

BID BOOKLET INVITATION FOR BID (IFB) 7-2018  
BOOK 2 OF 2

**CONSTRUCTION OF THE LAGUNA  
NIGUEL TO SAN JUAN CAPISTRANO  
PASSING SIDING PROJECT**



**ORANGE COUNTY TRANSPORTATION AUTHORITY**  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584  
(714) 560-6282

**Key IFB Dates**

<b>Issue Date:</b>	<b>August 27, 2018</b>
<b>Pre-Bid Conference/Site Visit:</b>	<b>September 6, 2018</b>
<b>Questions/Approved Equal Submittal:</b>	<b>September 12, 2018</b>
<b>Bids Submittal Date:</b>	<b>September 26, 2018</b>

**FEDERAL TRANSIT ADMINISTRATION FUNDED PROJECT**

LIST OF DRAWINGS

By this reference, the following drawings are incorporated in this Invitation For Bids.

<u>Sheet Identification</u>	<u>Number of Sheets</u>
C-1 General	8
C-2 Drainage and Grading	37
C-3 Roadway	5
C-4 Utility	9
C-5 Structures	25



### BID FORM

The undersigned hereby proposes to perform all work for which a contract may be awarded and to furnish any and all plant, labor, services, material, tools, equipment, supplies, transportation, utilities, and all other items and facilities necessary therefore as required in the **IFB 7-2018, "CONSTRUCTION OF THE LAGUNA NIGUEL TO SAN JUAN CAPISTRANO PASSING SIDING PROJECT"**, and to do everything required therein; and further proposes that, if this bid is accepted, will contract in the form and manner stipulated to perform all the work in strict conformity therewith within the time limits set forth therein, and will accept as full payment therefore, the following price:

<u>Description</u>	<u>Total Lump Sum Bid Amount</u>
	\$ <span style="border-top: 1px solid black; display: inline-block; width: 150px;"></span>

A cashier's check/certified check/bid bond (circle applicable term) properly made payable to Orange County Transportation Authority, hereinafter designated as the Owner, for the sum of

Dollars

(\$ )

which amount is not less than ten percent (10%) of the total amount of this bid, is attached hereto and is given as a guarantee that the undersigned will execute the Agreement and furnish the required bonds, "Guaranty" and "Certificate of Insurance", if awarded the contract, and in case of failure to do so within the time provided, (a) the proceeds of said check shall be forfeited to the Authority; or (b) surety's liability to the Authority for forfeiture of the face amount of the bond shall be considered as established [circle (a) or (b)].

The undersigned hereby represents that:

**BID FORM, PAGE 2**

1. Bidder has thoroughly examined and become familiar with the work required and documents included under this IFB. The bidder understands that the award of the contract, if it is awarded, will be based on the lowest total bid submitted by a responsive and responsible bidder, and further, that the amounts and the total on the Bid Form will be subject to verification by the Authority.
2. By investigation at the site of the work and otherwise, it is satisfied as to the nature and location of the work and is fully informed as to all conditions and matters, which can in any way affect the work or the cost thereof.
3. Bidder fully understands the scope of the work/specifications and has checked carefully all words and figures inserted in said Invitation For Bids (IFB) and further understands that the Authority will in no way be responsible for any errors or omissions in the preparation of this bid. Bidder further asserts that it is capable of performing quality work to meet Authority's requirements.
4. Bidder will execute the Agreement and furnish the required Performance and Payment Bonds, Guaranty and proof of insurance coverage within ten (10) calendar days after notice of acceptance of bid by the Authority; and further, that this bid may not be withdrawn for a period of 120 calendar days after the date set for the opening thereof, unless otherwise required by law. If any bidder shall withdraw its bid within said period, the bidder shall be liable under the provisions of the Bid Security, or the bidder and the surety shall be liable under the Bid Bond, as the case may be.
5. Bidder hereby certifies that this bid is genuine and not a sham or collusive or made in the interest or on behalf of any person not herein named, and the undersigned has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm, or corporation to refrain from bidding; the undersigned has not in any manner sought by collusion to secure for himself an advantage over any other bidder.
6. In conformance with current statutory requirements of Section 1860, et. seq., of the Labor Code of the State of California, the Bidder shall execute the document included in this IFB entitled "Bidder's Certificate of Compliance Regarding Workers' Compensation Insurance."
7. Bidder hereby further certifies that each, and every representations made in this bid are true and correct and made under penalty of perjury.

**BID FORM, PAGE 3**

8. Bidder shall permit the authorized representative of the Authority to inspect and audit all data and records of bidder relating to this bid, and if awarded a contract resulting from this bid, shall permit such inspection and audit of all data and records of bidder related to bidder's performance of such contract.
9. Bidder does not employ anyone who is now, or for one (1) year immediately prior to the date of this offer was, a director, officer, member, or employee of the Orange County Transportation Authority. The undersigned has not agreed to pay a fee contingent upon the award of a contract resulting from this bid to anyone who is now, or for one (1) year immediately prior to the date of this bid was, a director, officer, member, or employee of the Orange County Transportation Authority. No member of or delegate to the Congress of the United States shall be admitted to any share of the contract or to any benefit arising therefrom.
10. If awarded a contract resulting from this bid, bidder shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin. The bidder shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, age or national origin. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
11. If awarded a contract resulting from this bid, Bidder will cooperate with the Authority in meeting commitments and goals with regard to the maximum utilization of DBE firms and will use its best efforts to ensure that DBE firms shall have the maximum practicable opportunity to compete for subcontract work under such contract.
12. Bid will be in effect for 120 calendar days after the bid closing date.

**BID FORM, PAGE 4**

Now: In compliance with the **Invitation For Bids (IFB) 7-2018, "CONSTRUCTION OF THE LAGUNA NIGUEL TO SAN JUAN CAPISTRANO PASSING SIDING PROJECT"**, the undersigned, with full cognizance thereof, hereby proposes to perform the entire work in strict compliance with all of the said requirements and provisions for the prices set forth herein upon which award of contract is made. The undersigned affirms that the information provided herein is true and accurate and that any misrepresentations are made under penalty of perjury.

Dated \_\_\_\_\_, 201\_ Bidder \_\_\_\_\_

The above bid includes Signature \_\_\_\_\_

Addenda Nos. \_\_\_\_\_ Name \_\_\_\_\_

Title \_\_\_\_\_

Bidder's Authorized Representative \_\_\_\_\_

Title \_\_\_\_\_

Telephone # \_\_\_\_\_

Fax # \_\_\_\_\_

Email Address \_\_\_\_\_

Bidders post office address \_\_\_\_\_

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

Corporation organized under the laws of the State of \_\_\_\_\_

Contractor's License No. \_\_\_\_\_

Expiration Date of License \_\_\_\_\_

Surety or sureties \_\_\_\_\_

(CORPORATE SEAL)



**SCHEDULE OF QUANTITIES AND PRICES**  
**Laguna Niguel to San Juan Capistrano Passing Siding**  
**IFB NO. 7-2018**

**CONTRACTOR'S NAME:** \_\_\_\_\_

BID ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
<b>01 00 00</b>	<b>GENERAL REQUIREMENTS</b>				
01 11 16.01	SCRRA Permitting, Training, and EIC	Allow.	1	\$725,000.00	\$725,000.00
01 35 44.01	Contaminated Soil Removal Allowance	Allow.	1	\$100,000.00	\$100,000.00
01 55 26.01	Maintenance and Protection of Traffic	LS	1		
01 56 39.01	Protection-Zone Fence	LF	4,550		
01 57 19.01	SWPPP Compliance	LS	1		
01 71 13.01	Mobilization (5% maximum)	LS	1		
01 71 13.02	Demobilization (2% maximum)	LS	1		
01 71 13.03	Encroachment Permits	Allow.	1	\$65,000.00	\$65,000.00
<b>GENERAL REQUIREMENTS SUBTOTAL</b>					
<b>03 00 00</b>	<b>CONCRETE</b>				
03 31 00.01	Culvert Extension 4972+95.20	LS	1		
03 31 00.02	Culvert Extension at 5017+41.50	LS	1		
03 31 00.03	Parapet Beam at RW1	CY	117		
03 40 00.01	Box culvert MP 194.6	LS	1		
<b>CONCRETE SUBTOTAL</b>					
<b>10 00 00</b>	<b>SPECIALTIES</b>				
10 14 53.01	Roadway Signage	LS	1		
10 14 53.02	Road Sign And Ped. Barricade Type I, Caltrans Std. Plan No. ES-7Q (1 Sign)	EA	1		
10 14 53.03	Road Sign And Ped. Barricade Type I, Caltrans Std. Plan No. ES-7Q (2 Sign)	EA	1		
10 14 55.01	Railroad Signage (relocation and new signs per contract drawings)	LS	1		
<b>SPECIALTIES SUBTOTAL</b>					
<b>26 00 00</b>	<b>ELECTRICAL</b>				
26 06 00.01	Grounding and Bonding	LS	1		
<b>ELECTRICAL SUBTOTAL</b>					
<b>31 00 00</b>	<b>EARTHWORK</b>				
31 11 00.01	Site Clearing	LS	1		
31 11 50.01	Remove Drainage Pipe (18" CMAP) including headwall (Sta 4980+00)	LS	1		
31 11 50.02	Remove Concrete Curb & Gutter	LF	604		
31 11 50.03	Remove Sidewalk	SF	880		
31 11 50.04	Remove AC Pavement (Rancho Capistrano Street)	SF	1,500		
31 11 50.05	Remove Chainlink Inter-track Fence, posts, and footings (approx. 820 LF)	LS	1		
31 11 50.06	Remove K-Rail and fence (Salvage K-Rail)	LF	1,100		
31 11 50.07	Remove and Salvage Rip Rap/Boulders	TON	3,700		
31 11 50.08	Adjust MH to grade coinciding with pavement work (item per plan)	EA	4		
31 11 50.09	Adjust Valve to grade coinciding with pavement work (item per plan)	EA	1		
31 11 50.10	Remove, Plug, and Abandon 3" Water Riser (Sta 5034+50)	LS	1		
31 20 00.01	Excavation	CY	12,500		
31 20 00.02	Embankment	CY	4,000		
31 20 00.03	Roadway Earthwork Embankment	CY	602		
31 32 32.01	Lightweight Cellular Concrete Embankment	CY	600		
<b>EARTHWORK SUBTOTAL</b>					
<b>32 00 00</b>	<b>EXTERIOR IMPROVEMENTS</b>				
32 12 00.01	Cold Plane 2" Asphalt Concrete Pavement	SF	7,570		
32 12 00.02	Cold Plane 6" Asphalt Concrete Pavement	SF	5,305		
32 12 00.03	Hot Mix Asphalt Pavement (Type A)	TON	1,271		
32 16 00.01	Construct Curb and Gutter	LF	1,218		
32 16 00.02	Construct Sidewalk	SF	860		
32 16 00.03	Construct Cross Gutter and Spandrel	SF	561		
32 16 00.04	Concrete U-Ditch including transition & cutoff sill (approx. Sta 4976 to 4984)	LF	646		



**SCHEDULE OF QUANTITIES AND PRICES**  
**Laguna Niguel to San Juan Capistrano Passing Siding**  
**IFB NO. 7-2018**

**CONTRACTOR'S NAME:** \_\_\_\_\_

BID ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
32 16 00.05	Concrete Ditch (approx. Sta 4992+0 to 4994)	LF	233		
32 16 00.06	Concrete U-Ditch with Bikeproof Grate (approx. Sta 4994 to 4995)	LF	100		
32 16 00.07	Concrete U-Ditch including transition and sill (approx. Sta 5004 to 5009)	LF	506		
32 16 00.08	Concrete U-Ditch including transition (approx. Sta 5003+96 to 5009+04 and 5009 to 5013)	LF	692		
32 18 00.01	Traffic Striping and Pavement Marking	LS	1		
32 18 00.02	Metal Beam Guard Rail (Wood Post)	LF	49		
32 18 00.03	Lane Separator System with Channelizers	LF	205		
32 18 00.04	Delineator	EA	21		
32 31 13.01	8' Chain Link Fence (Remove Exist. And Install New)	LF	204		
32 31 16.01	4' Welded Wire Mesh Fence	LF	250		
32 31 16.01	6'-3" Welded Wire Mesh Fence	LF	1,638		
32 31 16.01	6'-3" Welded Wire Mesh Gates (6' width each Gate)	EA	2		
32 32 16.01	Gravity Block Retaining Wall RW2	LS	1		
32 32 16.02	Gravity Block Retaining Wall RW2 - wall pocket	LS	1		
32 32 16.02	Gravity Block Wall - Signal House Pad (STA 4986+93)	LS	1		
32 32 16.02	Gravity Block Wall - Signal House Pads (STA 5055+25)	LS	1		
32 32 21.01	Prefabricated Modular Block (PMB) Retaining Wall RW3	SF	7,714		
32 32 21.02	Prefabricated Modular Block (PMB) Retaining Wall RW3 wall pocket	EA	2		
32 32 43.01	Retaining Wall No. 1 CIDH Piles	LF	2,085		
32 32 43.02	Precast lagging (Retaining Wall No. 1)	SF	9,376		
32 32 43.03	Cable Railing (Retaining Wall No. 1)	LF	1,050		
32 90 00.01	Temporary Gravel Bag Berm	LF	900		
32 90 00.02	Temporary Fiber Roll	LF	7,200		
32 90 00.03	Temporary Inlet Protection	EA	5		
32 90 00.04	Temporary Construction Entrance	EA	3		
32 90 00.05	Temporary Silt Fence	LF	13,200		
32 90 00.06	Hydroseeding w/ Bonded Fiber Matrix	SF	29,400		
<b>EXTERIOR IMPROVEMENTS SUBTOTAL</b>					
<b>33 00 00</b>	<b>UTILITIES</b>				
33 42 00.01	12" PVC Pipe (Ret Wall Inlet Lateral)	LF	10		
33 42 00.02	18" RCP (Class V- Cooper E80 rated)	LF	152		
33 42 00.03	24" RCP (Class V- Cooper E80 rated)	LF	257		
33 42 00.04	Remove & Reconstruct 36" CMP Riser at MP 194.3 (CALTRANS Std Dwg D75A w/ Circular Grate)	LS	1		
33 42 00.05	Remove 48" Riser & Reconstruct 36" CMP Riser at MP 194.7 (CALTRANS Std Dwg D93C- Type A and 30" to 24" Bulkhead connection)	LS	1		
33 42 00.06	Precast Concrete 24x24 Drain Inlet (Ret Wall Drainage)	EA	2		
33 42 00.07	Concrete Drain Inlet (CALTRANS Std Dwg D73- Type G-4) with Curb (87A Type A1.8)	LS	1		
33 42 00.08	Concrete Headwall (CALTRANS Std Dwg D89)	EA	3		
33 42 00.09	24" Corrugated Metal Pipe	LF	5		
33 46 00.01	8" Perforated Underdrain- Including Fittings, Trench, Permeable Material, Geotextile Fabric and Cleanouts	LF	695		
33 46 00.02	Install 12" Perforated Underdrain Including Fittings, Trench, Permeable Material, Geotextile Fabric and Cleanouts	LF	830		
<b>UTILITIES SUBTOTAL</b>					
<b>34 00 00</b>	<b>TRANSPORTATION</b>				
34 11 27.01	Construct Track Subballast	CY	4,652		
34 11 27.02	Construct Aggregate Base (Roadway Pavement)	CY	1,117		
34 24 18.01	Conduit - 4 - 4" PVC Conduit Duct Bank	LF	2,738		
34 24 18.02	Conduit - 10 - 4" PVC Conduit Duct Bank	LF	453		
34 24 18.03	Conduit - 13 - 4" PVC Conduit Duct Bank	LF	302		
34 24 18.04	Pull Box - 4' x 4' x 4' Vault per SCRRA ES8225	EA	7		
34 71 50.01	Install Concrete Grade Crossing on ML 1	TF	40		
34 71 50.02	Install Concrete Grade Crossing on Passing Siding (Salvaged panels and ties; New Track & Xing)	TF	40		
34 72 00.01	Remove and Salvage Existing Track	TF	2,060		





**SCHEDULE OF QUANTITIES AND PRICES**  
**Laguna Niguel to San Juan Capistrano Passing Siding**  
**IFB NO. 7-2018**

**CONTRACTOR'S NAME:** \_\_\_\_\_

BID ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
34 72 00.02	Construct Track (includes installation of 136RE CWR, Concrete Ties and ballast)	TF	11,200		
34 72 00.03	Furnish & install No. 14 LH XO (136RE, Concrete Ties) including asphalt concrete pavement underlayment	EA	1		
34 72 00.04	Furnish & install No. 10 LH TO (136RE, Concrete Ties) including asphalt concrete pavement underlayment	EA	1		
34 72 00.05	Furnish & install No. 24 LH TO (136RE, Concrete Ties) including asphalt concrete pavement underlayment	EA	1		
34 72 00.06	Remove and Relocate Bumping Post	EA	1		
34 72 00.07	Remove Insulated Joints (Including at CP Oso MP 196.2)	EA	12		
34 72 00.08	Furnish & Install transition rail, 115#RE/136#RE (Including at CP Oso MP 196.2)	EA	8		
34 72 00.09	Furnish and install insulated joints (prefabricated plug rail)	EA	16		
34 72 00.10	Remove and Salvage #24 RH XO	LS	1		
34 72 00.11	Remove and Salvage #10 LH XO	LS	1		
34 72 20.01	Shift Existing Wood Tie Track (includes 25% tie replacement using screw spikes and galvanized Pandrol "E-clips" for fastening system)	TF	4,695		
34 72 20.02	Shift Existing Concrete Tie Track	TF	1,325		
34 72 20.03	Surface, line, and dress track	TF	3,840		
34 80 11.01	Concrete Grouted RSP (Facing) w/ Filter Fabric and Concrete Cutoff Sill	CY	14		
34 80 11.02	Concrete Grouted RSP (No. 2 Backing) w/ Filter Fabric and Concrete Cutoff Sill	CY	3		
34 80 11.03	Rock Slope Protection- Ballast	CY	4		
34 80 11.04	Rock Slope Protection - No. 2 Backing w/ Filter Fabric	CY	13		
<b>TRANSPORTATION SUBTOTAL</b>					
<b>TOTAL BID PRICE:</b>					

**TOTAL BID PRICE (IN WORDS)** \_\_\_\_\_

\_\_\_\_\_ **DOLLARS**



**BID SECURITY FORM**  
**BID BOND**

**KNOW ALL MEN BY THESE PRESENTS:**

That, \_\_\_\_\_ as principal and Bidder and \_\_\_\_\_ as Surety, are held and firmly bound unto the Orange County Transportation Authority, of State of California, hereinafter referred to as "Authority," in the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), to be paid to the Authority, its successors, and assigns; for which payment, well and truly to be made, bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents, this amount being ten percent (10%) of the total amount of the Bid.

**THE CONDITION OF THIS OBLIGATION IS SUCH**, that if the certain bid of the above named \_\_\_\_\_ bounden \_\_\_\_\_ principal \_\_\_\_\_

for \_\_\_\_\_ at the Orange County Transportation Authority's \_\_\_\_\_ as specifically set forth in documents entitled IFB 7-2018, "**CONSTRUCTION OF THE LAGUNA NIGUEL TO SAN JUAN CAPISTRANO PASSING SIDING PROJECT**", shall not be withdrawn within a period of 120 calendar days after the date set for the opening of bids, (unless otherwise required by law, and notwithstanding the award of the contract to another Bidder), and that if said bid is accepted by the Authority through action of its legally constituted contracting authorities and if the above bounden \_\_\_\_\_ its heirs, executors, administrators, successors and assigns, shall execute a contract for such construction and deliver the required Performance and Payment Bonds, "Certificate of Restrictions on Lobbying", "Guaranty," and proof of insurance coverage within ten (10) calendar days after notification of contract award from the Authority, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

**IN WITNESS WHEREOF**, we hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

NOTE: The standard printed bond form of any bonding company acceptable to the Authority may be used in lieu of the foregoing approved sample bond form provided the security stipulations protecting the Authority are not in any way reduced by use of the security company's printed standard form.

**BID SECURITY FORM**  
**CHECK TO ACCOMPANY BID**

(NOTE: The following form shall be used in case check accompanies bid)

Accompanying this bid is a Certified or Cashiers check (circle the appropriate one) payable to the order of Orange County Transportation Authority, hereinafter referred to as "Authority" for \_\_\_\_\_ dollars (\$\_\_\_\_\_), this amount being ten percent (10%) of the total amount of the Bid submitted in response to IFB 7-2018, "**CONSTRUCTION OF THE LAGUNA NIGUEL TO SAN JUAN CAPISTRANO PASSING SIDING PROJECT**". The proceeds of this check shall become the property of Authority provided this bid shall be accepted by Authority through action of its legally constituted contracting authorities and the undersigned shall fail to execute a contract and furnish the required Guaranty Form, Performance and Payment Bonds and proof of insurance coverage within ten (10) calendar days after date of notification of contract award from the Authority. The proceeds of this check shall also become the property of the Authority if the undersigned bidder withdraws the bid within the period of 120 days after the date set for the opening thereof, unless otherwise required by law, and notwithstanding the award of the contract to another bidder. Otherwise, the check shall be returned to the undersigned.

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

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

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

NOTE: If the bidder desires to use a bond instead of check, the Bid Bond form shall be executed and the sum of this bond shall be ten percent [10%] of the total amount of the bid.

**INFORMATION REQUIRED OF BIDDER**

The bidder is required to supply the following information. Additional sheets may be attached if necessary.

1. Name of Bidder: \_\_\_\_\_
2. Business Address: \_\_\_\_\_
3. Telephone (    ) \_\_\_\_\_ Fax (    ) \_\_\_\_\_ E-Mail: \_\_\_\_\_
4. Type of Firm - Individual, Partnership or Corporation: \_\_\_\_\_
5. Corporation organized under the laws of state of: \_\_\_\_\_
6. Contractor's License No.: \_\_\_\_\_ Class: \_\_\_\_\_ Years of Experience: \_\_\_\_
7. Expiration Date of License: \_\_\_\_\_
8. Is your firm a certified small business in California? Yes \_\_\_\_ No \_\_\_\_
9. List the names and addresses of all owners of the firm or names and titles of all officers of the corporation:  
\_\_\_\_\_  
\_\_\_\_\_

**INFORMATION REQUIRED OF BIDDER, PAGE 2**

10. Please list the following: a) All prior and current license numbers that the current owner(s) or officers possess or have possessed in the last five years and the current status of those license; b) any prior company names that the owner(s) had in operation during the previous five years.

Current Officers or Owners Name	Prior Company Names (During the last 5 years)	Prior and Current License Numbers	Status of License

*Note:* If additional space is required to detail the information requested, please attach another page. All information requested must be included. Failure to identify all of the information may result in your bid being found non-responsive and your bid being rejected.

11. List all construction projects (public and private) for which Bidder has provided general contractor services for the past three years:

Contract Type (Public or Private)	Project Description	Dates of Service	Total Cost	Name and Address of Owner	Contact Name and Phone Number

*Note:* If additional space is required to detail the information requested, please attach another page. All information requested must be included. Failure to identify all of the information, may result in your bid being found non-responsive and your bid being rejected.

12. List the name, address and phone number of Superintendent for this project:

13. List all construction projects (public and private) for which Superintendent has provided services as a Superintendent for the past three years.

Contract Type (Public or Private)	Project Description	Dates of Service	Total Cost	Name and Address of Owner	Contact Name and Phone Number

Bidder hereby certifies that it:

\_\_\_\_\_ is a certified Disadvantaged Business Enterprise as defined herein.

\_\_\_\_\_ is not a Disadvantaged Business Enterprise as defined herein.

**NOTE:** If requested by the Authority, bidder shall furnish a certified financial statement, financial data, or other information and references sufficiently comprehensive to permit an appraisal of its current financial condition.

I hereby certify the above is true and correct to the best of my belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

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

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email Address

**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE  
EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)**

1. The Bidders' attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each trade on all construction work in the covered area, are as follows:

Timetable Goals for Minority Participation for Each Trade (11.9)

Goals for Female Participation in Each Trade (6.9)

These goals are applicable to all the Contractor's construction work (whether or not it is federal or federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 C.F.R. Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 C.F.R. 60-4.3 (a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 C.F.R. Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" includes the County of Orange, California.



**BIDDER'S CERTIFICATE OF COMPLIANCE**  
**REGARDING**  
**WORKERS' COMPENSATION INSURANCE**

In conformance with current statutory requirements of Section 1860, et. seq., of the Labor Code of the State of California, the undersigned confirms the following certification:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that code and I will comply with such provisions before commencing the performance of the work of this Contract."

Bidder/Contractor: \_\_\_\_\_

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

Name and Title: \_\_\_\_\_

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

**BIDDER'S CERTIFICATE OF COMPLIANCE**  
**REGARDING**  
**STATE OF CALIFORNIA**  
**BUSINESS AND PROFESSIONS CODE SECTION 7028.15**

Contractor License Number: \_\_\_\_\_

Expiration Date of Contractor's License: \_\_\_\_\_

Each, every and all of the representations made by Bidder in the attached bid are true and correct.

Name of Bidder/Contractor: \_\_\_\_\_

Signed: \_\_\_\_\_

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

Subscribed to and sworn before me, a Notary Public in and for the State of California, on \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public

My commission expires on:

\_\_\_\_\_, 201\_\_  
(NOTARY SEAL)

**LIST OF SUBCONTRACTORS (EXHIBIT D)**

List only the subcontractors, which will perform work or labor or render services to the bidder in excess of one-half of one percent (1/2 of 1%) of the bidder's total bid amount. Do not list alternative subcontractors for the same work. (Use additional sheets if necessary.)

Name & Address Under Which Subcontractor is Licensed	License Number	DIR Registration No.	Specific Description of Work to be Rendered	Small Business Y/N	Type*	Dollar Amount
						\$
						\$
						\$
						\$
						\$
						\$
TOTAL VALUE OF SUBCONTRACTED WORK						\$

Bidder's Name \_\_\_\_\_

### **STATUS OF PAST AND PRESENT CONTRACTS FORM**

On the form provided below, Bidder shall list the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract.

A separate form must be completed for each contract. Bidder shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value. Bidder shall also provide a brief summary and the current status of the litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations. If the contract was terminated, list the reason for termination.

Bidder shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of the bid. Each form must be signed by an officer of the Bidder confirming that the information provided is true and accurate.

<b>Project city/agency/other:</b>	
<b>Contact Name:</b>	<b>Phone:</b>
<b>Project Award Date:</b>	<b>Original Contract Value:</b>
<b>Term of Contract:</b>	
<b>(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:</b>	
<b>(2) Summary and Status of contract:</b>	
<b>(3) Summary and Status of action identified in (1):</b>	
<b>(4) Reason for termination, if applicable:</b>	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Non-Collusion Affidavit**

To the Orange County Transportation Authority

In accordance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares that the bid is not made in the interest of, or on the 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, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly, or indirectly, submitted his or her 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 to any member or agent thereof to effectuate a collusive or sham bid.

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

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

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



DBE Participation Commitment(s) Form

NOTE: Please refer to instructions on the reverse side of this form.

**Bidder to Complete this Section**

1. IFB No.: \_\_\_\_\_
2. Project Name/Description: \_\_\_\_\_
3. Prime Bidder Name: \_\_\_\_\_
4. Contract DBE Goal %: \_\_\_\_\_

**DBE Commitment Information**

5. Bidded DBE Firm (Name and Address)	6. DBE Certification Number	7. Description of Scope of Services/Work to be Provided	8. Dollar Value (\$) and/or Percentage (%) Of Contract	9. Percentage (%) of Work to be Performed by DBE Firm(s)

<b>Note: The bidder shall also submit, for each DBE to perform under this contract a written confirmation from the DBE acknowledging that it is participating in the contract for a specified value, including the corresponding scope of work (a subcontract bid can serve in lieu of the written confirmation).</b>	10. Total Value Claimed (\$) \$ _____	11. Total DBE (%) Claimed towards Goal: _____ %

Bidder Assurance: The information on this form is complete and accurate and the bidder certifies that all DBE certifications and written confirmation documentation have been submitted to support the bidded DBE Commitment.

12. Preparer's Name (Print) \_\_\_\_\_

13. Preparer's Signature \_\_\_\_\_

14. Preparer's Title \_\_\_\_\_

15. Date \_\_\_\_\_

16. (Area Code) Tel. No. \_\_\_\_\_

17. Email Address \_\_\_\_\_

## INSTRUCTIONS - DBE Participation Commitment(s) Form

### Bidder Section

The Bidder shall:

18. **IFB No.** - Enter the IFB Number.
19. **Project Name/Description** - Enter the name and/or description of the project.
20. **Prime Bidder Name** - Enter the contractor's firm name.
21. **Contract DBE Goal %** - Enter the contract DBE goal percentage.
22. **Proposed DBE Firm** - Enter name and address of the bidded DBE Firm.
23. **DBE Certification Number** - Enter the DBEs Certification Identification Number. All DBEs must be certified on the date proposals are opened. (DBE subcontracted contractors should notify the prime contractor in writing with the date of the decertification if their status should change during the course of the contract).
24. **Description of Scope of Services/Work to be Provided** - Enter the scope of services/work that the bidded DBE Firm will be performing for this project and is eligible to perform the scope of services/work.
25. **Dollar Value (\$) and/or Percentage of Contract**- Enter the bidded dollar value and/or percentage of commitment each listed DBE firm.
26. **Percentage (%) of Work to be Performed by DBE Firm(s)** - Percent of participation listed under column 8 of work to be performed or services to be provided by DBE firms. This percentage should include work to be self-performed by the listed DBE as well as work that will be performed by lower-tier sub contractors to the listed DBE. DBE credit will only be credited for work performed by DBE firms, non-DBE sub contractors should not be reflected in the percentage (%).
27. **Total Value Claimed (\$)**-Enter the total dollar value of DBE credit claimed.
28. **Total DBE % Claimed towards Goal** - Enter the total participation claimed. If the Total % Claimed is less than item "4. Contract DBE Goal", a Good Faith Effort (GFE) is required.
29. **Preparer's Name (Print)** - Clearly enter the name of the authorized person signing the form for the contractor.
30. **Preparer's Signature** -The person completing this section of the form for the contractor's firm must sign their name.
31. **Preparer's Title** - Enter the position/title of the authorized person signing the form for the contractor.
32. **Date** - Enter the date the form is signed by the contractor.
33. **(Area Code) Telephone Number** - Enter the area code and telephone number of the authorized person signing the form for the contractor.
34. **Email Address**- Enter the email address of the authorized person signing the form for the contractor.

PLEASE NOTE: A firm is only eligible to count towards DBE participation in the NAICS codes contained within its California Unified Certification Program (CUCP) DBE Profile. Bidders are to verify that listed subcontractor contain DBE certification in the NAICS codes that they are being listed to perform.



**OCTA**  
Bidder:

**BIDDERS LIST**

IFB No.:

The Department of Transportation requires the AUTHORITY to create and maintain a "Bidders List" containing information about all firms (DBE and Non-DBE) that bid, propose or quote on the Authority's DOT-assisted contracts, in accordance with 49 CFR Part 26.11. The "Bidders List" is intended to be a count of all firms that are participating, or attempting to participate, on DOT-assisted contracts, whether successful or unsuccessful in their attempt to obtain a contract.

The Bidder is to complete all requested information for every firm who submitted a bid, proposal or quote, including the primary Bidder, and submit this information at the time of bid submission, or as otherwise specified in the solicitation. The AUTHORITY will utilize this information to assist in the AUTHORITY's overall DBE goal-setting process.

a. Prime Bidder Information:	
Name of Prime's Firm:	b. Phone: (     )
c. Firm Address:	d. Fax: (     )
	E-mail:
	Type of work/services/materials provided:
Number of years in business:	
Contact Person:	Title:
Is the firm currently certified as a DBE under 49 CFR Part 26? Yes <input type="checkbox"/> No <input type="checkbox"/>	Check the box below for your firm's annual gross receipts last year:
DBE Certification Eligibility (place an "X"):  __ African American    __ Asian Pacific American __ Native American    __ Woman __ Hispanic American    __ Subcontinent Asian American __ Other	<input type="checkbox"/> Less than \$1 million
	<input type="checkbox"/> Less than \$5 million
	<input type="checkbox"/> Less than \$10 million
	<input type="checkbox"/> Less than \$15 million
	<input type="checkbox"/> More than \$15 million



**IFB 7-2018  
EXHIBIT E-2**

**e. Provide the following information for every firm (DBE and non-DBE) that submitted bid or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract:**

Firm Name:	f. Phone: (     )
g. Firm Address:	h. Fax: (     )
	E-mail:
	Type of work/services/materials provided:
Number of years in business:	
Contact Person:	Title:
Is the firm currently certified as a DBE under 49 CFR Part 26? Yes <input type="checkbox"/> No <input type="checkbox"/>	Check the box below for your firm's annual gross receipts last year:
DBE Certification Eligibility (place an "X"):	<input type="checkbox"/> Less than \$1 million
__African American    __Asian Pacific American	<input type="checkbox"/> Less than \$5 million
__Native American    __Woman	<input type="checkbox"/> Less than \$10 million
__Hispanic American    __Subcontinent Asian American	<input type="checkbox"/> Less than \$15 million
__Other	<input type="checkbox"/> More than \$15 million

Firm Name:	i. Phone: (     )
j. Firm Address:	k. Fax: (     )
	E-mail:
	Type of work/services/materials provided:
Number of years in business:	
Contact Person:	Title:
Is the firm currently certified as a DBE under 49 CFR Part 26? Yes <input type="checkbox"/> No <input type="checkbox"/>	Check the box below for your firm's annual gross receipts last year:
DBE Certification Eligibility (place an "X"):	<input type="checkbox"/> Less than \$1 million
__African American    __Asian Pacific American	<input type="checkbox"/> Less than \$5 million
__Native American    __Woman	<input type="checkbox"/> Less than \$10 million
__Hispanic American    __Subcontinent Asian American	<input type="checkbox"/> Less than \$15 million
__Other	<input type="checkbox"/> More than \$15 million

If necessary, this "Bidders List" form can be duplicated to include all firms (DBE and non-DBE) that have submitted a bid, bid or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract.

Failure of the Bidder to submit the required "Bidders List" form may deem the Bidder non-responsive.



- J. Solicitation Effort Documentation; the names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used to following up initial solicitations to determine with certainty whether the DBEs were interested (please attach all copies of solicitation, telephone records, fax confirmations, etc.), amount of DBEs to repond, the DBE firms were provided information about the contract (location of project, contract number, bid date, items of work made available and contact information) in the Invitation to bid from the Bidder, the Bidder solicited through all reasonable means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract, Bidder to provide proof of aforementioned items, and DBE's in the market area for the work identified in 'Item A' as follows:

Names of DBEs Solicited Methods and Dates	Date of Initial Solicitation	Follow Up

- K. Rejected DBE Bid Documentation; the names, addresses, phone numbers, and amount of rejected DBE firms, the reasons for the Bidder's rejection of the DBE firms, the firms selected and accepted for that work (please attach all copies of quotes from the firms involved) and the price difference for each DBE if the selected firms is not a DBE, include an explanation of quote(s) rejected.

Names, addresses and phone numbers of rejected DBEs and the reasons for the Bidder's rejection of the DBEs as follows:


Names, addresses and phone numbers of firms selected for the work


- L. Publication Efforts Made to Advertise the Projects to Solicit DBE Participation; names and dates of each publication in which a request for DBE participation for this project was placed by the Bidder (please attach copies of advertisements or proof of publications). (Please note: If IFB due date is extended, Bidder is to re-advertise new bid due date.)

Publications	Dates of Advertisement

- M. Agencies, Organizations, or Groups contacted to provide assistance in Contracting, Recruiting, and Using DBEs; the names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received), as follows:


- N. Efforts to Provide Information About the Plans, Specifications, and Contract Requirements; efforts made to assist interested DBEs in obtaining necessary materials, or related assistance or services, Bidder to provide evidence of effort.


- O. Assistance with Lines of Credit, Insurance, and/or other Services; efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs, Bidder to provide a list of any assistance provided to prospective and bided DBEs:


- P. Additional Data to Support a Demonstration of Good Faith Efforts; (for additional data please use additional sheets as necessary):


**NOTE:** USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

**IRAN CONTRACTING ACT CERTIFICATION**  
 (California Public Contract Code Sections 2200, *et seq.*)

The Iran Contracting Act of 2010 (PCC Sections 2200-2208), prohibits bidders who are engaged in investment activities in the energy sector of Iran from bidding on, submitting proposals for, or entering into or renewing contracts with public entities for goods or services of one million dollars (\$1,000,000) or more. At the time of submitting a bid, each bidder must certify that the bidder is not identified on the Department of General Services list of ineligible persons pursuant to PCC Section 2203(b). Each bidder is also required to certify that the bidder is not engaged in investment activities in violation of the Iran Contracting Act of 2010.

A bidder who is engaged in investment activities in the energy sector of Iran is defined as:

3. A person providing goods or services of twenty million dollars (\$20,000,000) or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
4. A person that is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to PCC Section 2203(b).

A bidder is not required to certify that it is engaged in investment activities in the energy sector of Iran if the bidder is exempt from the certification under PCC Section 2203(c) or (d). If the bidder is exempt from the certification requirement, the bidder will be required to provide documentation demonstrating the exemption.

To comply with the Iran Contracting Act of 2010, the bidder shall complete **one** of the options below. Please note: under PCC Section 2205, false certification of this form may result in civil penalties of \$250,000 or twice the amount of the contract for which false certification was made, termination of the contract, and/or ineligibility to bid on contracts for a period of three years.

**Option #1: Certification**

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below, and any subcontractor who will perform work or labor or render services to the vendor identified below, is not on the current Department of General Services list identifying persons engaged in investment activities in the energy sector of Iran, and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current Department of General Services list identifying persons engaged in investment activities in the energy sector of Iran.

Vendor/Financial Institution: \_\_\_\_\_

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

Name and Title: \_\_\_\_\_

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

**Option #2: Exemption**

Pursuant to PCC Section 2203(c) and (d), a public entity may permit a bidder or financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit proposals for, or enter into or renew a contract with a public entity for goods or services of one million dollars (\$1,000,000) or more. If the bidder, financial institution, or any subcontractor who will perform work or labor or render services to the bidder has obtained an exemption from the certification requirement, please complete and sign below and attach the documentation demonstrating the exemption approval.

Vendor/Financial Institution: \_\_\_\_\_

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

Name and Title: \_\_\_\_\_

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



**Option #3: Non-Applicability**

Pursuant to PCC Section 2203(b), a bidder or financial institution engaged in investment activities in Iran may not be eligible for, or to bid on, submit proposals for, or enter into or renew a contract with a public entity for goods or services of one million dollars (\$1,000,000) or more. If the contract is not for goods or services of one million dollars (\$1,000,000) or more, please sign below indicating that the contract is not for goods or services of one million dollars (\$1,000,000) or more and thus bidder is not required to certify and does not meet the exemption.

Vendor/Financial Institution: \_\_\_\_\_

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

Name and Title: \_\_\_\_\_

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

**BIDDER'S CERTIFICATE**  
**REGARDING**  
**"BUY AMERICA" REQUIREMENTS**  
**FOR**  
**STEEL, IRON, OR MANUFACTURED PRODUCTS**

In order to demonstrate compliance with the Buy America Requirements (see Book 1, Section II, of this IFB for further explanation), if the bid is for a contract greater than one hundred and fifty thousand dollars (\$150,000), Bidder shall complete only one of the two statements below:

<p>The _____  <div style="text-align: center;">Firm name/principal</div> <p>hereby certifies that it <b>will comply</b> with the requirements of 49 U.S.C. Section 5323(j), and the applicable regulations in 49 CFR Part 661.</p> <div style="text-align: right; margin-top: 20px;"> <p>_____ Signature</p> <p>_____ Name</p> <p>_____ Title</p> <p>_____ Date</p> </div> </p>
---

**Or:**

<p>The _____  <div style="text-align: center;">Firm name/principal</div> <p>hereby certifies that it <b>cannot comply</b> with the requirements of 49 U.S.C. Section 5323(j), but may qualify for an exception to the requirement pursuant to 49 U.S.C. Section 5323(j)(2), as amended, and the applicable regulations in 49 CFR Part 661.7.</p> <div style="text-align: right; margin-top: 20px;"> <p>_____ Signature</p> <p>_____ Name</p> <p>_____ Title</p> <p>_____ Date</p> </div> </p>
---

Rev Date: 3/16/17

**CERTIFICATION**  
**LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN**  
**FEDERAL TRANSACTIONS**

A. DEFINITIONS

1. Authority, as used in this clause, means the Orange County Transportation Authority.
2. Covered Federal action, as used in this clause, means any of the following Federal actions:
  - a. The awarding of any Federal contract.
  - b. The making of any Federal grant.
  - c. The making of any Federal loan.
  - d. The entering into of any cooperative agreement.
  - e. The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - f. Indian tribe and tribal organization, as used in this clause, have the meaning provided in Section 450b of the Indian self-determination and Education Assistance Act (25 U.S.C. 450) and include Alaskan Natives.
3. Influencing or attempting to influence, as used in this clause, means making, with the intent to influence, any communication to or appearance before 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 any covered Federal action.
4. Local government, as used in this clause, means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.
5. Officer or employee of an agency, as used in this clause, includes the following individuals who are employed by an agency:
  - a. An individual who is appointed to a position in the Government under title 5, United States code, including a position under a temporary appointment.

- b. A member of the uniformed services, as defined in the subsection 101(3), Title 37, United States Code.
  - c. A special Government employee, as defined in Section 202, Title 18, United States Code.
  - d. An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, Title 5, United States Code, Appendix section 3.
6. Person, as used in this clause, means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit, or not for profit. This term excludes an Indian tribe, tribal organization or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
  7. Reasonable compensation, as used in this clause, means with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.
  8. Reasonable payment, as used in this clause means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.
  9. Recipient, as used in this clause, includes the Contractor and all subcontractors. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
  10. Regularly employed, as used in this clause, means, with respect to an officer or employee of a person requesting or receiving by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.
  11. State, as used in this clause, means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State regional or interstate entity having governmental duties and powers.

## B. PROHIBITIONS

1. Section 1352 of Title 31, United States Code, among other things, prohibits a recipient of a Federal contract, grant, loan or cooperative agreement from using appropriated funds to pay 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 any of the following covered Federal actions: 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; or, the modification of any Federal contract, grant, loan, or cooperative agreement.
2. The Act also requires Contractor to furnish a disclosure if any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) 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 a Federal contract, grant, loan or cooperative agreement.
3. The prohibitions of the Act do not apply under the following conditions:
  - a. Agency and legislative liaison by own employees.
    - (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.
    - (2) For purposes of paragraph C.3.a.(1) of this clause, providing any information specifically requested by an agency or Congress is permitted at any time.
    - (3) The following agency and legislative liaison activities are permitted any time where they are not related to a specific solicitation for any covered Federal action:
      - i. Discussing with an agency (including individual demonstrations) the qualities and characteristics of the person's products or services, conditions or terms of sale, and service capabilities.
      - ii. Technical discussions and other activities regarding the application of adaptation of the person's products or services for an agency's use.
    - (4) The following agency and legislative liaison activities are

permitted where they are prior to formal solicitation of any covered Federal action:

- i. Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;
- b. Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and,
  - (1) Capability presentations by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Public Law 95-507, and subsequent amendments.
  - (2) Only those services expressly authorized by paragraph C.3.a.(1) of this clause are permitted under this clause.
- c. Professional and technical services
  - (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of:
    - i. A payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of covered Federal action, if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as condition for receiving that Federal action.
    - ii. Any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of a covered Federal action if the payment is for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal, or application or that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action. Persons other than officers or employees of a person requesting or receiving a covered Federal action include contractors and trade associations.
    - iii. For purposes of paragraph C.3.a.(1) of this clause, professional and technical services shall be limited to advise and analysis directly applying any professional or

technical discipline. For example, drafting of a legal document accompanying a bid or proposal is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission, or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission, or negotiation of a covered Federal action.

- iv. Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation and any other requirements in the actual award documents.
- v. Only those services expressly authorized by paragraph C.3.a.(1) and (2) of this clause are permitted under this clause.
- vi. The reporting requirements of FAR 3.803(a) shall not apply with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

d. Disclosure

- (1) The Contractor who requests or receives from an agency a Federal contract shall file with that agency a disclosure form OMB standard form LLL, Disclosure of Lobbying Activities, (Attachment to the bid package) if such person has made or had agreed to made any payment using non appropriated funds (to include

profits from any covered Federal action), which would be prohibited under subparagraph B.1. of this clause, if paid for with appropriated funds.

- (2) The Contractor shall file a disclosure form at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under subparagraph II.A. of this clause. An event that materially affects the accuracy of the information reported includes:
  - i. A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or
  - ii. A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
  - iii. A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.
- (3) The Contractor shall require the submittal of a certification, and if required, a disclosure form by any person who requests or receives any subcontract exceeding \$100,000 under the Federal contract.
- (4) All subcontractor disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the Contractor. The Contractor shall submit all disclosures to the District at the end of the calendar quarter in which the disclosure form is submitted by the subcontractor. Each subcontractor certification shall be retained in the subcontract file of the contractor.



e. Agreement

- (1) The Contractor agrees not to make any payment prohibited by this clause.

f. Penalties

- (1) Any person who makes an expenditure prohibited under paragraph a) of this clause or who fails to file or amend the disclosure form to be filed or amended by paragraph d) of this clause shall be subject to civil penalties as provided for by 31 U.S.C. 1352. An imposition of a civil penalty does not prevent the Government from seeking any other remedy that may be applicable.
- (2) Contractor may relay without liability on the representation made by its subcontractors in the certification and disclosure forms.

g. Cost Allowability:

- (1) Nothing in this clause is to be interpreted to make allowable or reasonable any costs, which will otherwise be unallowable or unreasonable. Conversely, costs made specifically unallowable by the requirements in this clause will not be made allowable under any other provisions.

**CERTIFICATION OF  
RESTRICTIONS ON LOBBYING**

I, \_\_\_\_\_, hereby certify on behalf (name of offeror) of  
\_\_\_\_\_ that:  
(Firm name)

- A. No federal appropriated funds have been paid, by or on behalf of the undersigned, 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 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.
1. If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for making lobbying contracts 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 the attached Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.
  2. The undersigned shall require that the language of this certification be included in all subcontracts, and that all subcontractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is 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 civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

By \_\_\_\_\_  
(Signature of authorized official)

\_\_\_\_\_  
(Title of authorized official)

**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Approved by  
OMB  
003480045

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material changes  For Material Change Only: year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: _____		<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known: _____
<b>6. Federal Department/Agency:</b>		<b>7. Federal Program Name/Description:</b>  CFDA number, if applicable: _____
<b>8. Federal Action Number, if known:</b>		<b>9. Award Amount, if known:</b> \$ _____
<b>10. a. Name and Address of Lobbying Entity</b> (if individual, last name, first name, MI)		<b>b. Individuals Performing Services (including address if different from No 10a)</b> (last name, first name, MI):
(attach Continuation Sheet(s) SF - LLL - A if necessary)		
<b>11. Amount of Payment (check all that apply):</b>  \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned		<b>13. Type of Payment (check all that apply):</b> <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other specify: _____
<b>12. Forum of Payment (check all that apply):</b> <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify      nature: _____ value: _____		
<b>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:</b>   (attach Continuation Sheet(s) SF-LLL-A if necessary)		
<b>15. Continuation Sheet(s) SF-LLL-A attached:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>16. Information requested through this form is authorized by Code 31 U.S.C. 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 U.S.C. 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.</b>		Signature: _____ Print name: _____ Title: _____ Telephone No: _____      Date: _____

Federal Use Only

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Standard Form - LLL

Approved by  
OMB  
003480045

## **INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES**

This DISCLOSURE FORMS SHALL BE COMPLETED BY the reporting entity, whether Subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subaward recipient. Identify the tier of the subawardee e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address city, state, and zip code of the prime Federal recipient. Include Congressional District.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency, name if known. For example, Department of Transportation, United State Coast Guard.
7. Enter the Federal program name for description of the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g. Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/ proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
11. (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a.). Enter Last Name, First Name, and Middle Initial (MI).
12. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
13. Check the appropriate box (es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
14. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.
15. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
16. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
17. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Management and Budget Paperwork Reduction Project (0348-0446), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET

Approved by  
OMB  
003480045

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

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