



City of Auburn, Maine

Transportation Department

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

September 19, 2024

Dear Bidder;

The City of Auburn, a municipal corporation (hereinafter "the City") is accepting written proposals for procurement of **Minot Avenue/Union Street and Court Street Corridor Feasibility Study** in Auburn, Maine.

The City reserves the right to accept or reject any or all proposals in whole or in part and to waive any informality the City may determine is necessary. The City also reserves to itself the exclusive right to accept any proposals when it is deemed by the City to be in its best interest. The City is governed by Title 1 M.R.S.A. § 401-410, otherwise known as the Freedom of Information Act, which considers bid specifications as public documents. In awarding any proposal, the City may consider, but not be limited to, any of the following factors: cost, professional qualifications, experience, and references. The City may hold interviews prior to making a decision. Proposers shall be current on all amounts due to the City prior to the City entering into any contract agreement.

Proposals must be submitted in accordance with the following instructions to bidders. Please mark sealed envelopes plainly: "**2025-007 Minot/Union/Court Corridor Feasibility Study**"

Bidders must register via email with the subject line "**2025-007 Minot/Union/Court Corridor Feasibility Study**" to be included on the Bidder's list and be notified of any addenda. Questions regarding this Request for Proposals should be directed to Jonathan P LaBonte, Transportation Systems Director via email to j.labonte@auburnmaine.gov. Questions are due **by 4:00pm on October 1, 2024**. Questions will be answered in the form of an addendum issued no later than October 4, 2024.

Please submit your proposal in a sealed envelope to the City of Auburn **by 1:30 p.m. on October 15, 2024**. Please include an electronic copy of your proposal in the sealed envelope. Proposals must be received by **Amanda Denning, Purchasing Analyst, 60 Court Street, Auburn, Maine 04210** on or before the date and time appointed. Proposals will be opened at 1:30 PM at Auburn City Hall on October 15, 2024. The City will not accept late bids.

Sincerely,

A handwritten signature in black ink that reads "Amanda Denning".

Amanda Denning
Purchasing Analyst

GENERAL CONDITIONS

1. Equal Employment Opportunity

The City of Auburn is an Equal Opportunity Employer and shall not discriminate against an applicant for employment, and employee or a citizen because of race, color, sex, marital status, physical and/or mental handicap, religion, age, ancestry or natural origin, unless based upon a bona-fide occupation qualification. Vendors and Contractor or their agents doing business with the City shall not violate the above clause or the Civil Rights Acts of 1964. Violations by vendors shall be reviewed on a case-by-case basis and may mean an automatic breach of contract or service to the City of Auburn.

2. Save Harmless

The Bidder agrees to protect and save harmless the owner from all costs, expenses or damages that may arise out of alleged infringement of patents of materials used.

3. Subcontracting

The Bidder shall not subcontract any part of the work or materials or assign any monies due it without first obtaining the written consent of the municipality. Neither party shall assign or transfer its interest in the contract without the written consent of the other party.

4. Warranty

The Bidder warrants that all work will be of good quality and free from faults and defects, and in conformance with the specifications. All work not so conforming to these standards may be considered defective. The Bidder agrees to be responsible for the acts and omissions of all of its employees and all subcontractors, their agents and employees, and all other persons performing any of the work under a contract with the Bidder.

Introduction

The City of Auburn (City) in collaboration with the Maine Department of Transportation (MaineDOT) is undertaking a Minot Avenue Corridor Study in Auburn, Maine. The study area begins at the intersection of Turner Street, Center Street, and Union Street and continues along Minot Avenue over an approximately 5.9-mile corridor from the heart of downtown Auburn and to the Town of Minot boundary. Depending on location, Union Street and Minot Avenue may also be Route 121, 11, 202, 100, and/or 4. Minot Avenue provides for east-west connectivity, Maine Turnpike I-95 access, local traffic including access to multiple schools, commuters, connections to recreational areas, and through traffic. The corridor is designated as MaineDOT Highway Corridor Priority 1 or 2, depending upon the segment. This corridor includes Court Street between Minot Avenue and Union Street.

This study's purpose is to improve safety and accessibility for all transportation modes on and adjacent to Minot Avenue by making the best practical use of primarily existing right-of-way while improving or at least maintaining acceptable Levels of Service. This study will also consider planned and potential land use changes on the corridor and the City's economic development goals. Recommendations may be both short- and long-term and consider economies of scale associated with planned and future highway paving projects and shall comply with Auburn's Complete Streets Ordinance. A study goal includes utilization of Minot Avenue for through traffic as an alternative to Court Street.

Study Area and Scope of Work

The feasibility study will identify safety and operational deficiencies for all transportation modes utilizing Minot Avenue in the study area and recommend an improvement plan that would be phased over several years. The consultant team will collect existing data and conduct an analysis of potential strategies to improve safety and accessibility along the corridor without substantial widening of Minot Avenue. The final output of this study will be largely transportation engineering focused, but visuals that aid in demonstrating typical conditions are acceptable. Study recommendations are expected to consider, but not be limited to: changes to access management, including center medians where appropriate; new lane configurations, including lane reductions; intersection improvements and/or traffic signal modifications; and active transportation modes. The consultant team should develop an approach to best meet the clients' needs and accomplish study objectives, however, the City has noted some logical sections within the corridor and some alternative considerations as follows:

Town Line to Hotel Road:

- Increased access management and / or lane reduction.
- Active Transportation facilities, including sidewalks and crossings, bike lanes, or shared use paths.

Hotel Road to Manley Road:

- Intersection improvement options including a roundabout at Manley and Court.
- Increased access management, including centerline medians and driveway consolidation.
- Active Transportation facilities, including sidewalks and crossings, bike lanes, or shared use paths.
- Additional wayfinding.

Manley to the "Rotary":

- Increased access management, including centerline medians and driveway consolidation.
- Active Transportation improvements, particular emphasis on school use, including sidewalks and crossings, bike lanes, or shared use paths.

"Rotary" to Court Street:

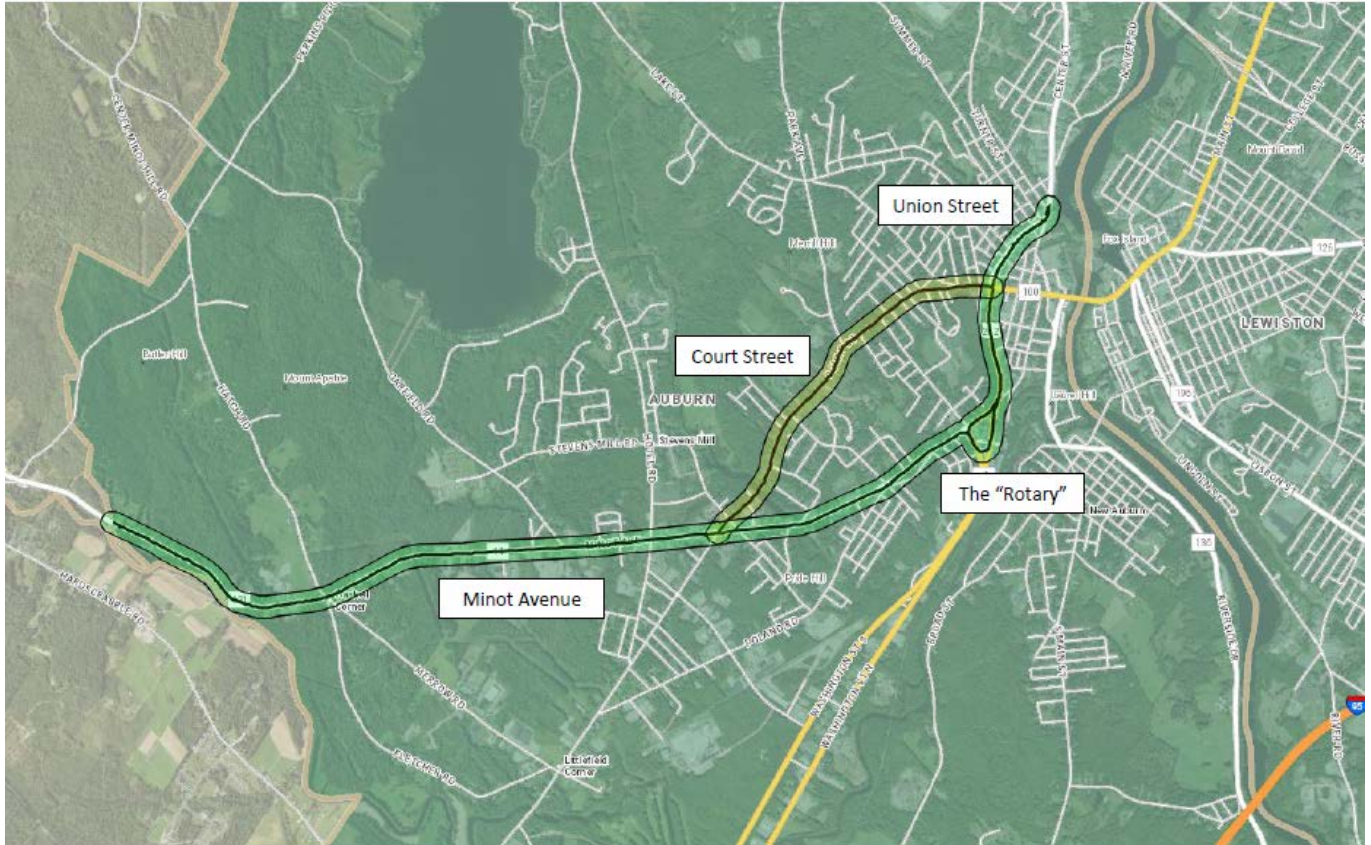
- Changes to striping, including lane reductions, and alternative wayfinding signage.
- Safety improvements associated with new Public Safety (Fire/ Police) Building(s).
- Intersection improvement options at Western Avenue, while maintaining mobility.
- Improved intersection movement options on Elm Street to accommodate additional traffic.
- Active Transportation facilities, including sidewalks and crossings, bike lanes, or shared use paths.

Union Street, from Court Street to Turner Street:

- Intersection alternatives at Turner/Union/Center Street to improve safety and mobility and provide for defined active transportation routes.
- Use of plantings and trees as well as pedestrian-scale lighting to enhance the user experience and slow traffic.
- Improvements to pedestrian access to and from Pettengill Park and the new PAL center under construction. Outcomes may include raised crossings, use of RRFB's, provision of a hybrid beacon, or other enhancement strategies recommended in FHWA's "Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations".
- Potential of protected/separated bicycle facilities outside of the curb to curb street section.

Court Street

- Court Street modifications are anticipated to include improving safety for all transportation modes and incentivizing Minot Avenue for through traffic by utilizing traffic calming techniques, signal coordination, or other means.



Project Map

Task 1 – Project Kick-Off Meeting

The consultant team will meet with the Study Team, including representatives from the City of Auburn, ATRC, and MaineDOT under a collaborative planning process as follows:

- Identify and understand local issues.
- Identify and understand relevant state and federal regulatory requirements.
- Finalize scope of work.
- Identify previous related study efforts and available data.
- Identify traffic data that will need to be collected.
- Identify baseline environmental data that will need to be collected.
- Identify existing and future Active Transportation uses and concerns.
- Identify existing transit on the corridor and discuss future opportunities.
- Prepare preliminary study purpose and need.

A Road Safety Audit, and an optional site walk for design purposes, are expected to be conducted.

Deliverables

- Meeting agenda, minutes, and presentation materials.
- Technical memorandum for the Road Safety Audit.

Task 2 – Review Available Data

The consultant team will review available information provided by the City, ATRC and MaineDOT. These will include, but not be limited to, the following:

- Auburn Comprehensive Plan (2021)
- Auburn Strategic Plan (2019)
- ATRC 2040 Metropolitan Transportation Plan (2019)
- ATRC 2045 Metropolitan Transportation Plan (ongoing)
- ATRC Safe Streets For All Action Plan (ongoing)
- ATRC Area Transit Study (2020)
- ATRC Bicycle and Pedestrian Plan (2019)
- Court Street Improvements Study (2020)

Deliverables

- Technical memorandum of understanding of ongoing planning efforts and overlapping goals or conflicts between existing documents.

Task 3 – Assessment of Current Conditions

The consultant team will evaluate the existing and recent historic performance of traffic in the study area based on traditional forecasting and growth models. The assessment will include but not be limited to:

- Analysis of current traffic conditions of the study area. The analysis will include traffic patterns, capacity, speeds, and crash experience.
- Identification of bicycle and pedestrian deficiencies in the study area.
- Review of existing transit in the corridor.
- Identification of transportation vulnerable users and equity concerns.
- Review analyses with team members and discuss possible recommendations and additional alternatives to be considered.

Deliverables

- Technical memorandum of current conditions.

Task 4 Assessment of Future Scenarios

The consultant team will evaluate future traffic volume based on traditional growth forecasts and taking into account known development and land use changes underway. It will include:

- A 2055 forecast of traffic volumes in the study area, based on historical traffic data and available MaineDOT traffic forecasts. Forecasts should show differences as applicable if the study area continues to primarily function as retail development and changes in traffic should the area predominantly become mixed-used residential.
- Analysis of future traffic volume conditions of the study area. Analysis of alternatives under future existing conditions to prevent or minimize loss of service. The analysis will include predicted change in mobility and crash rates.
- Analysis of existing and recommended access management changes
- Review of possible changes to the lane configurations, including lane reductions.

- Review of possible traffic signal modifications and implementation of traffic demand management.
- Analysis of impacts to bicycle and pedestrian facilities.
- Analysis of transit opportunities.
- Review analyses with team members and discuss possible recommendations and additional alternatives to be considered.

Deliverables

- Technical memorandum of future scenarios.

Task 5 Develop Preliminary Recommendations

Based on the analysis of alternatives determined in Task 4, the consultants will develop recommendations based on effectiveness of meeting the study area transportation needs. These recommendations may include low-cost improvements, a recommended roadway cross-section or cross-sections to improve the consistency of the study area corridor for its users, and other roadside or off-road improvement recommendations.

- Develop recommendations for all transportation modes based on effectiveness and viability from a regulatory perspective. Measurements for effectiveness will include benefits to mobility and safety, cost and practicality of implementation, and ability to meet the purpose and need.
- The recommendations will include a discussion of the potential and degree of effort associated with environmental analysis, secondary, cumulative impacts, etc., including anticipated future costs of remaining planning, design, and construction phases.
- Develop cost estimates for recommendations (including construction and potential right-of-way costs).
- Develop a recommendation for phasing of implementation.
- Develop a draft report containing the analysis of existing and future conditions, alternatives analysis, and recommendations, including a matrix summarizing recommendations along with an appendix of traffic and crash data.
- Develop basic conceptual renderings of recommended alternatives on aerial photography.

Deliverables

- Draft preliminary recommendations on aerial photography.

Task 6 Public and Agency Feedback

The effort will include at least eight study team meetings including Task 1 with representatives from the City, ATRC and MaineDOT. At least one study team meeting will include up to a daylong site visit. The study is also anticipated to include a total of five public meetings which may be standalone study public meetings and/or portions of City Council meetings. It is expected that, with coordination with the selected consultant, public meetings may have a geographic focus for context and targeted stakeholder engagement (i.e. Court Street neighborhood, outer Minot Ave corridor, downtown/Union Street)

Deliverables

- Meeting agenda, minutes, and presentation materials.
- Technical memorandum of in-depth public engagement activities.

Task 7 – Draft and Final Report

The Tasks discussed above will be combined into a draft and final narrative report documenting the project. At a minimum the report will include an executive summary, narrative of the study process, a description of the various alternatives considered, documentation of the evaluation criteria, and illustrations of conceptual designs and cross sections for the preferred alternative. The final report will incorporate all applicable technical memorandums.

Deliverables

- Draft and final report.

1. PROPOSAL RATING AND SELECTION PROCESS

- a. Proposal Rating. Proposals will be reviewed and rated using the responses to the Proposer Information outlined in this RFP.
- b. This is a Qualifications Based Selection (QBS) process, and therefore Technical Proposals alone will be used to select the successful proposer. Once the successful proposer has been selected, the government estimate will be compared against the successful proposer's Price Proposal and contract negotiations will begin.

2. PROPOSER INFORMATION

- a. **Proposer's Qualifications (30) points:** Identify the **key** staff your company will assign to fulfill the contract requirements (Contract Managers, contact people, or assigned technicians). Provide resumes describing the educational and work experiences for those **key** staff.
- b. **Proposer's Experience (50) points:** Describe the Proposer's experience and capabilities providing similar services to those required. Identify at least three (3) projects with whom your company has done business similar to that required in this RFP in the last five (5) years. Include points of contact (client's company name, contact name, address, and telephone number), a brief description of the project, dates of the project and results. Describe the proposer's most successful public engagement processes, and provide results of those and context as to how those techniques could be utilized on this project.
- c. **Proposer's ability to control Schedule and Costs on this project (10) points.**
 - i. Methods for controlling costs – quality control. Provide a brief outline of methods used by the firm to control and monitor client costs and control quality
 - ii. Schedule/Workload/Communication. Provide a brief outline of your firm's methods of schedule control and ability to handle projected workload. Discuss project coordination with ATRC. Describe how your firm will manage its role in this project and how it intends to maintain effective communication for the duration of the assignment.

- d. **Proposer's Knowledge of the Study area (10 points).** A summary of the background, local presence, and knowledge of the study area including work experience in the study area.
- e. **Proposer's References:** Provide at least 3 work references including points of contact (person's name, company name, address and telephone number), and a brief description of the projects with dates. If contacted, all references must verify that a high level of satisfaction was provided. The City will determine which, if any, references are contacted. The results of any reference checks will be provided to the scoring committee.
- f. **Contact Information:** Provide the name, address, phone number, FAX number, and e-mail address of Proposer in the proposal.
- g. **Signature Page:** A signature page must be included with the Technical and Price Proposals stating that "I certify that all of the information contained in this Technical/Price Proposal to be true and accurate.
- h. **Schedule:** Include a schedule outlining project deliverables and any other relevant milestones.
- i. **Acknowledgement of Amendments:** The Proposer shall include reference to all amendments in their response to this RFP.

3. **PACKAGING AND SUBMITTING YOUR TECHNICAL AND PRICE PROPOSALS**

- a. **Organization and Format.** Your Technical Proposal, which should be organized as closely as practicable to the format and sequence indicated in these proposal instructions must be submitted as outlined below. Proposer's may submit an electronic copy on a USB Drive in lieu of a hard copy. Electronic submittals must be in a sealed envelope. Emails will not be accepted.
- b. **Font Type and Size:** Times New Roman – 12 Font or similar clearly readable font
- c. **RFP Title:** The Proposer's full business name and address as well as the RFP title must be written on your Proposal Package.
- d. **Submittal:** Sealed proposals must be received by Amanda Denning, Purchasing Analyst, 60 Court Street, Auburn, Maine 04210 by **1:30 p.m. on October 15, 2024.**
- e. **Price Proposal:** Upon review of the Technical Proposals, and a recommendation by the selection committee, a Price Proposal will be requested, via email, from the recommended consultant. Each proposal will be evaluated for all criteria, and then costs shall be evaluated independently. **NO MENTION OF PRICE SHALL BE INCLUDED IN OTHER SECTIONS OF THE PROPOSAL; OTHERWISE THAT PROPOSAL SHALL BE REJECTED.**

4. **GENERAL INFORMATION**

- a. This RFP does not commit Auburn to pay any costs incurred in submitting your proposal, making studies or designs for preparing the proposal or in procuring or sub-contracting for services or supplies related to the proposal.

5. **CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE**

Certified DBE

MaineDOT Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime consultant for this work. It is important the DBE consultants take advantage of this RFP to at least gain entry to the MaineDOT Prequalification List for transportation project related services. Non -DBE consultants shall ensure that DBEs have the maximum opportunity to participate in the performance of any project contract in accordance with MaineDOT current requirements for DBE utilization when utilizing subconsultants. Consultants certified by another state's transportation agency must be certified by MaineDOT.

Current requirements may be found at the MaineDOT website, "Certified Disadvantaged and Women Business Enterprise" directory available at <https://www.maine.gov/mdot/civilrights/dbe/> or by contacting:

**Maine Department of Transportation
ATTN: Stacie Haskell, Civil Rights Unit
Civil Rights Office
16 State House Station
Augusta, ME 04333
Tel#: 207-624-3056
Fax#: 207-624-3021**

6. **PROPOSAL PRICING**

Price Proposal, Elements of Supporting Data consist of the following:

- 1) **Direct Labor**. Please list all employees including their classifications for the employees who are expected to perform services on this project. Please provide a breakdown of each employee's salary rate including direct labor, indirect labor, and profit. Please show all calculations in detail, and include payroll records supporting these rates.
- 2) **Indirect Labor (Overhead)**. Please provide a copy of your latest audited corporate overhead rate report with supporting documentation
- 3) **Profit**. The percentage of profit is based on criteria specific to a project including, degree of risk, relative difficulty of work, size of job, etc.
- 4) **Direct Expenses**. Please provide a breakdown of direct expenses, including mileage, lodging, photocopying costs, etc. anticipated for this project. Direct expenses shall be reimbursed at cost, and travel expenses shall be reimbursed in accordance with the current per diem/mileage rates located at

<https://www.maine.gov/osc/travel>
<http://www.gsa.gov/portal/category/21287>

- 5) **Subconsultants.** Please identify each effort to be subcontracted. List the selected sub-consultant's name, location, amount proposed and type of contract. Describe the cost or price estimates for each subcontract. Please note that there is no mark up allowed on subconsultant costs.

7. **CONTRACT TERM, TYPE AND PAYMENT METHOD**

The contract term shall be through December 31, 2025, commencing upon approval of the contract documentation.

The contract type utilized for this project shall be Adjustable Burdened Hourly Rate, and the method of payment shall be monthly.

8. **CONFIDENTIALITY**

The information contained in proposals submitted for Auburn's consideration will be held in confidence until all reviews are concluded and the award notification has been made. At that time, the full content of the proposals becomes public record and is therefore available for public inspection upon request.

According to State procurement law, the content of all proposals, correspondence, addenda, memoranda, working papers, or any other medium which discloses any aspect of the request for proposals process will be considered public information when the award decision is announced. This includes all proposals received in response to this RFP, both the selected proposal and the proposal(s) not selected, and includes information in those proposals which a Proposer may consider to be proprietary in nature.

FHWA-1273 REQUIRED CONTRACT PROVISIONS FOR FEDERAL-AID CONTRACTS

GENERAL

These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in

any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:
 - a. 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 Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - b. 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 Federal 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.
2. This certification is a material representation of fact upon which reliance was 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 31 U.S.C. 1352. 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.
3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:
 - a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.
 - b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
 - c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.
 - d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 - e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered

into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

- f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
- h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.
- i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this 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;
- (3) 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 (a)(2) of this certification; and
- (4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

- a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
- d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
- g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.
- h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge

and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

- i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of ATRC.