

PROPOSAL FORMS

SALEM AREA MASS TRANSIT DISTRICT

EXHIBITS #1 - 08

In addition to the Technical Response required in RFP Part 3.G, the following completed forms must be included in all proposals in order to be considered responsive. Nonresponsive Proposals will not be considered for a contract award. Please sign and date each form and/or certification.

Exhibits that are altered in any way **may** be cause for the proposal to be rejected as non-responsive.

- ☐ Exhibit #1 – Proposal Form
- ☐ Exhibit #2 – Non-Collusion Affidavit
- ☐ Exhibit #3 – Organizational Conflict of Interest
- ☐ Exhibit #4 - DBE Determination of Good Faith Effort
- ☐ Exhibit #5 - Proposer's Representations & Warranties Certification
- ☐ Exhibit #6 - Federal Debarment & Suspension Certificate
- ☐ Exhibit #7 - Certification Regarding Lobbying
- ☐ Exhibit #8 – Price Proposal Form (Attached Separately as an EXCEL File)
(SUBMIT ONLY UPON SPECIFIC REQUEST BY SAMTD)

EXHIBIT #1 PROPOSAL FORM

The undersigned ("Proposer"), upon acceptance by SAMTD, agrees to furnish all labor, freight, transportation, materials, equipment, services, supplies, and other work in accordance with the RFP # 26-006 entitled Website Design.

PROPOSER: The undersigned certifies as follows:

1. That he/she has read and understands all requirements and specifications of the Request for Proposal (including all Appendices and Addenda also posted); and
2. That he/she agrees to all requirements, specifications, terms, and conditions of the RFP referenced above; and
3. That he/she will furnish the designated item(s) and/or service(s) as quoted in the RFP; and
4. That he/she certifies under penalty of perjury that Proposer is, to the best of his/her knowledge, not in violation of any Oregon tax law; and
5. That his/her company has been certified as one (1) or more of the following registered business classifications:

DBE ☐ MBE ☐ WBE ☐ ESB ☐

Veteran-Owned ☐ Other, identify: _____

Corporation ☐ LLC/Partnership ☐ Sole Proprietor ☐ Other, identify: _____

Resident Bidder (Oregon): ☐ Yes ☐ No

6. For firms (BOTH Prime AND Subcontractors) that are a *Federally recognized DBE* under 49 CFR 26 and checked the "DBE" box above, please provide the following. (Subs may provide the information on a separate page):

	<u>Women</u>	<u>Men</u>
<u>Black American</u>		

<u>Hispanic American</u>		
<u>Native American</u>		
<u>Asian-Pacific American</u>		
<u>Subcontinent Asian American</u>		
<u>Non-Minority</u>		

Age of the firm: - _____

Annual gross receipts: ☐ _____ Less than \$1 Million

_____ ☐ \$1-3 Million

_____ ☐ \$3-6 Million

_____ ☐ \$6-10 Million

_____ ☐ Greater than \$10 Million

7. _____ Federal Tax I.D. Number:

_____ Dunn &Bradstreet (Dun's) Number:

_____ NAICS' code for each portion of the Scope to be performed:

—

Firm's Name:

—

Firm's Address:

—

Contact Person _____ E-mail

—

Telephone Number _____ Fax Number

—

Name of Project Manager and Title

—

8. Accounts Receivable Address, if different from above:

9. Acknowledges receipt of the following addenda and understands failure to acknowledge Addenda will render the Proposal nonresponsive:

<u>Addendum No.</u>		<u>Dated</u>	
<u>Addendum No.</u>		<u>Dated</u>	
<u>Addendum No.</u>		<u>Dated</u>	
<u>Addendum No.</u>		<u>Dated</u>	

Proposer understands and agrees that, by his/her signature, if awarded the Contract for the project, he/she is entering into a contract with SAMTD that incorporates the terms and conditions of the entire Request for Proposal package.

Proposer understands that this response constitutes a firm offer to SAMTD that cannot be withdrawn for ninety (90) calendar days from the date of the deadline for receipt of proposal. If awarded the contract, Proposer agrees to deliver to SAMTD the required insurance certificates within ten (10) calendar days of the Notice of Award.

Proposer agrees to be bound by and will comply with the provisions of ORS 279C.838, 279C.840 or 40 U.S.C. 3141 to 3148.

IMPORTANT: This form must be signed below by the representative of the proposing firm, with authority to bind the Proposer to a Contract to authenticate the bid.

Authorized Signature:

Date: _____

Printed Name:

Title: _____

EXHIBIT #2 NON-COLLUSION AFFIDAVIT

I state that I am (the sole owner) _____ (a partner) _____ (an officer) _____ (an agent) of _____, and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this offer.

I state that:

1. The price(s) and amount of this offer have been arrived at independently and without consultation, communication, or agreement with any other contractor, Proposer, or potential Proposer.
2. That neither the price(s) nor the amount of this Proposal, and neither the approximate prices(s) nor approximate amount of this Proposal, have been disclosed to any other firm or person who is a Proposer or potential Proposer, and they will not be disclosed before the Proposal closing.
3. No attempt has been made or will be made to induce any firm or person to refrain from Proposing on this contract, or to submit a Proposal higher than this Proposal, or to submit any intentionally high or competitive Proposal or other form of complementary Proposal.
4. The Proposal of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other form of competitive Proposal
5. _____, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted of or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to Proposing on any public contract.

I state that _____ understands and acknowledges that the above representations are material and important, and will be relied on by Salem Area Mass Transit District in awarding the contract(s) for which this Bid is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from Salem Area Mass Transit District of the true facts relating to the submission of Bids for this contract.

Signed _____ Date _____

Printed Name and Title _____

EXHIBIT #3 ORGANIZATIONAL CONFLICT OF INTEREST AND AVOIDANCE / MITIGATION PLAN

This disclosure statement outlines potential organizational conflicts of interest, either real or apparent, which as a result of activities or relationships with other persons or entities, such person or entity:

1. Is unable or potentially unable to render impartial assistance or advice to Salem Area Mass Transit District; or
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

SECTION I. List potential organizational conflicts of interest. An organizational conflict of interest exists where other activities, relationships, or contracts of a contractor inhibit, affect, or prevent the contractor from rendering impartial assistance or advice to SAMTD; a contractor's objectivity in performing the contract work is or might be otherwise impaired (e.g., a contractor assisting with a design might have a financial interest in a product or system that could be utilized in implementing that design); or a contractor has an unfair competitive advantage which might be gained through its involvement in writing, or reviewing the solicitation and contract documents, including the scope or specification except as part of a general industry review.

SECTION II of this disclosure statement describes the management plan for avoiding or neutralizing the potential Organizational Conflicts of Interest as described in SECTION I of this disclosure statement. I acknowledge that Salem Area Mass Transit District may require revisions to the management plan described in SECTION II of this disclosure statement prior to approving it, and that Salem Area Mass Transit District has the right, in its sole discretion, to limit or prohibit my involvement in the Project as a result of the potential conflicts of interest described in SECTION I of this disclosure statement.

SECTION Ia – Name of Person or Firm Potentially Conflicted

SECTION Ib – Current Project Name and Scope of Work

SECTION Ic – Future Project Name and Description of Potential Conflict of Interest

SECTION II - Plan for Managing Potential Conflicts of Interest

Signed _____ Date

Printed Name and Title

EXHIBIT #4 DBE/SBE DETERMINATION OF GOOD FAITH EFFORT

Please answer “yes”, “no”, or “did not lend”

Were you able to sub-contract any part of the work scope to a Federal Small or Disadvantaged Businesses Enterprise (SBE, DBE) as part of your submission? Yes ☐
No ☐

This contract did not lend itself to sub-contracting ☐

If you answered “yes”, or “did not lend”, you are not required to answer the remaining questions below. **For all items answered “NO,”** detailed supporting documentation or a letter of justification is REQUIRED. Failure to submit supporting documentation and this questionnaire renders the proposal non-responsive.

In an effort to document my Good Faith Efforts in subcontracting to an SBE or DBE, I am able to present evidence of: Attendance at a pre bid meeting, if any, scheduled by SAMTD to inform SBE's and DBEs of subcontracting opportunities under a given solicitation. Yes ☐ No ☐

Review of the list of certified firms, through the Oregon State e Certification Office for Business Inclusion and Diversity (COBID) directory to determine potential subcontractors. Yes ☐ No ☐

Advertisement in general circulation media, trade association publications, and other media for at least 15 days before bids or proposals are due that you are seeking subcontractors for this opportunity.
Yes ☐ No ☐

Written notification to SBE's and DBE's of a sub-contracting opportunity. The notice included a description of the opportunities and identified whom to contact within my office. The notice was sent to at least five (5) businesses in the current Oregon State e Certification Office for Business Inclusion and Diversity (COBID) Directory of Federally certified SBE and DBE entities that perform that type of work. Yes ☐ No ☐

Efforts made to select portions of the work proposed to be performed by Small Businesses or Disadvantaged Businesses in order to increase the likelihood of achieving the stated goal and, to the extent feasible and consistent with prudent industry practice, efforts to divide the contract work in reasonable lots. Yes ☐ No ☐

Efforts to provide interested SBEs or DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to the solicitation.
Yes ☐ No ☐

Negotiating in good faith with interested with SBEs or DBEs

Yes ☐ No ☐

Provide the following:

- a) The names, addresses, and telephone numbers of SBEs or DBEs that were contacted;
- b) A description of the information provided to SBEs or DBEs regarding the plans and specifications for portions of the work to be performed; and
- c) A statement of why additional agreements with SBEs and DBEs were not reached (DBE Unavailability Certification).

Not rejecting SBEs or DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities. Excessive cost is not a reason for disqualification.

Yes ☐ No ☐

Provide the following:

- a) The names, addresses, and telephone numbers of SBEs or DBEs that were contacted
- b) The reasons for exclusion.

Efforts made to assist SBEs and DBEs contacted in obtaining bonding or insurance required by the Bidder/Proposer or SAMTD. Yes ☐ No ☐

Efforts made to assist interested SBEs and DBEs in obtaining necessary equipment, supplies, materials or related assistance or services. Yes ☐ No ☐

Efforts made to utilize the services of available small business and/or disadvantageded business organizations that provide assistance in the recruitment and placement of SBEs and DBEs.

Yes ☐ No ☐

NOTE: For all items answered "no," detailed supporting documentation or a letter of justification is REQUIRED. The attachments submitted by the Bidder/Proposer/Contractor will be reviewed by SAMTD's DBELO and a written notice of acceptance or deficiency of good faith efforts will be issued.

Signature of Vendor: _____

Printed Name: _____

Title: _____ Date: _____

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

**EXHIBIT #5 PROPOSER'S REPRESENTATIONS AND WARRANTIES
CERTIFICATION
(State of Oregon)**

Contractor hereby represents and warrants to Salem Area Mass Transit District (SAMTD) that:

1. The Proposer has the power and authority to enter into and perform this Contract.
2. This Contract, when executed and delivered, is a valid and binding obligation of the Proposer, enforceable in accordance with its terms.
3. Proposer (to the best of Proposer's knowledge, after due inquiry) has never knowingly or intentionally failed to comply with:
 - (i) All tax laws of this state, including but not limited to ORS 305.620 and ORS Chapters 316, 317, and 318;
 - (ii) Any tax provisions imposed by a political subdivision of this state that applied to Proposer, to Proposer's property, operations, receipts, or income, or to Proposer's performance of or compensation for any work performed by Proposer;
 - (iii) Any tax provisions imposed by a political subdivision of this state that applied to Proposer, or to goods, services, or property, whether tangible or intangible, provided by Proposer; and
 - (iv) Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.
4. Any goods and/or services to be provided to SAMTD, in the performance of Proposer's obligations under this Contract, shall be provided to SAMTD free and clear of any and all restrictions on or conditions of use, transfer, modification, or assignment, and shall be free and clear of any and all liens, claims, mortgages, security interests, liabilities, charges, and encumbrances of any kind.

Proposer's Name:

Signature of Authorized Representative:

Printed Name: _____ Date:

Title/Position:

**EXHIBIT #6 CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY, AND VOLUNTARY EXCLUSION**

This certification is made in accordance with Executive Order 12549, 49 CFR Part 29, 31 U.S.C. § 6101 and similar federal requirements regarding debarment, suspension, and ineligibility with respect to federally funded contracts.

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The Proposer is required to comply with 49 CFR 29, Subpart C and must include this requirement to comply with 49 CFR 29, Subpart C in any lower tier (subcontractors) covered transaction it enters into.

By signing and submitting its Proposal, the Proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by Salem Area Mass Transit District. If it is later determined that the Proposer knowingly rendered an erroneous certification, in addition to remedies available to Salem Area Mass Transit District, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Proposer further agrees to include a provision requiring such compliance in its lower-tier covered transactions (subcontractors).;and

Proposer further certifies that it does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

Was not convicted of the felony criminal violation under any Federal law within the preceding 24 months.

If the Proposer is unable to certify to the statement above, it shall attach an explanation and indicate that it has done so by placing an "X" in the following space _____, and acknowledge that SAMTD must report the failure to certify to FTA.

Signature of the Proposer or Proposer Authorized Official

Name and Title of the Proposer or Proposer Authorized Official

Federal ID #

Date

EXHIBIT #7 CERTIFICATION REGARDING LOBBYING

The undersigned Proposer 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph 2 herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*).
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. **NOTE: CONTRACTORS ARE REQUIRED, PURSUANT TO FEDERAL LAW, TO INCLUDE THE ABOVE LANGUAGE IN SUBCONTRACTS OVER \$100,000 AND TO OBTAIN THIS LOBBYING CERTIFICATE FROM EACH SUBCONTRACTOR BEING PAID \$100,000 OR MORE UNDER THIS CONTRACT.**

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 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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.

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Name and Title of Contractor's Authorized Official

Date

EXHIBIT #8 PRICE PROPOSAL

(ATTACHED SEPARATELY AS AN EXCEL FILE)

