will be received by on or before 2:00 PM PT on June 10, 2024 for ZE Rail Vehicle Pilot Demonstration. Specific submission requirements are contained in the "General Instruction for RFLOI Responders" section of this RFLOI.

### **01.03 COMMUNICATIONS**

All communications relating to this RFLOI must be directed through the Q&A tab within the solicitation posted on the NCTD bid management system "PlanetBids Vendor Portal". Any contact with NCTD during the solicitation period outside PlanetBids is grounds for disqualification. Answers to Questions or requests for clarification will be responded to directly on PlanetBids.

RFLOI Responders shall submit questions, as specified above, no later than 2:00 PM PT on May 30, 2024.

NCTD changes to any part of the RFLOI, technical specifications, or requirements will be through the issuance of an Addendum sent to all prospective RFLOI Responders who have downloaded the solicitation from the NCTD PlanetBids Vendor Portal. RFLOI Responders shall not make contact with NCTD staff, other than the assigned Contracting Officer with regard to any aspect of this solicitation.

### **01.04 CONE OF SILENCE**

Any verbal or written communications between any potential or actual RFLOI Responder, or its representatives and any NCTD Board Member, staff member, committee member, or consultant regarding this procurement are strictly prohibited from the date of the RFLOI advertisement through the date of execution of the agreement. The only exceptions to this are: (1) written requests regarding information or clarification made to NCTD's designated Contracting Officer during the allowable time period under the solicitation; and (2) any communications at a publicly-noticed meeting of the NCTD Board of Directors. Any violation of the requirements set forth in this section shall constitute grounds for immediate and permanent disqualification of the RFLOI Responder from participation in this procurement.

**01.05 CONTRACTING OFFICER**

Responsibility for this RFLOI has been assigned to:

Alesia Atkinson, Principal Contract Officer  
North County Transit District  
810 Mission Avenue  
Oceanside, CA 92054

Please note that all communication regarding this RFLOI must be made through PlanetBids.

**01.06 VENDOR REGISTRATION REQUIREMENTS**

To register to participate in this RFLOI, go to [www.gonctd.com](http://www.gonctd.com) and click on “Contracting Opportunities” at the bottom of the page. The Online Bidding System is described and contains a link to the registration page of the PlanetBids Vendor Portal for NCTD at the following web address <http://www.planetbids.com/portal/portal.cfm?CompanyID=20134>.

Contractors must register with PlanetBids to receive email notices for this RFLOI.

For individuals with sensory disabilities, documents may be made available in alternate formats. For information regarding alternate formats, contact the Contracting Officer listed in the solicitation or write Procurement & Contract Administration Division, North County Transit District, 810 Mission Ave., Oceanside, CA 92054.

**01.07 ESTIMATED RFLOI RESPONSE SCHEDULE (SUBJECT TO CHANGE)**

ACTIVITY	DATE/TIME
RFLOI Advertisement	05/16/2024
Deadline for Submission of Questions or Request for Clarifications via PlanetBids Only	05/30/2024 at 2:00 PM PT
RFLOI Response Due Date and Time	06/10/2024 at 2:00 PM PT

**END OF SECTION**

## **SECTION 02: GENERAL INSTRUCTIONS FOR RFLOI RESPONDERS**

### **02.01 DEFINITIONS**

Whenever, in the RFLOI, the following words are used, the intent and meaning shall be interpreted as follows:

**Responder/Responders** - persons, consultants, or corporations providing a submission of a LOI response to NCTD in the response to the RFLOI.

**Days** - calendar days unless otherwise specified.

**Executive Director** - the Chief Executive Officer of NCTD or his/her authorized representative or agent.

**NCTD or Grantee** - NCTD or its authorized representative or agent.

**NCTD Board of Directors (Board)** - the Governing Board of NCTD.

**NCTD Contracting Officer** - the authorized agent or representative of NCTD designated to administer and ensure strict conformance to the RFLOI Documents.

### **02.02 RFLOI FORM – SUBMISSION INFORMATION**

LOIs shall include a submission regarding the information and services requested. The LOI must be signed with the name and title of the person duly authorized to sign the offer. Responders will submit documents exclusively through NCTD's online bidding system.

Because LOIs can at times be ambiguous, NCTD reserves the right to request additional information from Responders.

### **02.03 LATE RESPONSES**

NCTD's online bidding system will not accept submittals after the date and time specified.

### **02.04 INCURRED COST**

NCTD will not reimburse Responders for costs incurred in the preparation of the LOI or any follow-up conversations with NCTD seeking clarifications to statements in the LOI.

**END OF SECTION**

## **SECTION 03: SCOPE OF SERVICES**

### **03.01 BACKGROUND**

North County Transit District's services are a vital part of San Diego's regional transportation network. NCTD provides commuter rail service known as COASTER between North County and downtown San Diego, and SPRINTER "hybrid" passenger rail service between Oceanside and Escondido, California.

The COASTER is a commuter rail service that operates on 41 directional miles primarily paralleling the busy Interstate 5 corridor between Oceanside and San Diego, California. Service is provided seven days a week, including trains for special events and for every Padres baseball game with 60-minute headways during peak periods. Currently, the COASTER service is provided with seven locomotives and 28 bi-level passenger coaches, typically in 4 or 5-car consists utilizing a push-pull configuration and equipped with Positive Train Control (PTC).

The SPRINTER is referred to as a "hybrid" passenger rail service that runs approximately 22 route miles between Oceanside and Escondido, California. The service operates with multiple unit (MU) trainsets with one or two married pairs providing higher-frequency service with 30-minute peak period headways seven days a week. The current operation utilizes equipment that does not meet a number of regulatory requirements and therefore operates under a waiver from the Federal Railroad Administration (FRA) under its joint agreement with the Federal Transit Administration (FTA). A condition of this waiver requires temporal separation between freight and conventional commuter/intercity passenger rail operation. As part of its transition to ZE technology, NCTD plans to replace this equipment with fully compliant rolling stock so that SPRINTER operations will interoperate on the San Diego subdivision with COASTER services. As part of this effort, the Escondido subdivision (SPRINTER) will be equipped with PTC.

NCTD is looking for viable ZE technology solutions for both of these services.

### **03.02 PURPOSE/INTENT**

NCTD is seeking LOIs confirming Responders' interest in providing ZE rail technology for either its COASTER, SPRINTER, or both services. This could include locomotive, MU or associated technologies that would help NCTD transition to ZE rail operations over the next decade. The solutions offered will help NCTD identify if there are other competitive options for the aforementioned unsolicited proposal being considered for this Project should an RFP be issued, or if other innovative solutions exist that could be explored under independent proposals under NCTD's board policy. This is not a two-step procurement or a request for qualifications. LOIs will not be binding on either party and will be used solely to support the decision-making process that may or may not lead to the development of a well-conceived solicitation document.

### **03.03 SCOPE OF SERVICES**

NCTD is interested in piloting Zero-Emissions (ZE) rail solutions to help it implement its sustainability initiatives and ultimate goal of converting its rail fleet to a zero-emissions technology. These solutions could include prototype ZE rail vehicles, such as locomotives or MU trainset, associated support infrastructure (e.g., charging infrastructure), or both. NCTD's objective is to pilot these technologies to understand the real-world operational challenges that must be addressed to implement these technologies, to include verification of technology performance, maintenance considerations, as well as infrastructure and facility needs. Although not the primary focus of this effort, NCTD would also consider technologies to improve current emissions or reduce fuel consumption in the interim before full ZE fleet conversion.

NCTD does not have a preferred zero emissions technology (e.g., hydrogen, battery, etc.). As such, any viable technology would be considered under this RFLOI so long as it can meet the baseline performance requirements identified, below.

## ***BASELINE PERFORMANCE REQUIREMENTS***

The ZE rail solution must meet the following requirements for operating a vehicle on the COASTER, SPRINTER or both services.

### **ZERO EMISSIONS REQUIREMENTS**

The locomotive or multiple unit shall not emit any harmful exhaust gases at the point of use including zero criteria air pollutants and zero greenhouse gases, per the definitions below<sup>1</sup>:

“Zero Emission (ZE) Locomotive” means a Locomotive that never emits any criteria pollutant, toxic pollutant, or greenhouse gas from any onboard source of power at any power setting, including any propulsion power that is connected to and moves with the Locomotive when it is in motion or stationary.

“Zero Emission (ZE) Rail Equipment” means equipment capable of on-track Operation whose main function is the same as a Freight Line Haul, Switch, Industrial, or Passenger Locomotive, but does not meet the definition of a Locomotive and that never emits any criteria pollutant, toxic pollutant, or greenhouse gas from any onboard source of power at any power setting, including any propulsion power that is connected to and moves with the ZE Rail Equipment when it is in motion or stationary.

### **CHARGING / FUELING GENERAL REQUIREMENTS**

Rail equipment shall be capable of utilizing the existing 480-VAC for HEP power and potentially on-board energy storage for charging, and if required fueling by portable means (e.g., truck).

Proposals for wayside charging at stations or yard/maintenance facilities, or semi-permanent fueling installations that may be necessary to meet the vehicle performance requirements (e.g. range) will also be considered as optional elements to this program. The proposer should identify all major interfaces used, and what standard any such interfaces are based on (if applicable). As part of its pilot program, NCTD may examine different interfaces designs to potentially aid in the development of industry standards. Vehicles should be capable of supporting multiple interface designs for technologies where no industry standard exists (e.g., battery-electric) as agreed upon with NCTD.

### **VEHICLE GENERAL REQUIREMENTS**

Except as noted below, any proposed passenger rail vehicle must meet all FRA requirements pertaining to commuter rail passenger equipment and locomotives under Title 49 Parts 200-299 of the Code of Federal Regulations (CFR). Unless physically restricted, NCTD may elect to operate the prototype vehicles on any subdivision of the railroad as part of the evaluation program. As noted, NCTD currently operates its SPRINTER under a waiver from the FRA which includes a condition of temporal separation between other rail operations. Vehicles intended to operate only on the Escondido subdivision may require permission from FRA. If a proposer wishes to operate a vehicle on the subdivision with the same relief (i.e., for equipment that does not fully comply with FRA crashworthiness regulations) NCTD may seek relief from FRA, but the pilot program would be subject to this approval.

For operation on the COASTER line, the vehicles must be ready for installation of Positive Train Control (PTC) equipment and data radios that are compatible with NCTD's current PTC Safety Plan (PTCSP). NCTD currently utilizes the Interoperable Electronic Train Management System I-ETMS provided by Wabtec Corporation.

Passenger rail vehicles shall be equipped with interior and exterior camera systems for all locomotive or cab cars, and interior cameras within passenger revenue areas as identified by NCTD.

The Contractor shall assist NCTD in meeting FRA requirements to operate passenger rail equipment that uses alternative propulsion methods by preparing and providing the required safety analyses, conduct

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<sup>1</sup> Adopted from the definitions used by the California Air Resources Board (CARB).

required testing, and providing reports and other documents to NCTD in a format ready for submittal to the FRA. The Contractor shall, on NCTD's request, participate with qualified personnel in any subject-related discussions or meeting to be held with the FRA.

### CLEARANCE REQUIREMENTS

The vehicles and attached equipment shall be built within the outline of the Equipment Diagram, Plate C as defined by Association of American Railroads (AAR), except where necessary at the door thresholds for compliance to ADA-Requirements under 49 CFR Part 38. The respective interfering elements shall be designed as "sacrificial." Vehicles shall also comply to the highest degree possible with the clearance requirements of the California Public Utilities Commission (CPUC) and shall identify any areas that will require relief from these conditions.

### PLATFORM-TRAIN INTERFACE (PTI) REQUIREMENTS

Passenger carrying vehicles will need to comply with the requirements of 49 CFR Part 38, Subpart E for to comply with Americans with Disabilities Act (ADA) specifications, unless relief is granted. Level boarding is preferred, where possible. If level boarding is not possible, the Contractor shall identify what temporary accommodations would be required to provide accessible access to passenger rail cars (e.g., mini-high platforms).

NCTD utilizes 22-inch platforms on its Escondido subdivision, and platform heights of 8 and 15-inches on its San Diego subdivision. An entry door threshold height of 23-inches is preferred for all passenger carrying vehicles with the capability to provide low-level boarding for NCTD's San Diego subdivision. NCTD will work with the contractor to address boarding height considerations or the use of technology such as gap fillers or retractable steps (or trap doors) to provide or test boarding solutions.

Passenger vehicles that cannot provide boarding at existing SPRINTER stations will still be considered for pilot evaluation if useful operational data can be obtained.

### WAYSIDE CHARACTERISTICS

The following Technical Provisions provide the basic track and wayside limitations under which the vehicle or train shall operate in revenue passenger service. The Contractor shall be responsible for obtaining any additional data required, either by requesting the data from NCTD or by performing site surveys.

**Track maintenance.** Main track will be maintained to the tolerances defined in 49 CFR Part 213 for Class 4 track, yard track will be maintained to Class 2 conditions.

Track data is provided in Table 2-1.

**Table 2-1: Track Data**

Dimension	Maximum	Minimum
Track gauge (nominal)	56.5 in (1,435 mm)	
Tangent track length (between reverse curves):		
Mainline	–	200 ft (61.0 m)
Yard	–	60 ft (18.3 m)
Turnout Geometry (AREMA)	#24 (R/LH)	#8 (RH)
Horizontal curve radius:		
Mainline	–	10 degrees 42 seconds (San Diego Subdivision)
Yard	–	14 degrees 12 seconds (Escondido Subdivision)
Superelevation	5.6 in (142 mm)	–

**Table 2-1: Track Data**

<b>Dimension</b>	<b>Maximum</b>	<b>Minimum</b>
Grade:	4% (unlimited, SPRINTER) 3% (unlimited, COASTER)	–
Minimum vertical curve length	–	100 ft (30.48 m)
Rate of grade change	3% each 100 ft (30.48 m)	–
Station tangent track length (in advance of and trailing station boarding platform)	–	60 ft (18.3 m)
Rail type: CWR	136 RE at 1:40 cant	115 RE at 1:40 cant
Platform curve		
Platform length	405.5 ft	318 ft (97.1 m)
Platform height	23 in (584.2 mm) SPRINTER 12-18 in (305mm – 458 mm) COASTER* *21 in (533.4 mm) “mini hi” for ADA boarding @ each platform	
Distance platform – center track	5ft 3 in (1600.2 mm)	

**ENVIRONMENTAL CRITERIA**

The vehicle shall be capable of being operated, stored, and maintained at specified performance levels within the environmental conditions present on NCTD’s railroad system in the greater Oceanside, CA area listed in Table 2-2.

**Table 2-2: Environmental Conditions in the Oceanside, CA Area**

<b>Condition</b>	<b>Maximum</b>	<b>Minimum</b>
Ambient temperature	110 °F (43 °C)	20 °F (–7 °C)
Relative humidity	100%	5%
Wind:		
Operating – 1-min wind	40 mph (64 km/h)	–
Operating – 3-sec gust	70 mph (113 km/h)	–
Storage – 3-sec gust	100 mph (161 km/h)	–
Rainfall rate	6.5 in (165 mm) in 24 hr	–
Snow accumulation		–

**WEIGHT AND WEIGHT DISTRIBUTION CRITERIA**

The following criteria are applicable to the conventional equipment over Escondido Subdivision, except on the San Marcos Loop, where conventional railroad equipment is prohibited.

1. Maximum gross weight per freight car must not exceed 286,000 lbs. (143 tons,286 kips) based on a car with:
  - a. 4 axles
  - b. minimum overall length of 56 feet
  - c. minimum 42'- 6" truck spacing (center-to-center of truck)
  - d. minimum 5'-6" axle spacing (2'-9" each from the center of the truck)
  - e. minimum 13'-6" truck center spacing between coupled cars (8' spacing between closest axles)

- f. maximum axle loads of 71,500 lbs (71.5 kips)

The following restrictions are in effect for the “San Marcos Loop”.

1. 52’-6” center-to-center truck spacing
2. 6’-3” axle-spacing (3’-1 ½” from center of truck)
3. Maximum 200,400 lbs. gross weight
  - a. Outer Truck axle loads of 32,000 lbs. (32.0-kips) each
  - b. Inner Truck axle loads of 36,200 (36.2-kips) each

The following restrictions<sup>2</sup> are applicable to the equipment over San Diego Subdivision.

- a. Maximum gross weight per car must not exceed 286,000 lbs., 143 tons (286 kips) based on a car with:4 axles
- b. minimum overall length of 56 feet
- c. minimum 42’- 6” truck spacing (center-to- center of truck)
- d. minimum 5’-6” axle spacing (2’-9” each from the center of the truck)
- e. minimum 13’-6” truck center spacing between coupled cars (8’ spacing between closest axles)

no equipment can travel on San Diego Subdivision with a single axle weight in excess of 71,500 lbs. (71.5 kips).

## **PERFORMANCE REQUIREMENTS**

The vehicle shall meet all of the following requirements for Acceleration and Braking, Speed and Emergency Braking.

### **Acceleration and Braking Performance Requirements**

A train shall be capable of completing a service run over the entire length of the SPRINTER and/or COASTER system at AW2; the target shall be 53 minutes travelling in either direction for the SPRINTER, and 61 minutes southbound and 62 northbound for the COASTER. The end-to-end travel times will include full station stops and minimum station dwell times as defined in the current COASTER/SPRINTER timetables.

### **Speed Requirements**

A train shall be capable of operating continuously at AW3 weight, on a track gradient of 1.25%, at a balancing speed of at least 79 mph (127 km/h), with a preferred maximum speed of 90 mph. Additionally, it shall be capable of operating continuously at AW3 weight, on a track gradient of 2.85%, at a balancing speed of at least 55 mph (89 km/h). The vehicles’ maximum operating speed shall be no less than 79 mph (127 km/h) with fully worn wheels. Target curving speed shall be based on 5-inches of cant deficiency; actual speeds will be limited to 3-inches of unbalanced superelevation (cant deficiency), unless the Contractor has static lean data to support higher cant deficiency operations pursuant to 49 CFR §213.57. NCTD will work with the Contractor to submit a qualification request from FRA for higher curving speeds if this data is available.

A train shall be capable of operating continuously at AW3 weight, on level tangent yard track, at a maximum speed of 10 mph (16.1 km/h).

### **Emergency and Service Braking Minimum Requirements**

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<sup>2</sup> Note. These restrictions are based on NCTD’s current timetable but are not necessarily physical limitations. Given the experimental intent of this program, proposer’s whose equipment exceed these identified limits should may request additional information from NCTD to determine if the equipment can safely operate and be evaluated on either the San Diego or Escondido subdivisions, or both.

The vehicle service and emergency braking design and performance shall meet the requirements outlined in 49 CFR Part 238.231 under the most severe service load conditions (AW3).

Required Braking Distances (Full-service without Dynamic Brakes):

Speed (mph)	Required Stop Distance (ft)
30	874
60	2804
90	7649

### **ELECTRICAL NOISE CONTROL REQUIREMENTS**

It is essential that vehicle emissions do not interfere with the proper operation of power frequency (PF) track circuits, or cab signals. Therefore, design techniques and construction methods shall be employed that ensure suppression of any interference emissions.

### **HEAD-END POWER (HEP) AND MULTIPLE UNIT (MU) AND TRAINLINE CONTROL REQUIREMENTS**

Equipment intended to operate with NCTD's current COASTER fleet shall be equipped to provide and receive HEP, and connect to, and be controlled by, cab cars or other locomotives by means of 27-pin connections and pneumatic brake pipe. Locomotives shall be capable of providing a full HEP Load for up to 5 Bi-Level coaches. Brake pipe shall be compatible with NCTD's existing main reservoir working pressure range of 125 to 140 psi. Information on NCTD's trainline 27-pin will be provided upon request.

### **SIGNALING SYSTEM INTEGRATION**

The vehicle shall be compatible with conventional North American signaling equipment and NCTD's Positive Train Control (PTC) technology. Safe operation of the vehicle will require reliable activation (or shunting) of track circuits and grade crossing activation circuits. The resistance of each wheelset shall be less than 6 milliohms.

#### **Grade Crossing Technologies:**

NCTD utilizes the following grade crossing technologies: Harmon HXP, GE XP4, and Siemens GCP

#### **Positive Train Control (PTC):**

Vehicles intended to operate on NCTD's San Diego Subdivision must be capable of being installed and licensed with Wabtec's Interoperable Electronic Train Management System (I-ETMS), and Meteorcomm LLC 220 MHz locomotive radios compatible with Interoperable Train Control Messaging protocols.

### **SAFETY APPLIANCES**

Rail vehicles and passenger equipment shall be compliant with the requirements of 49 CFR Part 238.230 and 231, and the relevant requirements of 49 CFR Part 231 pursuant to the vehicle design type.

### **RECORDING DEVICES**

Vehicles shall be equipped with outward and inward facing camera systems, and a data storage solution compliant with the requirements of 49 CFR Part 229.136.

### **RESCUE OPERATIONS REQUIREMENTS**

The vehicle shall allow a minimum of 2 hours of idle time where the full HEP load is provided and the vehicle has sufficient energy remaining on-board to return to the respective maintenance facility for the SPRINTER and COASTER. Alternative provisions may be proposed and agreed with NCTD.

Vehicles that employ a transit style or other non-AAR standard coupler must provide a conversion coupler for rescue operations (rescue coupler). The rescue coupler must be compatible with an AAR standard coupler such as Type E coupler and capable of having its brake system controlled by a rescue locomotive (or train) by means of its pneumatic connections.

### **PERFORMANCE MONITORING AND DATA SHARING REQUIREMENTS**

In order to deem a pilot program successful, NCTD needs to learn specific details on the performance of the vehicle and its various subsystems and components. The performance of the vehicle over the entire service run must be monitored using a combination of built-in or installed sensors, event recorders, propulsion system control module output, driver system output and / or any other recorders or modules that are capable of capturing performance data. The performance data shall include, but not be limited to, distance, speed, acceleration and braking, power / torque, energy / fuel consumption, propulsion system energy efficiency and lifecycle etc., as mutually agreed.

All of the data generated, incl. all forms, formats, amounts, etc., during this pilot shall be made available to NCTD upon request without the need for special software or licenses unless provided by the Contractor.

### **03.04 LOI CONTENTS**

NCTD invites Responders to provide relevant information regarding their qualifications and interest in implementing the Project within their LOIs. Respondents are asked to provide at least the following information:

- A summary of Responder's proposed solution
- Qualifications, experience, and interest in carrying out the Project should an RFP be developed
- Timing of when Responder could potentially carry out the Project
- Ability of the Responder's solution to meet the Baseline Performance Requirements brake
- Key interfaces that would need to be defined and addressed as part of the program
- An explanation of any changes to operation or operational tradeoffs that could result from deploying the solution
- Information regarding costs for and contributions from NCTD that would be needed to carry out the Project
- Recommendations on the time period over which demonstration of the solution should occur
- Any potential funding or financial partnerships to be considered as part of this process
- Any supply chain or domestic content related challenges that might exist pending on funding resources requirements
- Any known or potential deviations from industry standards including APTA and AAR standards and recommended practices that would reasonably apply to passenger rail equipment
- Any known or potential non-compliance with FRA, USDOT, or CUPC regulations and requirements that would require a waiver or other form of relief to allow operation in either revenue, or non-revenue service on NCTD

**END OF SECTION**

## **SECTION 04: GENERAL CONDITIONS**

### **04.01 SOCIAL MEDIA**

RFLOI Responders or the Consultant is prohibited from using any social media to reference any ongoing RFLOI Response or solicitation process without NCTD's express written permission.

### **04.02 PUBLIC RECORDS ACT/CONFIDENTIALITY OF RFLOI RESPONSES**

Access to government record is governed by the laws of the State of California under the California Public Records Act (Gov. Code 6250, et seq.) [Act]. RFLOI Responses and forms submitted to NCTD in response to this RFLOI are public records and may, therefore, be disclosed in accordance with the California Public Records Act. Any such proprietary information, trade secrets or confidential commercial and financial information which a RFLOI Responder believes should be exempted from disclosure shall be specifically identified and marked as such. Blanket-type identification by designating whole pages or sections as containing proprietary information, trade secrets or confidential commercial and financial information will not ensure confidentiality.

The RFLOI Responder shall submit proprietary information, trade secrets or confidential commercial and financial information, which a RFLOI Responder believes should be exempted from disclosure, in a separate volume specifically identified and marked as "Confidential", or "Trade Secret", or "Proprietary", or a similar designation.

The RFLOI Responder agrees to indemnify and defend NCTD in the event NCTD withholds production of RFLOI Responders records which RFLOI Responder has marked "Confidential", or "Trade Secret", or "Proprietary", or similar designations, that are responsive to a Public Records Act request pursuant to California Government Code section 6250. et seq. or a Freedom of Information Act request. See attached Public Records Act Indemnification Certificate.

**END OF SECTION**