ATTACHMENT B

Representations, Certifications and Other Statements of Bidders/Offerors

Company Name _____

REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF BIDDERS/OFFERORS

The following forms shall be completed with signatures and incorporated with the Bid/Proposal.

ATTACHMENT NO.	TITLE
A.	Company Information Questionnaire
B.	Conflict of Interest Certification
C.	Trade Secrets or Proprietary Information
D.	Certification of Primary Participants Regarding Debarment, Suspension, and Other Ineligibility and Voluntary Exclusion
E.	Certification of Restrictions on Lobbying
F.	Non-Collusion Affidavit
G.	Disadvantaged Business Enterprise Statement
H.	Federal Tax Liability and Recent Felony Convictions Certification

THESE FORMS SHALL NOT BE RETYPED

A. COMPANY INFORMATION QUESTIONNAIRE

1. Business Entity Identification & Ownership Disclosure

Company: _____

Contact Person: _____

Title: _____

Address: _____

_____

Email Address: _____

Telephone No.: _____

Check (☑) 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.: _____

Federal Identification No.: _____

SAM.gov Unique Entity ID No.: _____

Principal Place of Business: _____

Check (☑) which of the following applies:

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

*Certified by: _____

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

2. State Corporation Commission (SCC) Identification

The Bidder/Offeror must be authorized to transact business in the Commonwealth of Virginia as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise by law. The Bidder/Offeror shall include in its Bid/Proposal the identification number issued to it by the Virginia State Corporation Commission (SCC). If the Bidder/Offeror is a joint venture which does not have a SCC 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 SCC 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 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 a Virginia joint venture organized and authorized to transact business in Virginia by the SCC.

☐ 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: _____.

☐ 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): _____

_____

Attach additional sheets to explain in further detail why the Bidder/Offeror is not required to be authorized to transact business in Virginia. A Bidder's/Offeror's failure to submit supporting details may result in its Bid/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.

_____

_____

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. 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;

(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.)*

I certify that this Bid/Proposal is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a Bid/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 Proposals and certify that I am authorized to sign for the Bidder/Offeror.

Signature: _____ Date: _____

Name (Printed): _____ Title: _____

6. FIRM'S CONTACT INFORMATION FOR THIS CONTRACT

Program Manager: _____

Telephone: _____

Email: _____

Contract Administrator: _____

Telephone: _____

Email: _____

B. CONFLICT OF INTEREST CERTIFICATION

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

1. Neither the Bidder/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;

2. If the Bidder/Offeror is awarded a contract under this solicitation and during the term of that contract prepares an invitation for bid or request for proposal for or on behalf of VRE, the Bidder/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.

3. The Bidder/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.

Signature: _____ Date: _____

Bidder's/Offeror's Name (Printed): _____ Title: _____

C. TRADE SECRETS OR PROPRIETARY INFORMATION

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/Proposal that I have submitted does not contain any trade secrets and/or proprietary information.

❑ Yes, the Bid/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/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 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/Proposal will be open for public inspection consistent with applicable law.

(This certification must be executed by the Contractor and Subcontractors)

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

_____
(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, "Non-procurement 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 (Non-procurement)," 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 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 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 the 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/Proposal been convicted of or had a civil judgment rendered against them or 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 statute 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 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/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/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 to the above statements.**

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

(Prime Contractor) _____

or

(Subcontractor) _____

(This certification must be executed by the Contractor and Subcontractors)

E. CERTIFICATION OF RESTRICTIONS ON LOBBYING

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 office 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 office 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: _____

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

F. NON-COLLUSION AFFIDAVIT

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/Proposal certifies that such Bid/Proposal was not made in the interest of or in behalf of any undisclosed person, partnership, company, organization or corporation; that such Bid/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 _____

G. DISADVANTAGED BUSINESS ENTERPRISE STATEMENT

VRE commits itself to an active effort to involve certified Disadvantaged Business Enterprises (DBE) in contracting opportunities, to increase competition, and to broaden the base of support for public transit. For Federal Fiscal Years 2025 – 2027, VRE has established a goal of **0.00%** for the utilization of DBEs. To ensure that DBEs have the maximum practicable opportunity to compete for contract and subcontract work, we ask that the Bidder/Offeror describe below, how its organization will assist VRE with its commitment toward achieving its **0.00%** goal.

NOTE: For the purposes of DBE goal setting and DBE usage, only those firms that are officially certified as DBE firms qualify, not Minority Business Enterprise (MBE), Small, Woman-owned and Minority-owned Business (SWaM), Women's Business Enterprises (WBE) or Small Business Enterprises (SBE).

PRESENTLY NOT REQUIRED

(This certification must be executed by the Contractor and Subcontractors)

H. FEDERAL TAX LIABILITY AND RECENT FELONY CONVICTIONS CERTIFICATION

The Bidder/Offeror must complete the following two certification statements. The Bidder/Offeror must indicate its current status as it relates to tax delinquency and felony conviction by inserting a checkmark (✓) in the space following the applicable response. The Bidder/Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts.

Certifications

1) The Bidder/Offeror represents that it is ( ) is not ( ) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

2) The applicant represents that it is ( ) is not ( ) a corporation that was convicted of a criminal violation under any Federal law within the preceding twenty-four (24) months.

Term Definitions

Felony conviction: Felony conviction means a conviction within the preceding twenty-four (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. Code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 USC § 3559.

Tax Delinquency: A tax delinquency is any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

The Bidder/Offeror agrees to require all Subcontractors to provide this certification and to flow this requirement down to participants at all lower tiers, without regard to the value of any subcontract.

Company Name: _____

Name of Signatory: _____

Signature: _____

Title: _____

Date: _____