



VIRGINIA RAILWAY EXPRESS
REQUEST FOR QUALIFICATIONS (RFQ) APPENDICES

RFQ No.: 026-006

L'ENFANT STATION AND 4TH TRACK IMPROVEMENTS
PROJECT

Construction Manager/General Contractor Services

Appendix C
Forms

Appendix C – List of Forms

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Form D Conflict of Interest Certification

Name of Offeror:

Instructions for Form completion: Form D has no SOQ page limitation. This form is to be completed by the Offeror as part of its SOQ. If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity a separate Certification must be completed for each member of the joint venture.

The Offeror’s attention is directed to RFQ Section 3.23 regarding organizational conflicts of interest and the restrictions applicable to such conflicts. Offerors are advised that certain firms will not be allowed to participate on any Offeror’s team for the L’Enfant Station and 4th Track Improvements Project (“Project”) because of their work with VRE in connection with the Project.

1. Certification of No Conflicts of Interest

By marking this box, the Offeror affirms that no conflict of interest exists; accordingly, completion of the below ‘Required Disclosure of Conflicts’ and ‘Explanation’ sections is not necessary. *[Please review the ‘Certification’ section and sign this form, as appropriate.]*

2. Required Disclosure of Conflicts (To be completed only if a Conflict of Interest Exists)

In the space provided below, and on supplemental sheets as necessary, identify all relevant facts relating to past, present, or planned interest(s) of the Offeror’s team (including the Offeror, equity members, proposed subconsultants and proposed subcontractors, and their respective chief executives, directors, and other key personnel for the Project) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFQ.

The Offeror should disclose (a) any current contractual relationships with VRE, (b) any past, present, or planned contractual or employment relationships with any officer or employee of VRE, and (c) any other circumstances that might be considered to create a financial interest in the contract by any VRE member, officer or employee if the Offeror is awarded the CM/GC Contract. The Offeror should also disclose matters such as ownership of 10% or more of the stock of, or having directors in common with, any of the individuals or entities involved in preparing the RFQ. The Offeror should also disclose contractual relationships (i.e. joint ventures) with any of the individuals or entities involved in preparing the RFQ, as well as relationships wherein such individual or entity is a contractor or consultant (or subcontractor or subconsultant) to the Offeror or a member of the Offeror’s team. The foregoing is provided by way of example and shall not constitute a limitation on the disclosure obligations.



Form D Conflict of Interest Certification

3. Explanation (To be completed only if a Conflict of Interest Exists)

In the space provided below, and on supplemental sheets as necessary, identify steps the Offeror or other entities have taken or will take to avoid, neutralize, or mitigate any organizational conflicts of interest described herein.

4. Certification

I, whose name is subscribed below, a duly authorized representative and agent of the entity submitting this SOQ/Proposal to VRE in response to this solicitation and on behalf of the Offeror certify that:

- A. Neither the Offeror nor any affiliated entity has, within the past five years, been employed by or represented a deliverer of services that reasonably could be expected to be considered for purchase by VRE as a result of this solicitation;
- B. If the Offeror is awarded a contract in response to this solicitation and during the term of that contract prepares an Invitation for Bids or Request for Proposals for or on behalf of VRE, the Offeror must not (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any potential bidder or offeror information concerning the procurement that is not available to the public;
- C. The Offeror will not solicit or accept any commissions or fees from vendors who ultimately furnish services to VRE as a result of any contract award made as a result of this solicitation; and
- D. To the best of his, her, or their knowledge and belief, no interest exists that is required to be disclosed in this Conflict of Interest Certification, other than as disclosed above.

Entity: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____



Form E-1 Project Description

Name of Offeror or Subcontractor:

Instructions for Form completion: This form shall be completed by the Offeror and each Subcontractors as part of the SOQ. If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Form shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Form must be completed for each member of the joint venture. (maximum limit of 8 pages total for each Form E-1).

Project Name, Location, and Nature of Work for Which Company Was Responsible:

Name of Client (Owner/Agency, Contractor, etc.): _____

Address: _____

Contact Name: _____ Telephone: _____

Owner's Project or Contract No.: _____ E-mail: _____

Name of Designer: _____

Address: _____

Contact Name: _____ Telephone: _____

Owner's Project or Contract No.: _____ E-mail: _____

Project Financial Information

Contract Construction Bid Price (US\$): _____

Final Contract Amount (US\$): _____

Percent of Total Work Performed by Company: _____ Total Number of Change Orders: _____

Specify whether any difference in the final construction contract price resulted from owner-initiated or contractor-initiated change orders, and include a percentage breakdown of the total change order value attributable to each party:



Form E-1 Project Description

Provide Description of Work or Services Provided, and Percentage and Description of the Overall Project Actually Performed by the Offeror or Subcontractor:

List Any Awards, Citations, and/or Commendations Received for the Project:

Project Schedule Information

Commencement Date: _____

Planned Completion Date: _____

Actual Completion Date: _____



Form E-1 Project Description

Project Experience: Demonstrate pertinent project experience in the following areas:

- A) Construction projects of similar size, scope and complexity;
- B) Working together as an integrated team in the past;
- C) Ability to develop and implement innovative solutions to accelerate construction while minimizing costs and impacts to the traveling public and train operations;
- D) Use of accelerated station, track, pedestrian tunnels, and bridge construction methods to minimize impacts to rail operations and the traveling public;
- E) Ideally, the experience shall be representative of projects in a commuter rail and/or freight rail setting;
- F) Construction of major transportation infrastructure projects adjacent to active rail operations, ideally in a freight and/or commuter rail setting; and
- G) Working collaboratively with owners, designers, and major stakeholders in providing constructability reviews, design optimization inputs, and managing costs **(CMGC experience not required to compete on this project and is not a scored element)**.



Form E-1 Project Description

Blank Page for Offeror Use with Form E-1:

A large, empty rectangular box with a black border, intended for the offeror to provide a project description.



Form E-1 Project Description

Blank Page for Offeror Use with Form E-1:

A large, empty rectangular box with a black border, intended for the offeror to provide a project description.



Form E-1 Project Description

Blank Page for Offeror Use with Form E-1:

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Form E-1 Project Description

Blank Page for Offeror Use with Form E-1:

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Form E-1 Project Description

Blank Page for Offeror Use with Form E-1:

A large, empty rectangular box with a black border, intended for the offeror to provide a project description.



Form F Trade Secrets or Proprietary Information

Name of Offeror:
Instructions for Form completion: The Offeror shall complete a <u>Form F</u> . <u>Form F</u> has no SOQ page limitation.

Trade secrets or proprietary information submitted by a Bidder/Offeror in connection with a procurement transaction will not be subject to public disclosure under the Virginia Freedom of Information Act. However, a Bidder/Offeror seeking to protect submitted data or materials from disclosure must, before or upon submission of the data or materials, identify the data or materials to be protected and state the reasons why protection is necessary.

Please mark one:

- No, the Bid/SOQ/Proposal that I have submitted does not contain any trade secrets and/or proprietary information.
- Yes, the Bid/SOQ/Proposal that I have submitted does contain trade secrets and/or proprietary information.

If "yes," you must clearly identify below the exact data or materials to be protected and list all applicable page numbers of the Bid/SOQ/Proposal that contain such data or materials:

State the specific reason(s) why protection is necessary:

A Bidder, Offeror or Contractor shall not designate as trade secrets or proprietary information its entire Bid, SOQ, or Proposal.

If you fail above to identify the data or materials to be protected or to state the reason(s) why protection is necessary, you will not have invoked the protection of Section F of §2.2-4342 of the Code of Virginia. Accordingly, upon the award of a contract, the Bid/SOQ/Proposal will be open for public inspection consistent with applicable law.



Form I

Insurance Checklist

Name of Offeror:

Instructions for Form completion: This form shall be completed by the Offeror as part of its SOQ. Items marked "X" are required to be provided if award is made to the Offeror. The Contractor's Insurance Agent shall mark a "check" ("Yes" or "No") as to availability of insurance. Note: If you have answered "No" to any of the requirements, attach a written explanation. Form I has no SOQ page limitation.

Check One		Applicability "X" denotes that coverage is required.	Description	Coverage
Yes	No*			
<input type="checkbox"/>	<input type="checkbox"/>	X	1. Workers' Compensation and Employers' Liability	Statutory Workers' Compensation and Employers' Liability insurance with limits of not less than \$1,000,000.
<input type="checkbox"/>	<input type="checkbox"/>	X	Admitted in Virginia	YES
<input type="checkbox"/>	<input type="checkbox"/>	X	All States Endorsement	Statutory
<input type="checkbox"/>	<input type="checkbox"/>		USL&H Endorsement	Statutory
<input type="checkbox"/>	<input type="checkbox"/>		Voluntary Compensation	Statutory
<input type="checkbox"/>	<input type="checkbox"/>	X	2. General Liability shall be Commercial General Liability endorsed as broad form to include minimum limits:	Commercial General Liability (CGL) coverage with limits of not less than \$5,000,000 per occurrence for all loss, damage, cost and expense, including attorneys' fees, arising out of bodily injury liability and property damage liability during the policy period. Signed endorsement page must be submitted with Certificate of Insurance. Refer to #11 and #12 for list of additional insured.
<input type="checkbox"/>	<input type="checkbox"/>		Contractual Liability	
<input type="checkbox"/>	<input type="checkbox"/>		Personal Injury	
<input type="checkbox"/>	<input type="checkbox"/>		Independent Contractors	
<input type="checkbox"/>	<input type="checkbox"/>		XCU Property Damage Exclusion Deleted	
<input type="checkbox"/>	<input type="checkbox"/>	X	3. Commercial Automobile Liability (Coverage sufficient to cover all vehicles owned, used, or hired, by the Bidder/Offeror, its agents, representatives, employees or Subcontractors.)	Commercial Automobile Liability insurance with limits of not less than \$1,000,000 each occurrence for injury or death of persons and damage to or loss or destruction of property. Refer to #11 and #12 for list of additional insured.
<input type="checkbox"/>	<input type="checkbox"/>	X	4. Builder's Risk	Contract Value
<input type="checkbox"/>	<input type="checkbox"/>		5. Installation Floater	Contract Value



Form I

Insurance Checklist

Check One		Applicability "X" denotes that coverage is required.	Description	Coverage
Yes	No*			
<input type="checkbox"/>	<input type="checkbox"/>		6. Garage Keeper's Legal Liability	
<input type="checkbox"/>	<input type="checkbox"/>		7. Fire Legal Liability	
<input type="checkbox"/>	<input type="checkbox"/>	X	8. Railroad Protective Liability Insurance. VRE shall be named as insured. The language shall read as follows: "Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, together known as Virginia Railway Express." Furnish the policy prior to entry on VRE property or any other railroad property upon which VRE operates.	<i>Railroad Protective Liability (RPL) insurance with limits of not less than a combined single limit of \$5,000,000 each occurrence and \$10,000,000 in the aggregate applying separately to each annual period.</i>
<input type="checkbox"/>	<input type="checkbox"/>	X	9. Railroad Protective Liability Insurance. A second separate policy shall be furnished naming CSX Transportation, Inc. as insured. Furnish the policy prior to entry on CSXT property or any other railroad property upon which CSXT operates.	<i>Railroad Protective Liability (RPL) insurance with limits of not less than a combined single limit of \$5,000,000 each occurrence and \$10,000,000 in the aggregate applying separately to each annual period, which insurance shall satisfy the additional requirements identified in RFQ Section 9.6.C.</i>
<input type="checkbox"/>	<input type="checkbox"/>	X	10. Pollution Liability	Contract Value
<input type="checkbox"/>	<input type="checkbox"/>	X	11. VRE and other agencies shall be named as additional insured on the Commercial General Liability and Automobile Liability policy. This coverage is primary to all other coverage VRE may possess. The language shall read as follows: "Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, together known as Virginia Railway Express, the Commonwealth of Virginia, the Virginia Passenger Rail Authority, the Virginia Department of Transportation and their respective officers, agents, and employees are named as additional insureds."	
<input type="checkbox"/>	<input type="checkbox"/>	X	12. CSX Transportation, Inc. shall be named as additional insured on the Commercial General Liability and Automobile Liability policy. This coverage is primary to all other coverage CSXT may possess. The language shall read as follows: " CSX Transportation, Inc. and their respective officers, agents, and employees are named as additional insureds."	



Form I Insurance Checklist

Check One		Applicability "X" denotes that coverage is required.	Description	Coverage
Yes	No*			
<input type="checkbox"/>	<input type="checkbox"/>	X	13. Best's Guide Rating – A-:VII or better or Equivalent	
<input type="checkbox"/>	<input type="checkbox"/>	X	14. The Certification must state: Contract No. VRE-026-006; CMGC Services for the L'Enfant Station and 4th Track Improvements Project.	
<input type="checkbox"/>	<input type="checkbox"/>	X	15. Umbrella Liability	\$5,000,000

We understand the insurance requirements of these specifications and will comply in full if awarded a Pre-construction Contract and/or CMGC Contract.

(Must be signed by an officer of the Insurance Agency)

Insurance Agency: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____



Form L-1 Company Information Questionnaire

Name of Offeror:

Instructions for Form completion: Responses to each subject area shall be addressed within the table below. Should additional space be needed, Offerors are advised to attach additional sheets as needed. Form L-1 has no SOQ page limitation. This form shall be completed by the Offeror as part of its SOQ. If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Company Information Questionnaire shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Company Information Questionnaire must be completed for each member of the joint venture.

1. Business Entity Identification & Ownership Disclosure

Company: _____

Contact Person: _____

Title: _____

Address: _____

Email Address: _____

Telephone No.: _____

Check (X) which of the following applies:

Sole Proprietor: Partnership: Limited Partnership:

Corporation: Limited Liability Corporation: Joint Venture:

Organized under the laws of the State of: _____

Commonwealth of Virginia License No.: _____

(Attach copy of Virginia License)

District of Columbia License No.: _____

(Attach copy of District of Columbia License)

Federal Identification No.: _____

Principal Place of Business: _____

Check (X) ff the following applies:

Small, Woman-owned and Minority-owned Business (SWaM):

*Certified by: _____

***(The SWaM certification must be attached hereto.)**



Form L-1

Company Information Questionnaire

2. State Corporation Commission (SCC) Identification

The Bidder/Offeror must be authorized to transact business in the District of Columbia and the Commonwealth of Virginia as a domestic or foreign business entity if so required by Washington DC Code of Municipal Regulations Title 17 as well as Title 13.1 or Title 50 of the Code of Virginia or as otherwise by law. The Bidder/Offeror shall include in its Bid/SOQ/Proposal the identification number issued to it by the Department of Consumer and Regulatory Affairs in the District of Columbia and the Virginia State Corporation Commission (SCC). If the Bidder/Offeror is a joint venture which does not have a SCC identification number or a business identification number, then the name of the joint venture shall be provided, all members of the joint venture shall be identified by full name, and each member of the joint venture shall provide its identification number or establish its exemption from such requirement.

Check (☒) which of the following applies and provide the requested information:

- Bidder/Offeror is a Virginia business entity organized and authorized to transact business in Virginia by the SCC. The Bidder's/Offeror's identification number issued by the SCC is: _____.
- Bidder/Offeror is a District of Columbia business entity organized and authorized to transact business in the District of Columbia by the Department of Consumer and Regulatory Affairs. The Bidder's/Offeror's identification number issued by the Department of Consumer and Regulatory Affairs is: _____.
- Bidder/Offeror is an out-of-state (foreign) business entity that is authorized to transact business in Virginia by the SCC and the Bidder's/Offeror's identification number issued to it by the SCC is: _____.
- Bidder/Offeror is an out-of-state (foreign) business entity that is authorized to transact business in the District of Columbia by the Department of Consumer and Regulatory Affairs and the Bidder's/Offeror's identification number issued to it by the Department of Consumer and Regulatory Affairs is: _____.
- Bidder/Offeror is a Virginia joint venture organized and authorized to transact business in Virginia by the SCC.
- Bidder/Offeror is a District of Columbia joint venture organized and authorized to transact business in District of Columbia by the Department of Consumer and Regulatory Affairs.
- Bidder/Offeror is a joint venture which does not have an identification number issued to it by the SCC, but each member of the joint venture is authorized to transact business in Virginia and the SCC identification numbers issued to each member of the joint venture are as follows: _____.



Form L-1

Company Information Questionnaire

- Bidder/Offeror is a joint venture which does not have an identification number issued to it by the Department of Consumer and Regulatory Affairs, but each member of the joint venture is authorized to transact business in the District of Columbia and the Department of Consumer and Regulatory Affairs identification numbers issued to each member of the joint venture are as follows: _____
_____.
- Bidder/Offeror does not have an identification number issued to it by the SCC and such Bidder/ Offeror is not required to be authorized to transact business in Virginia by the SCC for the following reason(s): _____
_____.
- Bidder/Offeror does not have an identification number issued to it by the Department of Consumer and Regulatory Affairs and such Bidder/ Offeror is not required to be authorized to transact business in District of Columbia by the Department of Consumer and Regulatory Affairs for the following reason(s): _____
_____.

Attach additional sheets to explain in further detail why the Bidder/Offeror is not required to be authorized to transact business in Virginia or the District of Columbia. A Bidder's/Offeror's failure to submit supporting details may result in its Bid/SOQ/Proposal being deemed non-responsive.

3. **Annual Gross Receipts:**

Indicate by checking (☒) the appropriate block that applies to your firm:

- Less than \$7,500,000
- More than \$7,500,000

4. **Virginia State & Local Government Conflicts of Interest and Public Procurement**

This solicitation is subject to the provisions of Section 2.2-3100 et. seq., of the Code of Virginia (1950), as amended, (The Code), the State and Local Government Conflict of Interests Act, Section 2.2-4300 et. seq. of the Code, the Virginia Public Procurement Act, the Virginia Governmental Frauds Act (Code of Virginia § 18.2-498.1 et seq.), and Articles 2 and 3 of Chapter 10 of Title 18.2 of the Code of Virginia, as amended (§ 18.2-438 et seq.).

The Bidder/Offeror is or is not aware of any information bearing on existence of any potential conflicts of interest or violation of ethics in public contracting. If yes, explain below.



Form L-1 Company Information Questionnaire

5. Other Information

A. General nature of the services performed and/or goods provided by the company:

B. Indicate the length of time the company has been in business providing this type of service and/or product?

_____ Years _____ Months

C. Has the company ever failed to complete any work awarded to it? If yes, explain. *(Attach additional sheets of paper if necessary.)*

D. Has the company ever defaulted on a contract? If yes, explain. *(Attach additional sheets of paper if necessary.)*

E. Is the Bidder/Offeror related to another firm as parent, subsidiary or affiliate?

Yes No

If yes, give names and addresses of all affiliated parent and/or subsidiary companies. Indicate which companies are subsidiaries.

F. The Bidder/Offeror certifies, to the best of its knowledge and belief that the Bidder/Offeror and/or any of its principals, Subcontractors or any persons associated therewith in the capacity of owner, partner, director, officer or any other position:

(1) is or is not currently under suspension, debarment, voluntary exclusion, or determined ineligible by any Federal agency;



Form L-1

Company Information Questionnaire

- (2) has or has not been suspended, debarred, voluntarily excluded, or determined ineligible by any Federal agency within the last three (3) years;
- (3) has or has not a proposed debarment pending;
- (4) has or has not been indicted, convicted, or had a civil judgment rendered against it or them by a court competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years; or
- (5) has or has not read and is or is not in compliance with the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 U.S.C. 1324a) and the regulations issued there under. The Bidder/Offeror also certifies that its Subcontractors are in compliance with the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 U.S.C. 1324a) and the regulations issued there under.

For any condition noted, indicate: 1) to whom it applies, 2) initiating agency, and 3) date of action. (Attach additional sheets of paper if necessary.)

Any of the above conditions, documented in Sections 1 through 5, of the Company Information Questionnaire, will not necessarily result in denial of award, but will be considered in determining the Bidder's/Offeror's responsibility.

Providing false information may result in Federal criminal prosecution or administrative sanctions.

CERTIFICATION

I certify that this Bid/SOQ/Proposal is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a Bid/SOQ/Proposal for the same services, materials, supplies or equipment, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of the State and Federal law and can result in fines, prison, sentences, and civil damage awards.

I hereby certify that the responses to the above representations, certifications, and other statements are accurate and complete. I agree to abide by all conditions of this Invitation for Bids/Request for Qualifications/Request for Proposals and certify that I am authorized to sign for the Bidder/Offeror.

Signature: _____

Date: _____

Name (Printed): _____

Title: _____



Form L-1

Company Information Questionnaire

6. FIRM'S CONTACT INFORMATION FOR THIS PROJECT

Program Manager: _____

Telephone: _____

Email: _____

Contract Administrator: _____

Telephone: _____

Email: _____



Form L-2 Offeror Certification

Instructions for Form completion: This form shall be completed by the Offeror as part of its SOQ. If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Certification must be completed for each member of the joint venture. Form L-2 has no SOQ page limitation *Offerors are advised that responses to questions contained within Form L-2 shall be governed by past performance conducted within the United States.*

Name of Offeror:

Firm Name:

1. Has the firm¹ ever sought protection under any provision of any bankruptcy act or been subject to a receivership or involuntary bankruptcy proceeding? If yes, describe and provide information concerning any work completed by a surety as a result of the bankruptcy or receivership.

2. Has the firm¹, or its owners, officers, or managing employees, submitted a bid on a public works project and found to be nonresponsive, or found by an awarding body not to be a responsible bidder in the last five years? If yes, describe.

3. Has any violation of the Contractors' State License Law, as described in Chapter 9 (commencing with section 7000) of Division 3 of the Business and Professions Code, including alleged violations of Federal or State law regarding the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding or Federal Insurance Contribution Act (FICA) withholding requirements, settled against the firm¹? If yes, describe.

4. Has the Virginia Department of Labor and Industry found the firm¹ to be in willful violation of Virginia Labor Laws? If yes, describe.



Form L-2 Offeror Certification

5. Has the firm ¹ been convicted of violating a State or Federal law relating to the employment of undocumented aliens in the past five years? If yes, describe.
6. At any time in the last five years has your firm ¹ been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?
7. Has a surety firm ¹ completed a contract on your behalf or paid for completion because your firm ¹ was in default or terminated by the project owner within the last five years?
8. Has the firm ¹ or its owners, officers, or managing employees ever failed to complete any work it agreed to perform, or had a contract terminated because it was in default? If yes, describe.
9. Has the firm ¹ or its agent made any contribution of more than \$250 to any employee of VRE within the preceding 12 months? If yes, describe.
Note: 1. "Firm" includes any Affiliate.

(Must be signed by an officer of the firm)

Offeror: _____
 Firm: _____
 Signature: _____
 Print Name: _____
 Title: _____
 Date: _____



Form L-3 Prior Judgements Certification

This form shall be completed by the Offeror as part of its SOQ.

If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Certification must be completed for each member of the joint venture.

Has the Offeror, or any officer, director or owner thereof, had any judgments entered against it within the past ten years for the breach of any contract for governmental or nongovernmental construction, including, but not limited to, design-build and construction management contracts?

Yes ___ No ___

If yes, then attach a separate sheet(s) of paper to identify and explain all such judgments.

The Offeror understands that its failure to complete and sign this Certification shall render its SOQ non-responsive and the Offeror unqualified.

Signed: _____ **Date:** _____

Name of Offeror: _____



Form L-4 Compliance Certification

COMPLIANCE WITH PRIOR CONTRACTS WITH PUBLIC BODIES CERTIFICATION

This form shall be completed by the Offeror as part of its SOQ.

If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Certification must be completed for each member of the joint venture.

Has the Offeror, except for good cause, substantially complied with the terms and conditions of all prior contracts with the Virginia Railway Express (VRE) for construction? If the Offeror has not previously contracted with VRE for construction or construction management, then has the Offeror, except for good cause, substantially complied with the terms and conditions of all prior construction or construction management contracts with other "public bodies" as that term is defined in the Virginia Public Procurement Act?

Yes ___ No ___

If no, then attach a separate sheet(s) of paper to identify and explain all such instances of substantial non-compliance.

The Offeror understands that its failure to complete and sign this Certification shall render its SOQ non-responsive and the Offeror unqualified.

Signed: _____ **Date:** _____

Name of Offeror: _____



Form L-5 Debarment Certification

CERTIFICATION OF PRIMARY PARTICIPANTS REGARDING DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION

(This certification must be executed by the Offeror and Subcontractors.)

If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Certification must be completed for each member of the joint venture.

(The Contractor)

or

(Subcontractor)

This contract is a covered transaction for purposes of 2 CFR Part 1200. The Contractor shall comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 C.F.R. part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 C.F.R. part 180. and must include the requirement in any lower tier covered transaction it enters into.

By signing and submitting its Bid, SOQ, or Proposal, the Bidder or Offeror certifies as follows:

The certification in this clause is a material representation of fact relied upon by VRE. If it is later determined that the Bidder or Offeror knowingly rendered an erroneous certification, in addition to remedies available to VRE, the Federal Government may pursue available remedies, including but not limited to, suspension and/or debarment. The Bidder or Offeror agrees to comply with the requirements of 2 C.F.R. part 180, subpart C, as supplemented by 2 C.F.R. part 1200, while this Bid, SOQ or Proposal is valid and throughout the period of any contract that may arise from this offer. The Bidder or Offeror further agrees to include a provision requiring such compliance in its lower tier covered transactions.

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State or Local department or agency;
- (b) Have not within a three (3) year period preceding this Bid/SOQ/Proposal been convicted of or had a civil judgment rendered against it 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: violation of Federal or State antitrust statute or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



Form L-5 Debarment Certification

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three (3) year period preceding this Bid/SOQ/Proposal had one (1) or more public transactions (Federal, State, or Local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this Bid/SOQ/Proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to five (5) years, or both.

Signature of Contractor's Authorized Official

Company Name

Name (Printed) of Contractor's Authorized Official

Title of Contractor's Authorized Official

Date

I am unable to certify the above statements.

(If the Contractor or Subcontractor is unable to certify regarding any of the statements in this certification, such Contractor or Subcontractor shall attach an explanation to this Bid/SOQ/Proposal).

(Prime Contractor) _____

or

(Subcontractor) _____



Form L-6 Convictions Certification

PRIOR CONVICTIONS CERTIFICATION

(This form shall be completed by the Offeror as part of its SOQ.)

If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Certification must be completed for each member of the joint venture.

Has the Offeror, or any officer, director, owner, project manager, procurement manager or chief financial officer thereof, been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to, a violation of (i) Article 6 of the Virginia Public Procurement Act, (ii) the Virginia Governmental Frauds Act, (iii) Chapter 4.2 of title 59.1 of the Code of Virginia, or (iv) any substantially similar law of the United States or another state?

Yes ___ No ___

If yes, then attach a separate sheet(s) of paper to identify and explain all such convictions.

Within the past three years, has the Offeror been found in violation of any law applicable to its contracting business, including, but not limited, to licensing laws, tax laws, wage and hour laws, prevailing wage laws, environmental laws or others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of \$5,000 or more.

Yes ___ No ___

If yes, then attach a separate sheet(s) of paper to identify and explain all such violations.

The Offeror understands that its failure to complete and sign this Certification shall render its SOQ non-responsive and the Offeror unqualified.

Signed: _____ **Date:** _____

Name of Offeror: _____



Form L-7 Certification of Restrictions on Lobbying

(This certification must be executed by the Offeror and Subcontractors.)

If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Certification shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Certification must be completed for each member of the joint venture.

I, _____ hereby certify on behalf
(Name of the Firm's Official)

Of _____ that:
(Name of the Firm/Contractor)

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of 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 a 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. No federal assistance funds shall be used for activities designed to influence Congress or State Legislature on legislation or appropriations, except through proper, official channels.

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

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contract under grants, loans, and cooperative agreements) and that all sub recipients 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 a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ day of _____, _____

By: _____
Signature

Name and Title: _____



Form L-8 Non-Collusion Affidavit

(This Affidavit must be executed by the Offeror and Subcontractors)

If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Affidavit shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Affidavit must be completed for each member of the joint venture.)

STATE OF _____

COUNTY OF _____

_____ being first duly sworn, disposes and says that they are

(Insert "sole owner", "partner," "president", or other title)

of _____
(Company name)

The Bidder/Offeror submitting this Bid/SOQ/Proposal certifies that such Bid/SOQ/Proposal was not made in the interest of or in behalf of any undisclosed person, partnership, company, organization or corporation; that such Bid/SOQ/Proposal is genuine and not collusive or sham, and that said Bidder/Offeror has not been a party to any agreement to propose a fixed amount or to refrain from proposing and has not, directly or indirectly, by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the Potomac and Rappahannock Transportation Commission and the Northern Virginia Transportation Commission, together known as the Virginia Railway Express, or of any Bidder/Offeror or anyone else interested in the proposed Contract.

Signed _____

Date _____



Form S Safety Questionnaire

Name of Offeror:
Name of Member:
Instructions for Form completion: This form shall be completed by the Offeror as part of its SOQ. If a Joint Venture or legal entity has already been formed and has an established performance history, only a single Questionnaire shall be submitted. If the Offeror is a newly formed Joint Venture or legal entity, a separate Questionnaire must be completed for each member of the joint venture. Should additional lines or space be needed by Offerors to address subject areas identified in the tables and questions below, Offeror shall attach additional pages.

1. The Bidder/Offeror does or does not have an Experience Modification Rate (EMR).

If yes, provide the Bidder's/Offeror's EMR for workers' compensation during the past three years:

	EMR
2022	
2023	
2024	

(VRE reserves the right to require the Bidder/Offeror to provide a copy of their most recent EMR letter documenting their EMR value.)

2. Are internal accident reports and report summaries sent to management? To what levels and how often?

Position	Monthly	Quarterly	Annually

3. Do you hold site meetings for supervisors? Yes _____ No _____
How Often? Weekly _____ Biweekly _____ Monthly _____ Less often, as needed _____

4. Do you conduct Project Safety Inspections? Yes _____ No _____



Form S Safety Questionnaire

By Whom? _____

How Often? Weekly ____ Biweekly ____ Monthly ____

5. Does the firm have a written Safety Program? Yes ____ No ____

6. Does the firm have an orientation program for new hires? Yes ____ No ____

If yes, what safety items are included? _____

7. Does the firm have a program for newly hired or promoted foremen?

Yes ____ No ____ If yes, does it include instructions for the following?

Topic	Yes	No
Safety Work Practices		
Safety Supervision		
On-site Meetings		
Emergency Procedures		
Accident Investigation		
Fire Protection and Prevention		
New Worker Orientation		

8. Does the firm hold safety meetings which extend to the laborer level?

Yes ____ No ____

How Often? Daily ____ Weekly ____ Bi-Weekly ____ Less often, as needed ____

9. Has the Occupational Safety and Health Administration cited and assessed penalties against your firm for any "serious," "willful," or "repeat" violations of its safety or health regulations in the past five years?



Form S Safety Questionnaire

Yes _____ No _____

(If yes, attach a separate signed page describing the citations, including information about the dates of the citations, nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Administration Appeals Board and a decision has been issued, state the case number and the date of the decision.)

10. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

Yes _____ No _____

(If yes, attach a separate signed page describing each citation.)



Form U Offeror's SOQ Certification

(This certification must be completed and signed by the Offeror as applicable.)

If a Joint Venture, partnership, limited liability company, or other association has already been formed and has an established performance history, only a single certification shall be submitted.

If the Offeror is a newly formed Joint Venture, partnership, limited liability company, or other association, a separate certification must be completed for each entity member.

DECLARATION

STATE OF _____)

COUNTY OF _____)

I, (printed name) _____, being first duly sworn, state that I am the (title) _____ of the Offeror.

I certify that I have read and understood the information contained in the Request for Qualifications issued by the Virginia Railway Express for the L'Enfant Station and 4th Track Improvements Project and the attached Statement of Qualifications (SOQ), and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this SOQ is complete, current, and true. I further acknowledge that any false, deceptive, or fraudulent statements in the SOQ will result in denial of shortlisting status.

(Signature)

(Name Printed)



Form U Offeror's SOQ Certification

ACKNOWLEDGMENT

On this _____ (date) before me, _____ (name and title of officer) personally appeared, _____ (name of signer above) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the Commonwealth of Virginia that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public in and for
said County and State

[Seal]

My commission expires: _____.

NOTICE TO APPLICANTS:

A material false statement, omission, or fraudulent inducement made in connection with this Statement of Qualifications is sufficient cause for denial of the application. In addition, such false submission may subject the person or entity making the false statement to criminal charges.