



CITY OF ATLANTA

DEPARTMENT OF PROCUREMENT
SUITE 1900

55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 546-1000

Andre Dickens
Mayor

Jaideep Majumdar
Chief Procurement Officer

Excellence in VALUE CREATION through Partnership, Collaboration, and Innovation

PART 1, SECTION 2: REQUIRED SUBMITTAL FORMS

All Offerors, including, but not limited to, corporate entities, limited liability companies, joint ventures, or partnerships, that submit a Bid or Proposal in response to this solicitation must fill out all forms in their entirety, and, where applicable, all forms must be signed, notarized, or sealed with the corporate seal, as required per each form's instructions.

If Offeror intends to be awarded a contract with the City, then Offeror must fill out all the forms listed in this solicitation document; otherwise, Offeror may be deemed non-responsive.

Required Submittal (FORM 1)
Illegal Immigration Reform and Enforcement Act Forms (Page 1 of 3)

INSTRUCTIONS TO OFFERORS:

All Offerors **must** comply with the **Illegal Immigration Reform and Enforcement Act, O.C.G.A. §13-10-90, et seq. (IIREA)**. IIREA was formerly known as the Georgia Security and Immigration Compliance Act or GSICA. Offerors must familiarize themselves with IIREA and are solely responsible for ensuring compliance. Offerors must not rely on these instructions for that purpose. The instructions are offered only as a convenience to assist Offerors in complying with the requirements of the City's procurement process and the terms of this solicitation document.

1. The attached Contractor Affidavit (Form 1) must be filled out COMPLETELY and submitted with the proposal/bid.
2. The Contractor Affidavit must contain an active Federal Work Authorization User ID Number, also known as an E-Verify Company ID Number or E-Verify Number, and Date of Authorization (mm/dd/yyyy). **Please Note: The E-Verify Company ID Number is not a Tax ID Number, Social Security Number, or formal contract number.**
3. An Employer Identification Number (EIN), also known as a federal tax identification number, is a number assigned by the Internal Revenue Service (IRS) to identify an employer. **An EIN is required to enroll in the E-Verify Program.** **Please Note: An EIN is different from a Social Security Number or Individual Taxpayer Identification Number.**
4. If the Offeror is a Joint Venture and the Joint Venture has an EIN, **one** Contractor Affidavit must be completed by the Joint Venture, and it must include the E-Verify Company ID Number issued to the Joint Venture. Each business participating in the Joint Venture does **not** need to submit a separate Contractor Affidavit.
5. If the Offeror is a Joint Venture and the Joint Venture does not have an EIN, each business participating in the Joint Venture **must** complete and submit its own Contractor Affidavit. The Contractor Affidavit must include the participating business's E-Verify Company ID Number.
6. All Contractor Affidavits must be executed by an authorized representative of the entity named in the Affidavit.
7. **All Contractor Affidavits must be sworn, signed, and dated in the physical presence of a notary public. The signature dates for both the authorized representative and notary public must be the same.**
8. All Contractor Affidavits must be submitted with proposal/bid package.
9. *Subcontractor and sub-subcontractor affidavits are not required at the time of proposal/bid submission but will be required at contract execution phase or in accordance with the timelines set forth in IIREA.
10. Offeror's failure to comply with the above instructions may result in the Offeror being deemed non-responsive.

Required Submittal (FORM 1)
Illegal Immigration Reform and Enforcement Act Forms (Page 2 of 3)

Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)

The undersigned contractor ("Contractor") executes this Affidavit to comply with O.C.G.A § 13-10-91 related to any contract to which Contractor is a party that is subject to O.C.G.A. § 13-10-91 and hereby verifies its compliance with O.C.G.A. § 13-10-91, attesting as follows: **(a)** the Contractor has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program; **(b)** the Contractor will continue to use the federal work authorization program throughout the contract period, including any renewal or extension thereof; **(c)** the Contractor will notify the public employer in the event the Contractor ceases to utilize the federal work authorization program during the contract period, including renewals or extensions thereof; **(d)** the Contractor understands that ceasing to utilize the federal work authorization program constitutes a material breach of Contract; **(e)** the Contractor will contract for the performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the Contractor with the information required by O.C.G.A. § 13- 10-91(a), (b), and (c); **(f)** the Contractor acknowledges and agrees that this Affidavit shall be incorporated into any contract(s) subject to the provisions of O.C.G.A. § 13-10- 91 for the project listed below to which Contractor is a party after the date hereof without further action or consent by Contractor; and **(g)** Contractor acknowledges its responsibility to submit copies of any affidavits, drivers' licenses, and identification cards required pursuant to O.C.G.A. § 13-10-91 to the public employer within five business days of receipt.

Federal Work Authorization User Identification Number

Date of Authorization (mm/dd/yyyy)

Name of Contractor (Legal Name of Offeror)

Solicitation Number

City of Atlanta

Name of Public Employer

Project Name

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, ____, 20__ in _____(City), _____(State).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE _____ DAY OF _____, 20__.

NOTARY PUBLIC

My Commission Expires: _____

**The signature dates for both the authorized representative and notary public must be the same.*

Required Submittal (FORM 1)
Illegal Immigration Reform and Enforcement Act Forms (Page 3 of 3)

Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is engaged in the physical performance of services under a contract with (name of contractor) on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A. § 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five (5) business days of receipt. If the undersigned subcontractor receives notice that a sub-subcontractor has received an affidavit from any other contracted sub-subcontractor, the undersigned subcontractor must forward, within five business days of receipt, a copy of the notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization (mm/dd/yyyy)

Name of Subcontractor (*Legal Name*)

Solicitation Number

City of Atlanta

Name of Public Employer

Project Name

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, ____, 20__ in _____(City), _____(State).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE _____ DAY OF _____, 20__.

NOTARY PUBLIC

My Commission Expires: _____

**The signature dates for both the authorized representative and notary public must be the same.*

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 1 of 12)

FORM 2 MUST BE COMPLETED AND SUBMITTED IN ITS ENTIRETY, INITIALED WHERE INDICATED, SIGNED AND NOTARIZED WHERE INDICATED. FAILURE TO SUBMIT THIS FORM IN ITS ENTIRETY, SIGN OR NOTARIZE THIS FORM, ANSWER ALL QUESTIONS, OR PROVIDE ALL REQUESTED ADDITIONAL DOCUMENTATION IN FULL, MAY RESULT IN OFFER BEING DEEMED NON-RESPONSIVE.

IN ADDITION, OFFEROR MAY BE DEEMED NON-RESPONSIBLE, IN ACCORDANCE WITH THE APPLICABLE LAW, BASED ON ITS REPRESENTATIONS WITHIN THE DISCLOSURE AND DECLARATION

DEFINITIONS FOR THE PURPOSES OF THIS DISCLOSURE AND DECLARATION:

“Contractor”	Any person or entity having a contract with the City of Atlanta (“City”).
“Affiliate”	Any legal entity that, directly or indirectly, through one or more intermediate legal entities, controls, is controlled by or is under common control with the Offeror or a member of Offeror, as the term Offeror is defined below.
“Offeror”	<p>Any individual or entity that submits a Bid or Proposal in response to a solicitation, as follows: An Offeror is a business entity (as defined in City Code §2-1102) submitting a bid or proposal in response to the Solicitation. Examples of a business include corporations, partnerships, individuals, sole proprietorships, joint ventures, or firms.</p> <p>If the Offeror is a sole proprietor or an individual, then the sole proprietor or individual must complete and sign this Contractor Disclosure and Declaration Form.</p> <p>If the Offeror is a corporation, limited partnership, or limited liability company, then an authorized representative of the corporation, limited partnership or limited liability company must complete and sign this Contractor Disclosure and Declaration Form.</p> <p>If the Offeror is a general partnership, then (1) an authorized representative of the general partnership must complete and sign this Contractor Disclosure and Declaration Form on behalf of the general partnership, and (2) each partner in the partnership, <i>on its own behalf</i>, must individually complete and sign a separate Contractor Disclosure and Declaration Form.</p> <p>If the Offeror is a joint venture (single entity comprised of more than one individual or organization), then an authorized representative of the joint venture must complete and sign this Contractor Disclosure and Declaration Form. If, however, Offeror is a <u>newly formed joint venture</u> (joint venture formed within the last three (3) years) and made up of two (2) or more separate members, then: (1) an authorized representative of the joint venture must complete and sign the Contractor Disclosure and Declaration Form on behalf of the joint venture and (2) each member of the joint venture, on its own behalf, must also individually complete and sign the Contractor Disclosure and Declaration Form.</p>

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 2 of 12)

Instructions: Provide the following information for the entity or individual completing this Statement (the "Individual/Entity").

A. Basic Information Regarding Offeror:

Offeror Name: _____

Entity Submitting this Form: _____

Name of Project: _____

Type of Entity:
(Legal Description of Entity Business Structure)

- Individual/Sole Proprietorship
- Corporation
- Limited Liability Company
- Limited Partnership/Limited Liability Partnership
- General Partnership
- Joint Venture

Date of JV Formation: _____
(*mm/dd/yyyy*). The date of formation could be different from the date the JV agreement is signed and notarized.

Other _____

Name/Title of Authorized Representative Signing this Form (the authorization for this representative should be stated in the JV Agreement):

Relationship of the Authorized Representative Completing this Form to the Offeror:

- Authorized Representative of Offeror
- Joint Venture Partner -Majority
- Joint Venture Partner -Minority
- Other _____
(i.e., member, owner, or partner)

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 3 of 12)

Contact Information of the Authorized
Representative Completing this Form:

Address: _____

Phone Number(s): _____
(Office)

_____ (Mobile)

Email: _____

(THIS SECTION INTENTIONALLY LEFT BLANK)

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 4 of 12)

If Offeror is a Joint Venture (“JV”), list each JV partner by its **full legal name** and indicate the percentage interest held in the Joint Venture:

NAME:	Percentage (%)
_____	_____
_____	_____
_____	_____
_____	_____

Identify Joint Venture’s state of incorporation or other business entity registration. _____

If Offeror is a Joint Venture formed by written agreement, Offeror must provide each joint venture partner entity’s authorization to transact business or other state or local government business registration in its state of incorporation.

Offeror must select one of the options below and submit accompanying documentation regardless of business formation type:

Is the Offeror authorized to transact business in the state of Georgia?

- YES** (Attach Certificate of Authority to Transact Business in Georgia from Georgia Secretary of State.)

- NO** (If Offeror is incorporated or registered in a state other than Georgia, attach Certificate of Authority or other authorization to transact business in home state. If the Offeror is a type of business for which the Georgia Secretary of State does not require registration, then the Offeror may provide a current business license issued by a Georgia county or municipality.)

Note: If Offeror is incorporated or registered in a state other than Georgia, Offeror must provide a certificate of authority to transact business in Georgia issued by the Georgia Secretary of State prior to the award of any contract.

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 5 of 12)

YES NO

QUESTIONNAIRE

Please answer YES or NO to each of the following questions.

NOTE: An Offeror is any individual or entity that submits a Bid/Proposal in response to a solicitation. If you are completing Form 2 as a member of a newly formed Joint Venture (established for 3 years or less) or a partner in a General Partnership, each member of the Joint Venture or partner in the General Partnership must complete the questionnaire. Failure to sign and return form in its entirety may result in Offeror being deemed non-responsive.

1. Has the Offeror (including Joint Venture team members established more than 3 years) in the last three (3) years held a contract with the City of Atlanta? If yes, provide contract number and project name. (Ex: FC-; RFP-S; IFB-C; SP-S, etc...)

YES NO

2. Has the Offeror in the last three (3) years, employed or retained as an independent contractor(s) any current or former City of Atlanta employees? If yes, please provide name(s) of current or former employee(s)/independent contractor(s) and position(s) held with the City of Atlanta.

YES NO

3. Has the Offeror or any agent, officer, director, or employee been terminated, suspended, or debarred (for cause or otherwise) from any work being performed for the City or any other federal, state, or local government entity?

YES NO

4. Has the Offeror provided employment or compensation to any third-party intermediary, agent, or lobbyist to directly or indirectly communicate with any City official or employee in connection with any transaction or investment involving the Offeror and the City?

YES NO

5. Has the Offeror had any Personal or Financial Relationships, as defined below, which may give rise to a conflict of interest? **Failure to disclose information may result in suspension or debarment by the City of Atlanta.**

- a. Personal Relationships: executives, board members and partners in firms submitting offers must disclose familial relationships with employees, officers, and elected officials of the City of Atlanta. Familial relationships shall include spouse, domestic partner registered under City of Atlanta Code of Ordinances Section 94-133, mother, father, sister, brother, and natural or adopted children of an official or employee.
- b. Financial Relationships: any interest held with a City employee or official, or family members of a City employee or official, which may/did yield, directly or indirectly, a monetary or other material benefit to the Offeror or the Offeror's family members.

YES NO

6. Has the Offeror been subject to a criminal conviction or final adjudication (civil or administrative) at the federal, state, or local level?

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 6 of 12)

An answer of “YES” to any of the questions on the former page, requires explanation.

An Offeror must provide on a separate page, the details necessary to explain the nature and circumstances of each action, event, matter, relationship, or practice involved, including but not limited to names of persons or entities involved, status and/or outcome of each instance.

Please number each response to the corresponding question.

Please be advised that the Offeror may be ineligible for award if any of the below responses constitutes a conflict of interest, including those conflicts that cannot be avoided.

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 7 of 12)

B. REPRESENTATIONS

NOTE: An Offeror is any individual or entity that submits a Bid/Proposal in response to a solicitation. Representations are deemed to have been made on behalf of the Offeror unless the party completing this Form 2 as a partner in a General Partnership or as a member of a newly established Joint Venture. If you are completing Form 2 as a partner in a General Partnership or as a member of a newly established Joint Venture (established 3 years or less), the representations made in Section C. REPRESENTATIONS are solely made on behalf of and reflect information as it pertains to the member of the Joint Venture Team or partner in the Partnership completing this Form. Failure to sign and return form in its entirety may result in Offeror being deemed non-responsive.

1. Anti-Lobbying Provision. All Offerors, including agents, employees, officers, representatives, lobbyists, attorneys and proposed partner(s), subcontractor(s) or joint venturer(s), will refrain, under penalty of the Offeror's disqualification, from direct or indirect contact, for the purpose of influencing the selection or creating bias in the selection process, with any elected or appointed City officials, City agencies, employees, representatives or agents, evaluation committee members, or any person who may play a part in the selection process.

2. Blackout Period. The blackout period begins with the advertisement of the synopsis and shall remain in effect until execution of the contract, or the solicitation is cancelled and will not be resolicited, whichever comes first. During the blackout period, all questions pertaining to this solicitation must be directed to the Department of Procurement's assigned Procurement Professional or the appropriate Supervisor. Offeror or any representative, agent or other person acting on behalf of Offeror is prohibited from contacting any other City agency, employee, representative, or elected or appointed official regarding questions about this solicitation. Violations of this section will result in Offeror's disqualification.

3. Debarment and Suspension from Consideration for Contract. The undersigned acknowledges that the Chief Procurement Officer, after consulting with the City Attorney, is authorized to debar or suspend a person for cause from participation in any City procurements at any tier and consideration for award of contract. Please see City of Atlanta Procurement Code Section 2-1162 for further information.

All Offerors having authority to sign for the Offeror, by execution of this Form certify the following:

- a. Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

Offeror's Initials

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 8 of 12)

- b. Have not within the five (5) years period preceding this bid/proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification.
- d. Have not within a five (5) year period preceding this bid/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default; and
- e. Committed any violations of the ethical standards set forth in the City's Code of Ethics, Division 13, Ethics in Public Contracting.
- f. Submission to the city of a claim for additional compensation that is without merit;
- g. Knowing misrepresentation to the city of the use which a majority-owned contractor intends to make of a minority and female business enterprise (a business entity at least 51 percent of which is owned and controlled by one or more African Americans, Asian Pacific Americans, Hispanic Americans, or females, or a combination thereof, as a subcontractor, member of a mentor-protégé relationship, or a joint venture partner, in performing work under a contract with the city; and
- h. Material misrepresentation of the composition of the ownership or work force of a business entity certified to the city as a minority and female business enterprise.

4. Certification of Independent Price Determination/Non-Collusion. Collusion and other anticompetitive practices among Offerors are prohibited by city, state, and federal laws. All Offerors shall identify a person having authority to sign for the Offeror who, by execution of this Form, certifies, in writing, as follows:

“I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid or offer for the same supplies, labor, services, construction, materials, or equipment to be furnished or professional or consultant services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of city, state and federal law and can result in fines, prison sentences, and civil damages awards. By signing this document, I agree to abide by all conditions of this solicitation and offer and certify that I am authorized to sign for this Offeror.”

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 9 of 12)

5. Certify Satisfaction of all Underlying Obligations. (*If Applicable*) If a Contract is awarded through this solicitation, then such Offeror should know that before final payment is made to a Contractor by the City, the Contractor shall certify to the City in writing, in a form satisfactory to the City, that all subcontractors, materialmen suppliers and similar firms or persons involved in the City contract have been paid in full at the time of final payment to the Contractor by the City or will be paid in full utilizing the monies constituting final payment to the Contractor.

6. Confidentiality. Details of the bids will not be discussed with other Offerors during the selection process. Offeror should be aware, however, that all bids and information submitted therein may become subject to public inspection as provided by Georgia Law. Each Offeror should consider this possibility and, where trade secrets or other proprietary information may be involved, may choose to provide in lieu of such proprietary information, an explanation as to why such information is not provided in its bid. However, the Offeror may be required to submit such required information before further consideration.

7. Equal Employment Opportunity (EEO) Provision. Offeror shall not discriminate against any employee, or applicant for employment, because of race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or political affiliation. Offeror agrees to comply with any and all applicable City socio-economic programs, including, but not limited to, City's EBO and EEO Programs, per requirements set forth in sections 2-1200 and 2-1414 of the City of Atlanta Code of Ordinances. A finding, as hereinafter provided, that a refusal by the Offeror or subcontractor to comply with any portion of the City's EBO and EEO programs, as provided and described, may subject the offending party to any or all of the following penalties: (1) withholding from the Offeror in violation all future payments under the involved contract until it is determined that the Offeror or subcontractor is in compliance with the provisions of the contract; (2) refusal of all future bids for any contract with the City of Atlanta or any of its departments or divisions until such time as the Offeror or subcontractor demonstrates that there has been established and there shall be carried out all of the provisions of the program; (3) cancellation of the public contract; and (4) in the case where there is substantial or material violation of compliance procedures set forth or as may be provided for by the contract, appropriate proceedings may be brought to enforce those provisions, including the enjoining, within applicable law, of Offerors, subcontractors or other organizations, individuals or groups who prevent or seek to prevent directly or indirectly compliance with the policy.

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 10 of 12)

8. Prohibition on Kickbacks or Gratuities/Non-Gratuity. The undersigned acknowledges the following prohibitions on kickbacks and gratuities. Please see City of Atlanta Procurement Code Section 2-1484 for further information:

- a. It is unethical for any person to offer, give or agree to give any employee or former employee (reference code section 2-1484) a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the content of any specification or program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefor.
- b. It is unethical for any employee or former employee to solicit, demand, accept or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefor.
- c. It is also unethical for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime Contractor or higher tier subcontractor or any person associated therewith as an inducement for the award of a subcontract or order.

9. Anti-Trafficking Provision. Pursuant to O.C.G.A. §16-5-46, Offeror agrees that Offeror, its employees, directors, officers, owners, subcontractors, vendors, suppliers, agents, and affiliates shall not engage in Human Trafficking including, but not limited to: (a) using forced labor; (b) engaging in misleading or fraudulent recruitment practices; (c) charging recruitment fees; (d) access to transportation; (e) destroying, concealing, confiscating, or otherwise denying employee access to the employee's identification documents, and (f) failing to provide an employment agreement (*if required*) in an employee's native tongue and prior to the employee's departure from his/her place of origin. Offeror agrees to immediately notify the City of any federal, state, or local agency or governmental authority's determination regarding violation of anti-trafficking laws. Any violation of the provisions contained herein, in whole or in part, may result in (a) suspension of services under an agreement with the City and/or any other existing agreements, current or future payments; (b) termination of an agreement with the City or any existing, pending, or future agreements with the City; or (c) debarment.

10. Exceptions/Clarifications to Bid. Exceptions, clarifications, or conditions must be submitted by the Offeror in writing during the addenda question and answer period. Failure to submit questions regarding exceptions, clarifications, or conditions for review and response during the addenda question and answer period may deem your Bid non-responsive during the addenda question and answer period.

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 11 of 12)

Declaration

Under penalty of perjury, I declare that I have examined this Disclosure and Declaration Form, including the Basic Information Regarding Offeror, the Questionnaire and Representations, as well as and all attachments to it, if applicable, and, to the best of my knowledge and belief all statements contained herein and, in any attachments, are true, correct, and complete.

I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an offer for the same supplies, services, construction, or professional or consultant services, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of city, state and federal law and can result in fines, prison sentences, and civil damages awards. I agree to abide by all conditions of this solicitation and offer and certify that I am authorized to sign for this Offeror or, if applicable, that I am authorized to sign on behalf of this member of a newly formed joint venture or member of a general partnership.

I do solemnly affirm and hereby declare under penalty of perjury that the foregoing is true, complete, and correct.

Sign and date below if you are an authorized representative of a responding entity:

Dated this ___ day of _____, 20____

Printed Name of Entity: _____

Signature of Authorized Representative: _____

Printed Name of Authorized Representative: _____

Title: _____

Subscribed and Sworn Before Me

On This the _____ Day Of _____, 20____,

NOTARY PUBLIC

My Commission Expires: _____

**The signature dates for both the authorized representative and notary public must be the same.*

Required Submittal (FORM 2)
Contractor Disclosure and Declaration Form (Page 12 of 12)

FOR INTERNAL USE ONLY

Project Name/Number:

Offeror:

This is to acknowledge that this Contractor Disclosure and Declaration Form has been reviewed and appropriate actions have been taken in accordance with City of Atlanta Procurement Code Section 2-1214 and Department of Procurement procedures that Offeror has disclosed all organizational and personal relationships which may give rise to a conflict of interest if the Offeror is awarded a contract. Such personal, financial, or other relationship can render an Offeror ineligible for award if the CPO determines that a conflict of interest cannot be mitigated or avoided.

Print Name of Procurement Professional

Print Title of Procurement Professional

SIGNATURE

Print Name of Chief Procurement Officer

Signature of Chief Procurement Officer

Date

Acknowledgment of Review by the City of Atlanta's Ethics Officer (Required when Offeror has disclosed a Personal or Financial Relationship with City of Atlanta personnel)

Print Name of Ethics Officer

Signature of Ethics Officer

Date _____

Required Submittal (FORM 3)
Financial Responsibility Review

Instructions

1. The Department of Procurement, through the Project Team meeting identified the designated Tier for this project in Section 1 of FORM 3 Revised.
2. The proponent is required to provide the requested documentation for the designated Tier.
3. Failure to provide the requested documentation will result in a non-responsive designation.
4. It is understood that the organizational structure may not be the same in every organization. The designated leadership or equivalent is required to submit the individual letters on letterhead. For example, the entity may not have a president, but an executive director. Another example, the entity may not have a chief financial officer, but may have a director of finance or finance/administration. Finally, there may not be a Chief Operating Officer, but there might be a Director of Operations. The goal is to have the three highest ranking officers of the entity attest to the financial condition of the entity.
5. The required language provided in Attachment A is required to be placed on letterhead of the proponent. It shall not be altered, changed, or modified. Any attempt to alter, change or modify the language will result in a non-responsive designation.
6. The proponent will attach the required documentation to the FORM 3 and submit as a part of the response to the solicitation.

Required Submittal (FORM 3)
Financial Responsibility Review

Section 1: *To Be Completed by the Project Team*

Solicitation Title RFP/CON/DWM/2310-1240100 Peyton Center Central Operational Facility

Please check the level of financial review required for this solicitation:

No Financial Review Required

Tier 1

Tier 2

Tier 3

Signature of Contract Specialist Craig Frayall

Signature of Project Manager Rhonda Crenshaw

Signature of ERM Representative Quentin Caldwell

Section 2: Proponent will provide documents from the Designated Tier for Review and Verification by the Contract Specialist.

Tier 1 Documents Required. Contract Specialist will place initials to verify:

Letter from Chief Executive Officer/President/Chief Financial Officer

Letter from Financial Institution

Tier 2 Documents Required. Contract Specialist will place initials to verify:

Letter from Chief Executive Officer/President/Chief Financial Officer

Letter from Financial Institution

Reference Letter from Prior Project Sponsor with Comparable Value

Tier 3 Documents Required. Contract Specialist will place initials to verify:

Letter from Chief Executive Officer/President/Chief Financial Officer

Letter from Financial Institution

Reference Letter 1 from a Prior Project Sponsor with Comparable Value

Reference Letter 2 from a Prior Project Sponsor with Comparable Value

Contract Specialist will select one of the following by placement of signature:

Pass/Responsive _____

Fail/Non- Responsive _____

Required Submittal (FORM 3)
Financial Responsibility Review
Attachment A

This required language is provided and required to be placed on letterhead of the proponent. It shall not be altered, changed, or modified. Any attempt to alter, change or modify the language will result in a non-responsive designation

The undersigned, having authority to speak for [Company Name] hereby acknowledge, attest, and certify that:

We have examined the financial records of [Company Name] and are familiar with the financial condition of [Company Name].

[Company Name] is in sound financial condition.

[Company Name] has no outstanding judgments/liens or litigation risk that would compromise its ability to fulfill its obligations to the City of Atlanta.

[Company Name] is current with all payments of federal and state taxes and required employment withholding obligations.

[Company Name] is fully willing and financially capable of meeting all obligations required for [Solicitation Title] in accordance with the specifications and timeframes established by the City of Atlanta in the Solicitation.

We hereby affirm that all information provided, and statements made in connection with FORM 3 Revised for [Solicitation Title] are true and correct as of the date signed below.

This shall constitute a continuing certification and [Company Name] shall notify the City of Atlanta within fifteen (15) days of any material change to any of the representations made herein.

Any false or fictitious statement or representation provided herein may be subject to fines and penalties as set forth under O.C.G.A. §16-10-20.

Print Name and Title	Sign	Date
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Print Name and Title	Sign	Date
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Print Name and Title	Sign	Date
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Required Submittal (FORM 4)
Offeror Contact Directory

Project Name: _____

NAME	POSITION/TITLE (JV Relationship, if applicable) *	MAILING ADDRESS	OFFICE PHONE	CELL PHONE	EMAIL ADDRESS AND FAX NUMBER

The purpose of the Offeror Contact Directory is to provide the City with a centralized, easily identified source of important contacts and other information regarding each of the business entities constituting an Offeror. This Offeror Contact Directory must include the names, positions/titles, firms, mailing addresses, phone and fax numbers and e-mail addresses for at least one (1) primary contact, and names, positions, titles of at least one (1) secondary contact, where applicable, authorized to represent the firm for purposes of this solicitation.

** Joint Ventures established less than three (3) years must include at least one (1) primary contact for each member.*

Required Submittal (FORM 5)
Reference List

Each Offeror must provide a list of at least three (3) references for **PROJECT NAME/SOLICITATION NUMBER** _____; _____ using the below- referenced format. The references provided shall not be from the same project and must be able to attest to an Offeror's performance ability and credibility in a particular industry or trade. If Offeror is a newly established Joint Venture (3 years or less), the members of the Joint Venture may collectively provide at least three (3) references. The City may also consider the information obtained through other sources. Past and presence performance information will be utilized to determine the quality of the Offeror's past and present performance as it relates to the probability of success for this Project.

Reference provided for: _____

Reference:	Name:	_____
	Address:	_____
	City, State, Zip:	_____
	Phone:	_____
	E-Mail:	_____

Project Title: _____

Contact Person:	_____
Direct Telephone:	_____
Date(s) of Project:	_____

Description of Services:

Total Amount of Contract Including Change Orders:

Offeror's Role and Responsibilities:

Current Completion Status:

(Use the Same Format to Provide the Additional References)

Required Submittal (FORM 6)
Proposal Guarantee (Page 1 of 2)

“Unless a Proponent Elects to Submit an Alternative Form of Payment”

(Not Applicable)

KNOW ALL MEN BY THESE PRESENTS, THAT WE _____ hereinafter called the PRINCIPAL (OFFEROR), and _____ hereinafter called the SURETY, a corporation chartered and existing under the laws of the State of _____, and duly authorized to transact Surety business in the State of Georgia, are held and firmly bound unto the City of Atlanta, Georgia (OBLIGEE), in the penal sum of either:

- [i] _____ Dollars and Cents (\$ _____); or
- [ii] 5% of PRINCIPAL’S (OFFEROR’S) Total Proposal Amount.

WHEREAS, the PRINCIPAL has submitted to OBLIGEE a Proposal for **PROJECT NAME/ SOLICITATION NUMBER** _____, good and lawful money of the United States of America, to be paid upon demand of the OBLIGEE, to which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, and assigns, jointly and severally and firmly by these presents;

WHEREAS the PRINCIPAL desires to file this Bond in accordance with law, in lieu of a certified Offeror’s check otherwise required to accompany this Proposal;

NOW THEREFORE: The conditions of this obligation are such that if the Proposal is accepted, the PRINCIPAL shall within ten (10) calendar days after receipt of the Contract from the OBLIGEE, execute the Contract in accordance with the Proposal and upon the terms, conditions and prices set forth therein, in the form and manner required by the OBLIGEE, and shall execute sufficient and satisfactory Performance and Payment Bonds payable to the OBLIGEE, each in the amount of one hundred percent (100%) of the total Contract price in form and with security satisfactory to said OBLIGEE. PRINCIPAL’S execution of the Contract and sufficient and satisfactory Performance and Payment Bonds, within ten (10) calendar days after receipt of the Contract, shall void this obligation; otherwise, this obligation remains in full force and virtue in law. The SURETY shall, upon failure of the PRINCIPAL to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the OBLIGEE, upon demand, the amount hereof in good and lawful money of the United States of America, not as a penalty but as liquidated damages.

In the event suit is brought upon this Bond by the OBLIGEE and judgment is recovered, the SURETY shall pay all costs incurred by the OBLIGEE in such suit, including attorney’s fees to be fixed by the Court.

PLEASE NOTE: If this Form 6 is executed by an Attorney-in-Fact, then Surety must attach a copy of a duly executed Power-of-Attorney evidencing such authority in addition to correctly completing this Form 6.

Required Submittal (FORM 6)
Proposal Guarantee (Page 2 of 2)

“Unless a Proponent Elects to Submit an Alternative Form of Payment”

This Proposal Guarantee is for the Penal Sum of:

[i] _____ Dollars and Cents (\$ _____); or

[ii] 5% of PRINCIPAL’S/OFFEROR’S Total Proposal Amount for:

PROJECT NAME/SOLICITATION NUMBER _____, _____.

The money payable on this Bond shall be paid to the OBLIGEE, for the failure of the Offeror to execute a CONTRACT within ten (10) days after receipt of the Contract form and at the same time furnish a Payment Bond and Performance Bond.

IN TESTIMONY THEREOF, the PRINCIPAL and SURETY have caused these presents to be duly signed and sealed this ____ day of _____, 20__.

Corporate Offeror:

[Insert Corporate Name]

Signature (Authorized Representative): _____

Print Name: _____

Title: _____

Corporate Secretary/Assistant Secretary

Non-Corporate Offeror (INCLUDING JOINT VENTURE AND PARTNERSHIP):

[Insert Offeror/Authorized Representative’s Name]

Signature (Authorized Representative): _____

Print Name: _____

Title: _____

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE _____ DAY OF _____, 20__.

NOTARY PUBLIC

My Commission Expires: _____

SURETY:

Signature: _____

Attorney-in-Fact: _____

Print Name: _____

**The signature dates for both the authorized representative and notary public must be the same.*

Required Submittal (FORM 7)



Prohibited Sources' (Contractors & Vendors) Ethics Pledge

To assure public confidence, I am committed to promoting the integrity of the City of Atlanta government.

1. I will avoid situations involving city officials and employees that may give the perception of an impropriety. When uncertain about the right thing to do, I will ask the Ethics Office for advice.
2. I will not offer money or a personal gift, meal, ticket, travel, entertainment, or other thing of value to city officials or employees unless the gift falls within one of the 11 exceptions to the ban on gratuities per City of Atlanta Code Section 2-801.
3. I will disclose any matter in which I have a financial or personal interest as defined in concerning any City of Atlanta bid, proposal, contract, or subcontract, and disclose if my immediate family, employer, prospective employer, a related business entity, has financial or personal interests with the City. I agree to file a Conflict of Interest Disclosure Report concerning any decision in which I have a conflict of interest.
4. I will file any conflict of interest or disclosure forms when appropriate.

I _____ (print name) acknowledge that I have received and read this pledge and agree to abide by the applicable provisions of the City's Code of Ethics. I understand that the most current copy of the code is at the Ethics Office website and that I can seek advice from the Ethics Office on how to avoid a conflict of interest and comply with the Code of Ethics.

Project Name

Signature

Date