

Richmond Metropolitan Transportation Authority (RMTA)

FORM A: Certification and Disclosure

Proposer: _____

Name of Firm: _____

1. Has the firm or any affiliate,* or any current officer, director, or employee of either the firm or any affiliate, been indicted or convicted of the bid (i.e., fraud, bribery, collusion, conspiracy, antitrust, etc.) or other contract related crimes or violations or any other felony or serious misdemeanor within the past ten years?

☐ Yes ☐ No

If yes, please explain:

2. Has the firm or any affiliate* filed for bankruptcy within the last seven (7) years or is currently in bankruptcy proceedings?

☐ Yes ☐ No

If yes, please explain:

3. Has the Firm or any affiliate* been disqualified, removed, or otherwise declared in material breach or default of any contract by a public agency?

☐ Yes ☐ No

If yes, please explain:

4. Has the firm or any affiliate* ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or other material misrepresentation to a public entity within the past ten years?

☐ Yes ☐ No

If yes, as to each such inquiry, state the name of the public agency, the date of the inquiry, the grounds on which the public agency based the inquiry, and the result of the inquiry.

5. Has any project performed or managed by the firm or, to the knowledge of the undersigned, any affiliate* involved repeated or multiple failures to comply with safety rules, regulations, or requirements within the past ten years?

☐ Yes ☐ No

If yes, please identify the team members and the projects, provide an explanation of the circumstances, and provide owner contact information including telephone numbers.

6. Has the firm or any affiliate* been found, adjudicated, or determined by any state court, state administrative agency, including, but not limited to, the Virginia Department of Labor and Industry (DOLI), federal court or federal agency, to have violated or failed to comply with any law or regulation of the United States or any state within the past ten years governing prevailing wages (including but not limited to payment for health and welfare, pension, vacation, travel time, subsistence, apprenticeship or other training, or other fringe benefits) or overtime compensation?

☐ Yes ☐ No

If yes, please explain:

7. Concerning each of Questions 1-6 above, if not previously answered or included in a prior response on this form, is any proceeding, claim, matter, suit, indictment, etc. currently pending against the firm that could result in the firm being found liable, guilty or in violation of the matters referenced in Questions 1-7 above and/or subject to debarment, suspension, removal, or disqualification by the federal government, any state or local government, or any foreign governmental entity?

☐ Yes ☐ No

If yes, please explain and provide the information requested as to such similar items outlined in Questions 1-7 above.

8. In the past five (5) years, has the Firm or any proposed sub-consultants ever been removed from a contract or failed to complete a contract as assigned? Submit full details of the terms for removal from the contract. Identify the other party, its name, address, and telephone number. Present the Proposer's position on the matter. If Proposer team members have experienced no such termination for default in the past five (5) years, indicate accordingly.

☐ Yes ☐ No

If yes, please explain:

9. Provide a list and a brief description of all instances during the last five (5) years involving toll projects in North America in which VENDOR, any major subcontractor, or any Affiliate of the foregoing was (i) determined, pursuant to a determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract, or (ii) terminated for cause. Identify an AUTHORITY representative with a current phone and email address if available for each instance.

10. Provide a list and a brief description (including the resolution) of each arbitration, litigation, dispute review board, and other formal dispute resolution proceeding occurring during the last five (5) years related to a toll project in North America and those projects listed pursuant to Section 6.5 involving a claim or dispute between the project owner and the VENDOR, any major Subcontractor or any Affiliate of the foregoing involving an amount above the smaller of (a) 2% of the original contract value or (b) \$500,000 on projects with a contract value above \$15 million. Include items that were subject to arbitration, litigation, dispute review board, or other formal dispute resolution proceedings, even if settled without completion of the proceeding.

Include a similar list and description for all projects included on Form E involving an amount of more than \$100,000, regardless of the contract value. For each instance, identify an owner's representative with a current phone and e-mail address, if available.

11. Has the Firm or any affiliate* been currently disqualified, suspended, or debarred from submitting responses to any RFP or from performing work for any federal, state, or local government, or any foreign governmental entity?

☐ Yes ☐ No

If yes, please explain:

12. Has the Firm or any affiliate* been terminated for work awarded to it, including termination for default or for the convenience of the owner?

☐ Yes ☐ No

If yes, identify the contract, date, reason for termination, and contact information for the other party:

13. Has the Firm or any affiliate* filed a request to be released from an application, proposal, selection, or award of any contract within the last five (5) years?

☐ Yes ☐ No

If yes, please explain:

14. Has the Firm or any affiliate* been selected for award or awarded a contract in which the entity failed to undertake the awarded services or execute the proffered contract (such as not signing contract documents, inability to obtain insurance, failure to meet bonding requirements, or failure to submit required forms)?

☐ Yes ☐ No

If yes, please explain:

15. Is the Firm or any affiliate* currently in violation of any regulatory agency rule?

☐ Yes ☐ No

If yes, provide an explanation as to why the violation does not have a material adverse impact on your ability to perform under this solicitation:

16. Does the Firm or any affiliate* have known conflicts of interest that would prohibit the firm from entering into the CONTRACT with the AUTHORITY for the provision of professional engineering services or would otherwise adversely affect the AUTHORITY or its operations or customers? Disclose whether your firm represents (i) the City of Richmond, (ii) VDOT or its VENDORS in toll services and operations, or (iii) any other entities in Virginia that provide toll road operations within the City of Richmond or the Counties of Henrico or Chesterfield.

☐ Yes ☐ No

If yes, please explain:

17. Will the Firm or any affiliate* disclose future actual or potential conflicts of interest?

☐ Yes ☐ No

Explain how any such future conflicts would be identified and how your firm would resolve any such conflicts:

18. Is the Firm or any affiliate* taking advantage of, or basing the submission of its proposal on, any confidential information obtained in past associations with the AUTHORITY such that the award of the contract may result in the VENDOR receiving an unfair competitive advantage

☐ Yes ☐ No

If yes, please explain:

19. Can the Firm or any affiliate* confirm that your response is not the result of, or affected by, any act of collusion with another person (as defined in Virginia Code §§ 59.1-68.6 et seq.), engaged in the same line of business or commerce; or any act of fraud punishable under the Virginia Governmental Frauds Act (Virginia Code §§18.2-498.1 et seq.)?

☐ Yes ☐ No

If no, please explain:

20. Identify any material litigation, administrative proceedings, or investigations in which your firm is currently involved or that may be threatened against your firm. Please indicate the status or disposition of such litigation, administrative proceedings, or investigations.

* The term "Affiliate" means parent companies at any tier, subsidiary companies at any tier, entities under common ownership, joint ventures and partnerships involving such entities (but only as to activities of joint ventures and partnerships involving a Proposer, Financially Responsible Party or any major Subcontractor as a joint venture or partner and not to activities of other joint venturers or partners not involving a Proposer, Financially Responsible Party or any major Subcontractor), and other financially liable or responsible parties for the entity, that (a) within the past five (5) years have engaged in business or investment in North America or (b) have been involved, directly or indirectly, in the design, construction, equipping, installation, integration, testing, operation, maintenance or back office toll collection and customer service for any project listed by an entity in their response to this RFP.

Under penalty of perjury, I certify that the foregoing is true and correct and that I am the firm's Official Representative:

By: _____

Print Name: _____

Title: _____

Date: _____