FORM C

PROPOSER AND MAJOR PARTICIPANTS CERTIFICATION

Firm Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Instructions: Proposer and each Major Participants shall accurately answer the following certifications.

Major Participants include the Lead Contractor firm, Key Personnel firms, and the firms of any other contractors named in the Proposal.

The Proposer/Major Participant certifies that:

1. It has carefully examined and is fully familiar with all provisions of the RFP, has reviewed all materials provided, any Addenda, and NDOT’s responses to questions, and is satisfied that the RFP provides sufficient detail regarding the obligations to be performed and does not contain internal inconsistencies.
2. The information and supporting data provided by the Proposer/Major Participant is accurate and complete to the best of its knowledge.
3. It has carefully checked all the words, figures, and statements in the Proposal.
4. It has notified NDOT of any identified deficiencies and omissions in the RFP and other documents provided by NDOT.
5. The Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, joint venture, limited liability company, or corporation; the Proposal is genuine and not collusive or sham
6. It has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal or that anyone shall refrain from proposing.
7. It has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the prices of the Proposer or any other proposers, or to fix any overhead, profit, or cost element included in the Proposal, or of that of any other proposer, or to secure any advantage against the NDOT of anyone interested in the proposed agreement.
8. It has not, directly or indirectly, submitted its prices or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, joint venture, limited liability company, organization, proposal depository, or any member, partner, joint venturer, or agent thereof to effectuate a collusive or sham proposal.
9. All statements contained in the Proposal are true.
10. Its responses to the following statements are true and accurate. The Proposer’s/Major Participant’s answers shall apply to the **last seven years**. Please indicate yes or no for each row.

| **Yes/No** | **Description** |
| --- | --- |
|  | The Proposer/Major Participant or its affiliates have been involved in a contract that was determined, pursuant to a final determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract; or terminated for cause. |
|  | The Proposer/Major Participant or its affiliates have been involved in arbitration, litigation, or dispute review board proceedings in an amount in excess of $250,000 related to performance on projects with a contract value in excess of $5,000,000. |
|  | The Proposer/Major Participant or its affiliates have been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal, state, or local entity.  |
|  | The Proposer/Major Participant or its affiliates have been convicted or had a civil judgment rendered against them by a court of competent jurisdiction in any matter involving fraud, anti-trust violations, theft, official misconduct, or other offenses indicating a lack of business integrity or business honesty. |
|  | The Proposer/Major Participant or its affiliates are currently indicted or otherwise criminally or civilly charged by a federal, state, or local government with fraud, anti-trust violations, theft, official misconduct, or other offenses indicating a lack of business integrity or business honesty. |
|  | The Proposer/Major Participant or its affiliates have been named on the list of "Special Designated Nationals or Blocked Persons" maintained by the Office of Foreign Assets Control (OFAC) or any similar list maintained by the United States Department of State; or convicted of or charged with a violation of any obligation to maintain appropriate controls as required by applicable governing laws as are necessary to ensure compliance with the economic sanctions, laundering, and anticorruption laws of the United States. |
|  | The Proposer/Major Participant or its affiliates currently have an exclusion record or are listed as having an exclusion record on the SAM.gov website.  |
|  | The Proposer/Major Participant or its affiliates have filed for bankruptcy. |

If the answer to any item above is affirmative, the Proposer/Major Participant shall provide complete details about the matter in an attachment to this Form C. While an affirmative answer to any of these items will not automatically disqualify a Proposer from consideration, at the sole discretion of NDOT, such an answer and a review of the background details may result in a rejection of the Proposal. NDOT will make this decision based on its determination of the seriousness of the matter, the matter’s possible impact on the Proposer’s performance under the Contract, and the best interest of NDOT.

1. The Proposer/Major Participant will not, directly or indirectly, divulge information or data regarding the price or other terms of its Proposal to any other Proposer, or seek to obtain information or data regarding terms of any other Proposal, until after award of the Contract or rejection of all Proposals and cancellation of the RFP.
2. Pursuant to the NDOT Guidelines for Alternative Project Delivery, the Proposer/Major Participant nor its affiliates, nor any of its proposed team that may work on or benefit from the Contract through the Proposer has a possible conflict of interest other than the conflicts identified immediately below.

| ***Potential Conflicts (by person or entity affected)*** |
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(Attach an additional sheet if more space is needed.)

1. The DBE goal for the Project, once established in accordance with the Construction Services Amendment, will be met by the Contractor obtaining commitments equal to or exceeding the DBE percentage or providing a good faith effort to substantiate the attempt to meet the goal.
2. If awarded the Contract, the Contractor shall comply with all DBE requirements set forth in the Contract.
3. The Proposer/Major Participant has developed and has on file at each establishment affirmative action programs pursuant to 41 CFR Part 60-2; has participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925 and 11114, and that, where required, has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President’s Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.
4. The Proposer/Major Participant will comply with the FHWA Buy America Requirements of 23 CFR 635.410, and the Build America, Buy America Act, Section 70913 et seq. of the Infrastructure Investment and Jobs Act, Pub. L. 117-58, which permits FHWA participation in the Contract as more fully described in the Contract.
5. No federal appropriated funds have been paid or will be paid, by or on behalf of the Proposer/Major Participant or its affiliates, 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. 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 Proposer/Major Participant will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
6. The Proposer/Major Participant is properly authorized under the laws of the Nebraska to conduct business in this state; is duly registered with the Nebraska Secretary of State to the extent required by Nebraska law; and will remain in good standing to do business in the State of Nebraska for the duration of the Contract.
7. The Proposer/Major Participant is duly registered with the Nebraska Department of Revenue to collect and remit the sales and use tax imposed by Nebraska state law and will remain registered for the duration of Contract.
8. The Proposer/Major Participant is not delinquent on any state taxes or fees owed to the State of Nebraska and will remain in good standing for the duration of the Contract.

Under penalty of perjury, I certify that the foregoing is true and correct and that I am duly authorized to attest to these statements on behalf of the Proposer/Major Participant.

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| Signature |
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| Type or print name |
|  |
| Name of Company |
|  |
| Date |
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| Title of Officer signing |
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