



## **BIDDER'S BOOK**

**IFB No. XP8901-852**

### **MID-CITY/EXPOSITION CORRIDOR LIGHT RAIL TRANSIT PROJECT**

#### **Culver City Station Park Lot Improvements**

This Bidder's Book contains the following forms that must be submitted by Bidders on the date/time of bid submittal:

The Bidder's Book contains:

Form BL – Bid Letter

Form BP – Bid Price

Form SUB – Listing of Subcontractors

Form RB – Responsible Bidder Questionnaire

Form SQ – Safety Questionnaire

Form NC – Non Collusion Affidavit

Form CL – Certificate Regarding Lobbying by Vendor

Form CDS – Certification of Contractor Regarding Debarment, Suspension and Other Responsibility Matters

Form CCD – Campaign Contribution Disclosure

Form GD – Gift Disclosure

Form BAC – Buy America Certification of Compliance (or Certification of Non-Compliance)

Bid Bond

Form SUB2 – List of Proposed Subcontractors/Suppliers (not to be included with Bid)

Form EEO Equal Employment Opportunity Certification

Form 2 Declaration of DBE Certification Status

Form 3 Business Data Sheet

Form 4 Prime Contractor Commitment/DBE Certification Form

Form 5 Goal Declaration for bidders, Offerors or Proposers

Note: Listed Subcontractors must also submit Items 6, 7, 8, 9, 10 and 16

Form EEO—Include new (attached) form in Bidders Book-to be returned with bid.

DBE Forms 2-5—included in attached for your convenience-to be returned with bid.

**October 26, 2012**

**FORM BL – BID LETTER**

To: Exposition Metro Line Construction Authority

Dear:

IFB No. \_\_\_\_\_ (the “IFB”)

1. Having inspected the Project site, IFB Documents and all other information issued by the Exposition Metro Line Construction Authority (the “Authority”) in connection with the Project which is described or listed in the IFB Documents, and having completed the pricing forms contained or referenced in the IFB Documents, we [jointly and severally\*] offer to execute the Project in accordance with the IFB Documents, this Bid Letter and the Bid Documents, for such sum as shall be ascertained in accordance with the Contract Provisions. Initially capitalized terms used in this Bid Letter and the Bid Documents shall have the meanings set forth in the IFB and the Contract.

2. Bidder is a \_\_\_\_\_ [*identify form of organization, and identify all equity participants in the Bidder*]. In consideration for the Authority supplying us, at our request, with the IFB Documents and agreeing to examine and consider this Bid, we undertake [jointly and severally\*]:

a) to keep this Bid open for acceptance for 180 days after the Bid Due Date without unilaterally varying or amending its terms and, if Bidder is a partnership or Joint Venture, without any member or partner withdrawing or any other change being made in the composition of the entity on whose behalf this Bid is submitted; and

b) if this Bid is accepted, to provide security for the due performance of the Contract as stipulated in the Contract and the IFB.

We understand that the Authority is not bound to accept the lowest priced Bid or any Bid the Authority may receive.

We further understand that all costs and expenses incurred by us in preparing this Bid and participating in the IFB process will be borne solely by us.

We agree not to challenge, question or seek to review any decision of the Authority in regard to this Bid, including but not limited to any decision to award the Contract to another party or to not award the Contract at all, except as expressly permitted in the protest provisions of the IFB.

Bidder acknowledges receipt, understanding and full consideration of the following Addenda to the IFB:

Addendum 1 (dated \_\_\_\_\_, 2012)

Addendum 2 (dated \_\_\_\_\_, 2012)

*[etc.]*

Bidder agrees that the Authority will not be responsible for any errors or omissions in this Bid.

This Bid shall be governed by and construed in all respects according to the laws of the State of California.

*[Bidder shall conform the signature block below as appropriate.]*

1. Sample signature block for corporation:

*[Insert the Bidder's name]*

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. Sample signature block for partnership or joint venture:

*[Insert the Bidder's name]*

By: *[Insert general partner's or member's name]*

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

*[Add signatures of additional general partners or members as appropriate]*

*\*Include the phrase "jointly or severally" in Paragraphs 1 and 2 if Bidder is a joint venture.*



3. Sample signature block for attorney in fact:

*[Insert the Bidder's name]*

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Attorney in Fact

Bidder's business address:

\_\_\_\_\_  
(Street) (Floor or Suite)

\_\_\_\_\_  
(City) (State or Province) (ZIP or Postal Code) (Country)

State or Country of Incorporation: \_\_\_\_\_

*[Attach all documents described included in this Bidder's Book, including incumbency certificates in the form set forth on the following page.]*

**INCUMBENCY CERTIFICATE**

The undersigned hereby certifies to \_\_\_\_\_ that he/she is the duly elected and acting \_\_\_\_\_ Secretary of \_\_\_\_\_ ("Company"), and that, as such, he/she is authorized to execute this Incumbency Certificate on behalf of the Company, and further certifies that the persons named below are the duly elected, qualified and acting officers of the Company, holding on the date hereof the offices set forth opposite their names.

NAMEOFFICE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, the undersigned has executed this Incumbency Certificate this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

\_\_\_\_\_  
Secretary



**FORM BP – BID PRICE**

Bidder Name: \_\_\_\_\_

**SCHEDULE A- BASE BID**

Bid Item	Description	EST. QTY.	UNIT	UNIT PRICE	TOTAL PRICE
<b>A</b>	<b>BASE BID</b>				
AO1	Furnish and Install two (2) inch thick Caltrans ½ inch HMA Type A, as indicated within the Contract Drawing and Specifications	1	Lump Sum (LS)		\$ _____

**SCHEDULE B- OPTIONS**

Bid Item	Description	EST. QTY.	UNIT	UNIT PRICE	TOTAL PRICE
<b>B</b>	<b>HMA THICKNESS OPTION</b>				
BO1	Furnish and Install two (2) inch thick Caltrans ½ inch HMA Type A, as indicated within the Contract Drawing and Specifications	1	Lump Sum (LS)		\$ _____

<b>TOTAL BID PRICE (SUM OF SCHEDULE A + SCHEDULE B)</b>	\$ _____
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**\*Note: all prices include material, labor, equipment, general conditions, overhead (including bonds and insurance), profit and all other costs and fees.**



**FORM SUB – LISTING OF SUBCONTRACTORS**

Each Proposer shall identify all Major Subcontractors known as of the proposal due date, in accordance with the Subletting and Subcontracting Fair Practices Act, Section 4100 et seq. of the California Public Contractor Code.

Bidder Name \_\_\_\_\_

Subcontractor Name	Address	Specialty/Work to be Performed	\$	DBE Y/N	% of work (if DBE)



Subcontractor Name	Address	Specialty/Work to be Performed	\$	DBE Y/N	% of work (if DBE)





Subcontractor Name	Address	Specialty/Work to be Performed	\$	DBE Y/N	% of work (if DBE)

**FORM RB -- RESPONSIBLE BIDDER'S QUESTIONNAIRE**

Within the past three years has the Bidder or any partner, member, officer, director, responsible managing officer, responsible managing employee of the Bidder, or any employee of the Bidder who has a proprietary interest in the Bidder:

1.0 Been convicted by a court of competent jurisdiction of any criminal charge of fraud, bribery, collusion, conspiracy, or any act in violation of state or federal antitrust law in connection with the bidding upon, award of, or performance of any contract with any public entity?

YES  NO

2.0 Had filed against it in a state proceeding or in a Federal proceeding, any criminal complaint, indictment, or information alleging fraud, bribery, collusion, conspiracy, or any action in violation of state or Federal antitrust law in connection with the bidding upon, award of, or performance of any contract with any public entity?

YES  NO

3.0 Had filed against it, in a state or Federal court any civil complaint (including but not limited to a cross-complaint) or other claim arising out of a contract, alleging fraud, bribery, collusion, conspiracy, or any act in violation of state or Federal antitrust law in connection with the bidding upon, award of, or performance of any public works contract with any public entity?

YES  NO

4.0 Been found, adjudicated, or determined by any Federal or state court or agency, including, but not limited to, The Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs, and the California Fair Employment and Housing Commission, to have violated any laws or Executive Orders relating to employment discrimination or affirmative action, including but not limited to Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. Sections 2000e et seq.); the Equal Pay Act (29 U.S.C. Section 206(d)); Executive Order 11246; or the California Fair Employment and Housing Act (Government Code 12960 et seq.)?

YES  NO

5.0 Been found, adjudicated, or determined by any state court, state administrative agency (including but not limited to the California Labor Commissioner, Department of Industrial Relations, Division of Labor Standards Enforcement), Federal court, or Federal agency to have violated or failed to comply with any law or regulation of the United States or any state governing payment of wages or benefits including but not limited to, where applicable, payment of prevailing or minimum wages, health and welfare, pension, vacation, travel time, subsistence, apprenticeship or other training, other fringe benefits, or overtime compensation?

YES  NO

6.0 Been issued a "Notice of Payment Due" by the Labor Commissioner, State of California, Department of Industrial Relations, Division of Labor Standards Enforcement, or, where applicable, been the subject of a "Stop Notice" or "Notice to Withhold" within the past six months in connection with the performance of any contract with any public entity?

YES  NO

7.0 Been convicted of violating a state or Federal law respecting the employment of undocumented aliens (within the past five years), as defined by California State Public Contract Code, Section 6101.

YES  NO

8.0 Been terminated on any contract issued by any public entity, including the Authority or any of its Member Agencies, who are:

Los Angeles County Metropolitan Transportation Authority (MTA)  
Orange County Transportation Authority (OCTA)  
Riverside County Transportation Commission (RCTC)  
Ventura County Transportation Commission (VCTC)  
San Bernardino Associated Governments (SANBAG)

YES  NO

The following space shall be used by the Bidder to completely explain the circumstances pursuant to any "yes" answers to the aforementioned questions.

I declare under penalty of perjury under the laws of the State of California that the foregoing declarations in Nos. 1.0-8.0 above are true and correct.

\_\_\_\_\_  
(Signature of Authorized Official)

\_\_\_\_\_  
(Typewritten or Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## FORM SQ – SAFETY QUESTIONNAIRE

Note: Position titles on this form may be modified to fit the Proposer's organizational structure.

**Proposer's Name:** \_\_\_\_\_

Note: If any of the requested information is not available, attach statement explaining why information cannot be provided and describing safety record for the requested periods.

1. Indicate the Safety Record on the last project for the personnel who will be assigned to this Project:

Position and Name	Total hours worked by all Employees on Project	No. of lost workday cases on the Project	No. of restricted workday cases on the Project	No. of cases with medical attention on the Project	No. of fatalities on the Project	Project Name and Owner/Client	Owner contact name and phone number
Project Manager/ Construction Manager							
Safety Representative							

2. Provide the following information for the last five years for the Bidder and each named Subcontractor:

**Name:** \_\_\_\_\_

Item	2007	2008	2009	2010	2011
Employee hours worked (do not include nonwork time, even though paid)					
Number of lost workday cases					
Number of restricted workday cases					
Number of cases with medical attention only					
Number of fatalities					

**Name:** \_\_\_\_\_

Item	2007	2008	2009	2010	2011
Employee hours worked (do not include nonwork time, even though paid)					
Number of lost workday cases					
Number of restricted workday cases					
Number of cases with medical attention only					
Number of fatalities					

**Name:** \_\_\_\_\_

Item	2007	2008	2009	2010	2011
Employee hours worked (do not include nonwork time, even though paid)					
Number of lost workday cases					
Number of restricted workday cases					
Number of cases with medical attention only					
Number of fatalities					

**Attach additional pages as required.**

**FORM NC – NON-COLLUSION AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Each of the undersigned, being first duly sworn, deposes and says that \_\_\_\_\_ is the \_\_\_\_\_ of and \_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_, which entity(s) are the \_\_\_\_\_ of \_\_\_\_\_, the entity making the foregoing Bid, that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation; that the Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham Bid, and has not directly or indirectly colluded, conspired, connived or agreed with any Bidder or anyone else to put in a sham Bid or that anyone shall refrain from proposing; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the Bid Price or any component of the Bid Price, of the Bidder or any other Bidder, or to fix any overhead, profit or cost element included in the Bid, or of that of any other Bidder, or to secure any advantage against the Authority of anyone interested in the Contract; that all statements contained in the Bid are true; and, further, that the Bidder has not, directly or indirectly, submitted its Bid Price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, Bid depository or any member or agent thereof to effectuate a collusive or sham Bid. The Bidder will not, directly or indirectly, divulge information or data regarding the price or other terms of its Bid to any other Bidder, or seek to obtain information or data regarding the price or other terms of any other Bid, until after award of the Contract or rejection of all Bids and cancellation of the IFB.

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Name Printed)\_\_\_\_\_  
(Name Printed)\_\_\_\_\_  
(Title)\_\_\_\_\_  
(Title)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public in and for)

) SS

said County and State )

.....  
 .....  
 .....  
 .....

[Seal]

My commission expires: \_\_\_\_\_

*[Duplicate or modify this form as necessary so that it accurately describes the entity making the Bid and so that it is signed on behalf of all general partners or joint venturers of the Bidder.]*

**FORM CL – CERTIFICATE REGARDING LOBBYING BY VENDOR**

Pursuant to 40 CFR Part 34 (which is by this reference incorporated herein), the undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Bidder Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



### SF LLL – DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 USC 1352

(See reverse side for public burden disclosure)

1. Type of Federal action: a. CONTRACT b. Grant c. Cooperative agreement d. Loan e. Loan guarantee f. Loan insurance	2. Status of Federal action: a. Bid/offer application b. Initial award c. Post-award	3. Report type: a. Initial filing b. Material changes  For material change only: Year _____ Quarter _____ Date of last report _____
4. Name and address of reporting entity: Prime _____ Subawardee _____ Tier _____, if known: Congressional District, if known: _____		5. If reporting entity in No. 4 is Subawardee, enter name and address of Prime:  Congressional District, if known: _____
6. Federal department/agency _____	7. Federal program name/description: CFDA number, if applicable: _____	
8. Federal Action Number, if known _____	9. Award amount, if known \$ _____	
10a. Name and address of lobbying entity (If individual: last name, first name, middle initial)  _____	10b. Individuals performing services (including address if different from No. 10a) (last name, first name, middle initial)  _____	
11. Amount of payment (check all that apply): \$ _____ Actual <input type="checkbox"/> Planned <input type="checkbox"/> (Attach Continuation Sheet(s) SF-LLL-A if necessary)		
12. Forum of payment (check all that apply): a. Cash b. In-kind, specify _____ Nature: _____ Value: _____		11. Type of payment (check all that apply): a. Retainer b. One-time fee c. Commission d. Contingent fee e. Deferred f. Other, specify: _____
14. Brief description of services performed or to be performed and date(s) of service including officer(s), employee(s) or Member(s) contracted for payment indicated in item 11:   (Attach Continuation Sheet(s) SF-LLL-A if necessary)		
15. Continuation Sheet(s) SF-LLL-A attached: Yes <input type="checkbox"/> No <input type="checkbox"/>		
16. Information requested through this form is authorized by Code 31 USC Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 USC 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.		Signature: _____ Print Name: _____ Title: _____ Telephone No. _____ Date: _____
Federal Use Only		Authorized for Local Reproduction Standard Form - LLL



## FORM CDS – CERTIFICATION OF BIDDER REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The undersigned certifies to the best of his or her knowledge and belief, that \_\_\_\_\_ (name of Bidder) and its principles:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
4. Have not within a three-year period preceding this contract had one or more public transactions (Federal, State, or local) terminated for cause or default. The Bidder certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 USC Sections 3801 *et seq.* are applicable thereto.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# FORM CCD - CAMPAIGN CONTRIBUTION DISCLOSURE

## DISCLOSURE FORM

Name of Entity: \_\_\_\_\_

Address of Entity: \_\_\_\_\_

Contract Title: \_\_\_\_\_

No contributions have been made in the preceding 24 months.

The following campaign contributions have been made in the preceding 24 months:

Board Member(s), Board Alternate(s) or Authority officer(s) to whom campaign contributions were made and dates of contribution(s) in the preceding 24 months:

Name of Recipient of Contribution: \_\_\_\_\_

Name of Contributor (if other than Party): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Recipient of Contribution: \_\_\_\_\_

Name of Contributor (if other than Party): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Recipient of Contribution: \_\_\_\_\_

Name of Contributor (if other than Party): \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

*[Add additional sheets as necessary.]*

Date: \_\_\_\_\_

\_\_\_\_\_

Signature of Party and/or Agent

## INFORMATION SHEET: FORM CCD - CAMPAIGN CONTRIBUTION DISCLOSURE

*Note: Separate forms shall be submitted by Bidder, each general partner or Joint Venture member of the Bidder, each Guarantor and all named Subcontractors. This form should be submitted with the Bid on the Bid Due Date. The forms submitted do not need to include this Information Sheet, just Form CCD itself.*

Each person submitting a statement of qualifications, proposal or bid to enter into a contract with the Exposition Metro Line Construction Authority, each of its general partners or Joint Venture members, each Guarantor, and each person identified as a Subcontractor in the Bid must complete the attached Campaign Contribution Disclosure Form.

### Important Notice

The basic provisions of Government Code Section 84308 and Public Utilities Code Section 132610 as applicable to contractors, prospective contractors and subcontractors are as follows:

I. If you are a contractor, a prospective contractor, a general partner or Joint Venture member, Guarantor or Subcontractor of a contractor or prospective contractor, or a Major Subcontractor, you are prohibited from making a campaign contribution of more than \$250 to any Board Member or his or her alternate or other Authority officer. This prohibition begins on the date the Authority releases documents requesting statements of qualifications ("RFQ"), requests for Bids ("RFB") or invitations for bid ("IFB") and ends three months after the Board of Directors awards the contract. In addition, no Board Member or alternate or Authority officer may solicit or accept a campaign contribution of more than \$250 from you during this period.

II. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.

III. Each of you must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any Board Member or his or her alternate or any other Authority officer during the 24 month period preceding the release of the RFQ, RFB or IFB.

IV. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 24 months must be aggregated with those made by your agent within the preceding 24 months. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venture members, and your partner(s) in

the proceeding must also be included as part of the aggregation. Campaign contributions made to different Members of the Board of Directors or their alternates or different Authority officers are not aggregated.

V. If you, your agent, general partners, joint venture members, Guarantors and Major Subcontractors have in the aggregate contributed more than \$250 to any individual Board Member or his/or her alternate or other Authority officer during the 24 months preceding the release of the RFP or IFB, that Board Member or alternate or other Authority officer must disqualify himself or herself from the decision. However, disqualification is not required if the Board Member or alternate or other Authority officer returns the campaign contribution within 30 days from the time the recipient knows, or should have known, about both the contribution and the fact that you have indicated a desire to enter into a contract with the Authority.

VI. The Campaign Disclosure Form should be completed and filed with your proposal or bid, or with the first written document you file or submit after the proceeding commences.

A list of the Board Members and alternates and other Authority officers follows:

### **Director/Alternate Board Member**

Zev Yaroslavsky, Chair /Vivian Rescalvo  
 Pam O'Connor, Vice Chair /Gleam Davis  
 Michael O'Leary /Vacant  
 Bernard C. Parks /Paul Koretz  
 Jan Perry /Bill Rosendahl  
 Mark Ridley-Thomas /Dan Rosenfeld  
 Herb Wesson /Andrew Westall  
 Arthur Leahy, CEO, METRO, Non-Voting Member  
 Richard D. Thorpe, CEO, Exposition Construction Authority

V. This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act, 2 Cal. Adm. Code Sections 18438.8 and Public Utilities Code Section 132410. You should consult these statutes and regulations for specific information.

**FORM GD - GIFT DISCLOSURE****GIFT DISCLOSURE FORM**

No gifts have been made in the preceding 12 months.

The following gifts have been made in the preceding 12 months:

Donor's Name: \_\_\_\_\_

Donor's Address: \_\_\_\_\_

Proposed or Current Contract: \_\_\_\_\_

Board Member(s) or Alternate(s), or employee to whom you and/or your agent made gifts in excess of \$10 in the prior 12 months.

Name of Recipient: \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Person Making Gift (if other than Party): \_\_\_\_\_

Donor's Name: \_\_\_\_\_

Donor's Address: \_\_\_\_\_

Proposed or Current Contract: \_\_\_\_\_

Board Member(s) or Alternate(s), or employee to whom you and/or your agent made gifts in excess of \$10 in the prior 12 months.

Name of Recipient: \_\_\_\_\_

Date(s): \_\_\_\_\_

Amount(s): \_\_\_\_\_

Name of Person Making Gift (if other than Party): \_\_\_\_\_

*[Attach additional forms if necessary.]*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party and/or Agent

## INFORMATION SHEET: FORM GD – GIFT DISCLOSURE

*Note: Separate forms shall be submitted by Bidder, each general partner or Joint Venture Member of Bidder, each Guarantor and each named Subcontractors. This form should be submitted with the Bid on the Bid Due Date. The forms submitted do not need to include the information sheet, just the Disclosure Form itself.*

The attached Gift Disclosure Form must be completed by Bidder, each of its general partners or Joint Venture members, each Guarantor, and each person identified as a Subcontractor in the Bid.

### Important Notice

Basic Provisions of Government Code Section 87100 and Public Utilities Code Section 132610:

I. Board members and their alternates and all Authority employees (“employees”) are prohibited from accepting gifts valued at more than \$10 from contractors, subcontractors, the general partners or Joint Venture members of contractors.

II. All contractors, general partners and Joint Venture members of all contractors, potential contractors and subcontractors with the Authority must file the attached disclosure form and disclose whether they have in the aggregate contributed \$10 or more to any Board member or his or her alternate or any employee during the 12 month period preceding the date of submission of a response to a request for statements of qualifications, request for Bids or invitation for bid.

Board members and alternates must disqualify themselves from decisions to award a contract which will have a material financial effect on a donor of a gift of more than \$10 in the preceding 12 months.

A list of Board Members and their alternatives and Authority employees follows:

### **Director/Alternate Board Member**

Zev Yaroslavsky, Chair /Vivian Rescalvo  
Pam O'Connor, Vice Chair /Gleam Davis  
Michael O'Leary / Vacant  
Bernard C. Parks / Paul Koretz  
Jan Perry /Bill Rosendahl  
Mark Ridley-Thomas /Dan Rosenfeld  
Herb Wesson /Andrew Westall  
Arthur Leahy, CEO, METRO, Non-Voting Member  
Richard D. Thorpe, CEO, Exposition Construction Authority

The Gift Disclosure Form should be completed and filed with each response to a request for a statement of qualifications, request for Bids or invitation to bid.

This form summarizes the provisions of Government Code Section 87100 and Public Utilities Code Section 132610. You should consult these statutes for more specific information.

## INFORMATION SHEET: FORMS BAC AND BANC – BUY AMERICA REQUIREMENTS CERTIFICATIONS

Bidder that provides goods or material valued at \$100,000 or more that is covered by the Buy America Act, must complete and include with the Bid the appropriate certification relating to compliance with the Buy America Requirements. Form BAC, Certification of Compliance if it **will** meet the requirement; or Form BANC, Certification of Non-Compliance if it **will not** meet the requirement.

### **Bidder must complete only the one applicable form.**

A Bidder who has submitted an incomplete Buy America certificate or an incorrect certificate of non-compliance through inadvertent or clerical error, but not including failure to sign the certificate, or failure to submit any certification, may submit to the FTA Chief Counsel within ten (10) days of Bid opening a written explanation of the circumstances surrounding the submission of the incomplete or incorrect certification in accordance with 28 USC 1746. Certification based on ignorance of the proper application of the Buy America requirements is not an inadvertent or clerical error. The Bidder will simultaneously send a copy of this information to the Authority.

If the Vendor is unable to certify compliance but believes that it may qualify for an exception to the requirement consistent with 49 USC 5323(j), Authority, on behalf of the Bidder, will tender the request for exception(s) to FTA for review and approval. Failure to achieve an exception will not relieve the Vendor of its responsibilities under this Section. General waivers are listed in 49 CFR 661.7.

Bidders are advised to review the specific Buy America requirements contained in the regulations at 49 CFR Part 661. Buy America requirements apply to each acquisition of iron, steel, or manufactured goods. Thus, unless an acquisition qualifies for a waiver as discussed in 49 CFR Part 661.7, Federal funds may not be used to finance the acquisition of iron, steel, or manufactured goods.

### **BAC Buy America Requirements: Certification of Compliance**

The Bidder shall certify if it is in compliance with the “Buy America Certification”. In so doing, the Bidder agrees to comply with 49 USC §5323(j)(1) and 49 CFR Part 661.5, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA, or the product is subject to a general waiver.

### **BANC Buy America Requirements: Certification of Non-Compliance**

The Bidder shall certify if it cannot comply with the requirements of 49 USC §5323(j)(1) but may qualify for an exemption pursuant to 49 USC §5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.



**FORM BAC – BUY AMERICA: CERTIFICATION REQUIREMENT FOR  
PROCUREMENT OF STEEL, IRON, OR MANUFACTURED PRODUCTS:  
CERTIFICATE OF COMPLIANCE**

**Certificate of Compliance with 49 USC §5323(j)(1)**

The Bidder hereby certifies that it will meet the requirements of 49 USC 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.

Bidder Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**FORM BANC – BUY AMERICA: CERTIFICATION REQUIREMENT FOR  
PROCUREMENT OF STEEL, IRON, OR MANUFACTURED PRODUCTS: CERTIFICATE  
OF NON-COMPLIANCE**

**Certificate of Non-Compliance with 49 USC §5323(j)(1)**

The Bidder hereby certifies that it cannot comply with the requirements of 49 USC §5323(j)(1), but it may qualify for an exception pursuant to 49 USC §5323(j)(2)(B) or (j)(2)(D) and the regulations in 49 CFR 661.7.

Bidder Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Typewritten or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**BID BOND**

\_\_\_\_\_, as Principal, and \_\_\_\_\_, as Surety, are held and firmly bound unto the Exposition Metro Line Construction Authority (hereinafter called "Authority") in the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), this amount being not less than ten percent (10%) of the Total Bid Price, for payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severably, firmly by these presents.

WHEREAS, said Principal has submitted a bid to the Authority to perform all Work required under The Authority's Invitation For Bids (IFB) Contract No. XP8901-852.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract on the call for bids, or to the work to be performed thereunder, or the specifications accompanying the same, shall in anywise affect its obligation under this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of said contract or the call for bids, or to the work, or to the specifications.

NOW, THEREFORE, if said Principal is awarded a Contract for the Work by the Authority and does not enter into the written Contract bound with said IFB and furnish the required bonds and other documents within the time and in the manner required by the IFB, then the bonded sum will be forfeited to the Authority as liquidated damages and not as a penalty; otherwise this obligation shall be null and void. In the event suit is brought upon the Bond by the Authority and judgment is recovered, said Surety shall pay all costs incurred by the Authority in such suit, including reasonable attorney's fees to be fixed by the court.

SIGNED AND SEALED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(seal)

(seal)

\_\_\_\_\_  
Principal\_\_\_\_\_  
Surety\_\_\_\_\_  
Signature\_\_\_\_\_  
Signature



**FORM SUB2 – DETAILED LIST OF PROPOSED SUBCONTRACTORS/SUPPLIERS**

*If requested by the Authority, to be provided by close of business on the third work day after bid opening. THIS FORM IS NOT REQUIRED AT THE TIME OF BID.*

Bidder: \_\_\_\_\_

Name:	Provide Complete Description of Work to be Performed: _____ _____ _____	
Business Address:		
Contact Person:		
Telephone: (      )	Email:	
License Number and Classification:	Subcontract Dollar Value and Percentage of Total Bid Amount:	
License Expiration:	\$ _____	_____ %

Name:	Provide Complete Description of Work to be Performed: _____ _____ _____	
Business Address:		
Contact Person:		
Telephone: (      )	Email:	
License Number and Classification:	Subcontract Dollar Value and Percentage of Total Bid Amount:	
License Expiration:	\$ _____	_____ %

Attach additional sheets as necessary.

**FORM EEO**

**EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION**

*[To be executed by the Bidder and proposed subcontractors]*

The undersigned certifies on behalf of \_\_\_\_\_, that:  
*(Name of entity making certification)*

*[check one of the following boxes]*

It has developed and has on file at each establishment affirmative action programs pursuant to 41 CFR Part 60-2 (Affirmative Action Programs).

It is not subject to the requirements to develop an affirmative action program under 41 CFR Part 60-2 (Affirmative Action Programs).

*[check one of the following boxes]*

It has not participated in a previous contract or subcontract subject to the equal opportunity clause described in Executive Orders 10925, 11114 or 11246.

It has participated in a previous contract or subcontract subject to the equal opportunity clause described in Executive Orders 10925, 11114 or 11246 and, where required, it has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President’s Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

If not Bidder, relationship to Bidder: \_\_\_\_\_

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)), and must be submitted by Bidders only in connection with contracts which are subject to the equal opportunity clause. Contracts that are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally, only contracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by Executive Orders or their implementing regulations.

Bidder or proposed subcontractors who have participated in a previous contract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b)(1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

FORM 2  
DECLARATION OF DBE CERTIFICATION STATUS

## INSTRUCTIONS FOR FORM 2: DECLARATION OF DBE CERTIFICATION

### STATUS

This form is to be completed by all DBE contractors (at all tier levels) and Joint Ventures that include DBE(s) partners participating on this contract. This form must be accompanied by a copy of the most recent DBE Certification Letter for each participating DBE. If your business is a Joint Venture, attach a copy of the Joint Venture Agreement to this form.

### FORM 2 -DECLARATION OF DBE CERTIFICATION STATUS

Each DBE and prime contractor Bidder, Offeror or Proposer at any tier of this project must complete this form, attach the requested documentation, sign the form below and submit this form and attachments with the bid or proposal. Prime contractors must independently verify the current validity of each DBE’s certification status on or before the date the bid is opened or the proposal is due.

1. IS YOUR BUSINESS A JOINT VENTURE? Yes    No
- a.            Is the Bidder, Offeror or Proposer a Joint Venture?
- b.            If your business is a Joint Venture, is any participant in the      
Joint Venture currently a valid DBE:
1. Certified with the California Unified Certification Program (UCP)?
2. Certified by an Authority recognized organization, in California?
3. Certified by an organization outside California?

Attach a copy of each DBE participant’s most recent certification letter if your Joint Venture, includes at least one currently certified participant. Attach to this form a copy of your business’s Joint Venture Agreement.

2. IS YOUR BUSINESS PARTICIPATING IN A JOINT VENTURE? Yes    No Is
- your business a participant in a Joint Venture?

Name of Joint Venture: \_\_\_\_\_

3. IS YOUR BUSINESS A DISADVANTAGED BUSINESS ENTERPRISE (DBE)?
- Is your business, currently a valid DBE Yes    No
1. Certified by the California Unified Certification Program (UCP)?
2. Certified by an MTA recognized organization, in California?
3. Certified by an organization outside of California?

DBEs: Attach a copy of your most recent DBE certification letter to this form

4. WHAT IS YOUR Federal Employer ID Number: \_\_\_\_\_ - \_\_\_\_\_

The undersigned Director, Officer, General Partner or similarly situated Principal of the firm declares, to the best of their knowledge, information and belief, that they are authorized to sign this declaration, that they are informed and believe and thereon allege, that the information and the certification status of the Bidder, Offeror or Proposer, stated above, is current, accurate and complete as of this date.

Contractor Name:

By: \_\_\_\_\_  
Signature of Person Authorized by the Contractor to Sign this Form

Title: \_\_\_\_\_  
Date: \_\_\_\_\_



Printed  
Name of  
Person  
Authorize  
d by the  
Firm to  
Sign this  
Form



## INSTRUCTIONS FOR FORM 3: BUSINESS DATA SHEET

This form is to be completed by all contractors (at all tier levels) participating on this contract.

### FORM 3 - BUSINESS DATA SHEET

All firms complete #1 thru 8. This Form May Be Freely Copied. Attach Continuation Sheets - Page 1 of 2

1. Company Name: \_\_\_\_\_ 1a. \$ \_\_\_\_\_  
Bid/Proposal Price

2. Street Address: \_\_\_\_\_  
Street Address

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ 1b. IS YOUR BUSINESS  
 A DBE FIRM?  
 Circle: YES NO

3. Mailing Address: \_\_\_\_\_  
PO Box or Street Address

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

4. Contact Person's Name: \_\_\_\_\_ 5. Telephone \_\_\_\_\_

6. Age of Firm: \_\_\_\_\_ Years \_\_\_\_\_ Months

7. If your business a specialty contractor, please provide:

Type of License: \_\_\_\_\_ License # \_\_\_\_\_ Expires on: \_\_\_\_\_

8. Annual Gross Receipts  Less than \$500,000  \$1,000,000 to 2,000,000 of  
 your business:  \$500,000 to \$1,000,000  \$2,000,000 to 5,000,000  
 Over \$5,000,000

If your business is a Prime Contractor and/or a Disadvantaged Business Enterprise (DBE), answer questions #9-16. If not, stop here & complete the signature block on the next page.

9. Value of DBE Work Counting Toward Contract Commitment: \$ \_\_\_\_\_  
 Value of Work Not Counting Toward Commitment: \$ \_\_\_\_\_ Total  
 Contract Price \$ \_\_\_\_\_

10. How is this business related to the Bidder Offeror or Proposer?

Our business is one of \_\_\_\_\_ members of the, \_\_\_\_\_,  
Number Name of Joint Venture

A Joint Venture, the Prime Contractor submitting this bid offer or proposal to MTA. Our business is the Prime Contractor submitting this bid, offer or proposal to MTA. Our business is NOT the Prime Contractor to MTA.

It is a subcontractor to \_\_\_\_\_ on this project.  
Name of Prime Contractor & Second Tier Prime, if applicable

Other,  Please describe: \_\_\_\_\_  
 Corporation:

11. Is your business organized as a/an:

Corporation:  Partnership  
 State of Incorporation: \_\_\_\_\_  Sole Proprietorship  
 S-Type Corporation  Limited Liability Company (LLC):  
 State of Incorporation: \_\_\_\_\_ LLC In What State: \_\_\_\_\_

12. Will your business provide trucking company services on this project? If so, please complete items a. to c., below. If not, answer "Not Applicable."

a. How many trucks does your company own? \_\_\_\_\_  
 b. How many trucks does your company lease? \_\_\_\_\_



c. How many trucks are registered to your company? \_\_\_\_\_  
NAICS CODE(S) FOR THE BUSINESS \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

13. Does your business produce, in a factory or other establishment, any materials, supplies, articles or equipment described by this contract? If so, describe your business, the items it seeks to provide and the facilities where they will be produced, its past projects, experience and past performance. If this is not your business, state "Not Applicable."

Attached are \_\_\_\_\_ continuation pages. \_\_\_\_\_

NAICS CODE(S) FOR THE BUSINESS \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

14. Does your business own, operate or maintain a store, warehouse or other establishment from which materials, supplies, articles or equipment, generally described by this contract, will be bought, held in stock, regularly sold or leased to the public in the usual course of business? If so, identify the items you seek to furnish. Identify & describe the facilities from which they will be purchased. Describe your business, its experience and past performance and provide its NAICS code(s). If his is not your business, answer "Not Applicable."

Attached are \_\_\_\_\_ continuation pages.

NAICS CODE(S) FOR THE BUSINESS \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

15. Does your business serve as a packager, broker, manufacturer's representative, an arranger or expeditor of transactions? Describe your business, its facilities, experience, and past performance and provide its NAICS code(s). Describe the portion of work you seek. If this isn't your business, answer, "Not Applicable." Attached are \_\_\_\_\_ continuation pages.

NAICS CODE(S) FOR THE BUSINESS \_\_\_\_\_ FOR THIS PROJECT: \_\_\_\_\_

16. If your business isn't described above, do so here. Describe your business, its facilities, experience, & past performance and provide its NAICS code(s). Describe the work and preferred work location(s) you are seeking. Attached are \_\_\_\_\_ continuation pages.

The undersigned Director, Officer, General Partner, or similarly situated principal of the firm declares they are informed and believe, and thereon allege, that to the best of their knowledge, information and belief, the information set forth on both pages of this document and any attachments, is current, complete and accurate.

Company Name: \_\_\_\_\_

By: \_\_\_\_\_

Signature of Director, Officer, General Partner or similarly situated Principal of the Firm

Printed Name of Person Authorized to Sign: \_\_\_\_\_

Title of Person Authorized to Sign: \_\_\_\_\_

Date: \_\_\_\_\_

## INSTRUCTIONS FOR FORM 4:

### PRIME CONTRACTOR COMMITMENT/DBE CONFIRMATION FORM

Bidders, Offerors and Proposers will document their commitment to use the DBE firms whose participation they propose to use to meet a contract goal.

Each DBE business will, likewise, confirm in writing that they are participating, as stated, in the prime contractor's commitment. These commitments are conditioned on the bidder offeror or proposer being awarded the contract.

The principals of the Bidder, Offeror or Proposer and the principals of the DBE business will, together, complete:

FORM 4, "PRIME CONTRACTOR COMMITMENT/DBE CONFIRMATION FORM," and FORM 6, CONTRACTOR'S COUNTING AND CALCULATING REPORT.

FORM 4: The Bidder, Offeror or Proposer will describe clearly and completely the commitment to portion of the work the DBE firm is to provide in both technical and financial terms. The description shall identify the relevant portions of the Statement of Work or the Work Breakdown Structure where the DBE firm will participate. The Bidder, Offeror or Proposer will first sign their written commitment. A Director, Officer, General Partner, or similarly situated Principal of the DBE firm authorized to commit the firm will read the signed prime contractor's commitment. If the written commitment signed by the Prime Contractor fully agrees with the DBE firm's understanding of the work and the financial commitments, the DBE signs the FORM 4, confirming it is participating in the contract resulting from this procurement, as stated.

FORM 6: This form is the attachment to Form 4. The Bidder, Offeror or Proposer and the DBE submit the financial report of the Prime's commitment and the DBE's confirmation, identifying the category of expenditures to be made by the Prime Contractor to the DBE. FORM 6 identifies the amount of DBE participation that will count and the amount that will not count toward the contract goal.

PRIME CONTRACTORS WILL NOT DIRECTLY MAIL ANY OF THIS DOCUMENTATION TO MTA. IT WILL BE SUBMITTED AS PART OF THE BID OR PROPOSAL.

DBE's DO NOT MAIL THIS COMPLETED FORM TO THE AUTHORITY. EACH DBE RETURNS THIS SIGNED COMMITMENT FORM TO THE PRIME CONTRACTOR WHO IS COMMITTING TO USE THEM IN THE PROJECT. THE PRIME CONTRACTOR BIDDER, OFFEROR OR PROPOSER WILL SUBMIT ALL COMPLETED AND SIGNED COMMITMENT FORMS WITH THE BID OR PROPOSAL THEY SEND TO THE AUTHORITY.



### FORM 4 - PRIME CONTRACTOR COMMITMENT / DBE CONFIRMATIONFORM

Every firm bidding on an Authority project must provide a written commitment to use each firm they will rely on to help meet the level of contract goal and a confirmation by each DBE firm that they are participating in the contract, as provided in the Prime Contractor's commitment. Complete this form and submit the form and attachments with the bid or proposal. If you have any questions please call your Prime Contractor or the Diversity and Economic Opportunity Representative assigned to the project.

RFP/IFB Number: \_\_\_\_\_ Release Date: \_\_\_\_\_

Project Title: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Financial Description: Complete FORM 6, CONTRACTOR'S COUNTING & CALCULATION REPORT describing your commitment in dollars to DBE participation by this firm in each of the categories. The total value of DBE participation committed to this firm is \$ \_\_\_\_\_

Technical Description: Describe clearly and completely the portion of the work assigned to this DBE. Provide NAICS code(s). Identify the relevant section number(s) of the Statement of Work and the element number(s) of the Work Breakdown Structure, if available. Attach continuation sheets, if needed.

\_\_\_\_\_  
\_\_\_\_\_

SOW, WBS & NAICS CODE (S): \_\_\_\_\_

Signatures of the authorized representatives of the Contractor and of the DBE firm below represent the commitment by each of them to enter into a formal agreement for the work and any terms or conditions described above and in the accompanying attachments, conditioned on the Bidder; or Proposers being awarded this contract by the Authority.

\_\_\_\_\_  
Name of Contractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of DBE

\_\_\_\_\_  
Date

By: \_\_\_\_\_

By: \_\_\_\_\_

Signature of Authorized Contractor's Representative

Signature of Authorized DBE's Representative

\_\_\_\_\_  
Typed or Printed Name of Person Signing for the Firm

\_\_\_\_\_  
Typed or Printed Name of Person Signing for the Firm

\_\_\_\_\_  
Title of Person Signing for the Firm

\_\_\_\_\_  
Title of Person Signing for the Firm

**FORM 5:**

**GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS**

Bidders, Offerors or Proposers will declare on FORM 5, "GOAL DECLARATION FOR BIDDERS, OFFERORS OR PROPOSERS," whether they achieved the DBE participation goal for this project or program. Submit this form and its attachment with the proposal.

The Declaration must be simply completed; do not alter the document. If the firm did not achieve the goal, the Bidder, Offeror or Proposer declares that, to the best of their knowledge, information and belief, it made good faith efforts toward achieving the goal. Attach a copy of the completed FORM 7, SUMMARY OF COUNTING AND CALCULATION REPORTS, to FORM 5 in support of your firm's declaration.

If evidence of "Good Faith" efforts is needed, a Bidder, Offeror or Proposer will provide the documentation and other evidence of their efforts within 48 hours of receiving a written request from the Authority. You are directed only to complete and submit this form and its attachment as part of the bid or proposal package. If more detailed information is needed the Authority will contact your firm. Failure to provide these completed forms may be cause for the Authority to deny the bid or proposal as non-responsive.

**DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS AT THE TIME THE BID OR PROPOSAL IS SUBMITTED.** The Authority will request evidence of good faith efforts in writing, if and when they are needed. Bidder, Offeror, or Proposer evidence of Good Faith efforts will be sent, if called for, to the Small Business Diversity Representative identified in the Letter of Invitation.

**FORM 5 - DBE GOAL DECLARATION**

**DBE GOAL ACHIEVED**

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that by its efforts, it ACHIEVED a level of participation greater than or equal to the \_\_\_\_\_% goal established by the Authority for DBE participation. The level achieved by its efforts was \_\_\_\_\_percent ( \_\_\_\_\_%). See

FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

Executed on: \_\_\_\_\_, 20 \_\_\_\_, at, \_\_\_\_\_, \_\_\_\_\_  
Date City State

Company Name: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature Printed Name

Title: \_\_\_\_\_

**DBE GOAL NOT ACHIEVED**

The Bidder, Offeror or Proposer declares to the best of its knowledge, information and belief that while it made efforts to achieve the DBE participation goal, it DID NOT ACHIEVE a level of DBE participation greater than or equal to the \_\_\_\_\_% goal established by the Authority.

While the Bidder, Offeror or Proposer did exert efforts to achieve the goal, it was not successful. The Bidder or Proposer certifies that, if requested, it will submit evidence in support of its good faith efforts, within forty-eight (48) hours of the Authority’s request.

See FORM 7, SUMMARY OF COUNTING AND CALCULATING REPORTS, attached.

**DO NOT SUBMIT EVIDENCE OF GOOD FAITH EFFORTS WITH THE BID OR PROPOSAL.**

Executed on: \_\_\_\_\_, 20 \_\_\_\_, at, \_\_\_\_\_, \_\_\_\_\_  
Date City State

Company Name: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature Printed Name



Title: \_