METROPOLITAN TRANSIT AUTHORITY

REQUEST FOR QUALIFICATIONS

FOR

REVIEW APPRAISAL SERVICES

On An ‘As Needed’ Basis

METRO REQUEST FOR QUALIFICATIONS NO. 4020000085

METRO requests Statements of Qualifications (SOQs) from qualified consultant teams to perform the services noted above. **Advanced experience in this area is mandatory.**

SOQs are not to exceed seven (7) typed pages, and must be accompanied by an organization chart and

Please submit Seven (5) copies of the SOQ materials cited above.

**METRO must receive the Statement of Qualifications no later than**

2:00 p.m. local time, April 16, 2020.

Attention: Prinscella Abbs, Contract Services Assistant
RFQ No.: 4020000085
METROPOLITAN TRANSIT AUTHORITY
Procurement Division
Procurement Office Plan Room, 2021
1900 Main St., Houston, Texas 77002

Please contact Valencia Eaton with any questions about this RFQ.

EMAIL: valencia.eaton@ridemetro.org

METRO FUNDING 100%

**IMPORTANT – Notice to Proposer**

All responses to this solicitation must be labeled as indicated below and delivered or mailed to the following address:

| Metropolitan Transit Authority |
| Procurement Division |
| Plan Room, 2nd Floor |
| 1900 Main Street |
| Houston, Texas 77002 |

| Upper Left Corner of Envelope Must Indicate: |
| Proposer/Contractor Name and Address |

| Lower Left Corner of Envelope Must Indicate: |
| Solicitation Number |
| Due Date |
| Due Time |
| Solicitation Title |
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SECTION I – STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS AND INSTRUCTIONS

1 REQUEST FOR QUALIFICATIONS SUMMARY

RFQ NO.: 4020000085 RFQ ISSUE DATE: March 15, 2020

PROJECT NAME: Review Appraisal Services

For: Professional Real Estate Review Appraisal Services on an ‘As Needed’ Basis

ISSUED BY: Metropolitan Transit Authority of Harris County (METRO)

METRO Procurement Web site: https://www.ridemetroapp.org/procurement/

NOTE TO PROPOSERS: PROPOSERS ARE RESPONSIBLE FOR ALL INFORMATION IN THIS SOLICITATION, HOWEVER, PLEASE PAY PARTICULAR ATTENTION TO INFORMATION SHADED IN GRAY.

DISCIPLINARY EXPERIENCE: The team/firm selected to provide these services will have considerable local experience in all of the following disciplines:

• Certification by the Texas Appraiser Licensing and Certification Board
• MAI designation and preferable AI-GRS or AI-RRS designation
• Experience appraising properties in Harris County and surrounding counties
• Strong knowledge of the Houston region’s real estate market valuations and trends
• Significant experience in testifying as an expert witness

RECEIPT DATE/TIME/LOCATION of STATEMENT OF QUALIFICATIONS (SOQs): SOQs will be received until 2:00 p.m. local time on April 16, 2020 at the METRO Procurement Office Plan Room, 2nd floor, 1900 Main St., Houston, Texas 77002. Responders are to submit an original and seven (7) copies in a sealed envelope bearing the name and address of the Responder and the identification ‘Request for Qualifications No. 402000085.’ SOQs received will not be opened publicly. See additional submission requirements below in Article 2.

A PRE-SUBMITTAL BRIEFING will be held at 10:30 a.m. on March 31, 2020 in Conference Room #8005, 1900 Main St., Houston, Texas, 77002.
(Note: Check-in at the security desk is required, and a Procurement Representative will escort attendees to the meeting room.)

The purpose of the conference is to explain the solicitation requirements and answer any questions prospective proposers may have regarding the solicitation. All questions pertaining to this solicitation shall be presented IN WRITING to the above METRO representative at or prior to the Pre-Proposal Conference. All interested firms are strongly encouraged to attend.

Please click on this link to see parking lots available in downtown Houston near the 1900 Main Building. https://www.ridemetroapp.org/procurement/Documents/MetroParkingMap.pdf. Prospective submitters unable to attend the briefing in person may participate by telephone using the dial-in information provided below.

Dial-In Telephone No.: (866) 528-2256
Participant Passcode: 4078379

OBLIGATION: This Request for Qualifications does not obligate the Metropolitan Transit Authority to award a contract, or to pay any costs incurred in the preparation or submittal of any response.

PERFORMANCE PERIOD: The performance period for a contract resulting from this solicitation will be Three years. Services thereunder will be utilized on an ‘as needed’ basis.

REGISTRATION ON PROCUREMENT WEBSITE: All Responders MUST register on METRO’s procurement website at https://www.ridemetroapp.org/procurement/ to ensure that they receive the latest solicitations and updates via their registered e-mail address.

REPRODUCTION: All forms contained in this solicitation may be reproduced if more space is needed due to the number of subcontractors or suppliers to be submitted with the SOQ or for any other reason.

SMALL BUSINESS PARTICIPATION GOAL: METRO has adopted a Small Business Enterprise Program to encourage the participation of Small Business enterprises in contracting activities through race-gender neutral means. METRO sets Small Business Participation goals on its contracts. Small Business Participation goals can be satisfied by METRO-certified Small Businesses (SBE), Texas Unified Certification Program (TUCP)-certified Disadvantaged Business Enterprises (DBE), or a combination of both. All references to Small
METRO ENCOURAGES SMALL BUSINESS PARTICIPATION EVEN IF NO SMALL BUSINESS PARTICIPATION GOAL HAS BEEN ESTABLISHED.

METRO encourages Contractors to use financial institutions owned and controlled by socially and economically disadvantaged individuals. A listing of such institutions may be found at https://www.fdic.gov/regulations/resources/minority/mdii.html

WRITTEN QUESTIONS: Written questions will be accepted until 10:00 a.m., Friday, March 10, 2020. Submit questions to Valencia Eaton at valencia.eaton@ridemetro.org.

1 BACKGROUND
The Metropolitan Transit Authority (METRO) of Harris County, Texas requests Statements of Qualifications (SOQ’s) from qualified consultants to perform review appraisal services on behalf of METRO. Any and all review appraisal firms selected to serve METRO pursuant to this RFQ will serve as members of a pool of potential review appraisers for the next five (5) years. From time to time, METRO will select from members of the pool, a review appraisal firm to meet METRO’s review appraisal needs. Inclusion in the review appraiser pool does not guarantee participation in any or all METRO review appraisal requirements. Review appraisers will be selected in accordance with the attached Appraiser Selection Process guideline.

2 STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS
As a result of this RFQ, METRO will establish lists of qualified review appraisers in the following category:

Category VI – Appraisal Review

A. Include an introduction of all principal members of the firm, and joint venture, if a joint venture relationship is involved, and/or an introduction of all major subcontractors who may be involved in the performance of the work. For each firm described herein discuss primary business experience, length of time in business, ownership, the location of offices, pertinent telephone numbers and other matters offeror might deem pertinent and introductory in nature.

B. Offerors should complete a separate Cover Sheet and SOQ for the above category for which to have qualifications reviewed.

C. For the above category for which offerors wish to be considered, offerors shall submit one (1) original copy of the SOQ, as well as five (5) copies. Unnecessary elaborate proposals and/or lengthy presentations are not desired or required by METRO.

D. SOQ documents should be prepared in single-spaced type, on 8-1/2” x 11 pages. Pages should be numbered at the bottom to show the page number and total number of pages in the proposal; e.g., Page 1 of 15, page 2 of 15, etc.

E. SOQ documents shall be sectionalized as described below. Each section should be preceded by a blank page with an index tab extending beyond the far right side of the page. The index tab should have appropriate section number typed thereon.

3 EVALUATION CRITERIA

A. SOQs will not be publicly opened. METRO will evaluate all SOQs in accordance with the criteria listed in this section. In keeping with the core requirements listed above, the SOQ shall address the following METRO criteria. The evaluation criteria are identified with relative weights adding up to 100 points.

B. Submittals should be organized under the following headings and should address each topic to demonstrate the Respondent’s qualifications and ability to perform the Work.

CRITERIA

Maximum Points Available by Criteria

Proposer shall provide all services in accordance with Scope of Services, Exhibit “A”.

Experience of the Appraiser

Proposer must be a Texas Certified Real Estate Appraiser. Proposer must hold MAI designation and preferably the AI-GRS or the AI-RRS designation. Proposer shall have experience preparing Appraisals of Single-Family Residential

30 pts
Property; Appraisals of Complex Residential Property – One to Four Units; Appraisals of Unimproved Whole Property; Appraisals of Non-Residential Improved Whole Property; Appraisals of Various Property Interests (including fee simple, leased fee, leasehold, permanent easement and temporary easement) of a partial acquisition from an unimproved or improved property.

Experience/qualifications of the firm 25 pts

Proposer shall have a minimum of five years experience in preparing appraisals as identified above for a governmental entity with eminent domain authority for the purpose of real property acquisition. Proposer shall demonstrate ability to complete deliverables within aggressive timelines and ability to provide work product on multiple assignments concurrently.

Understanding of the Requirements 25 pts

Proposer shall a demonstrable knowledge and understanding of issues associated with acquisitions of real property and the power of eminent domain.

Method and approach to services 20 pts

Proposer shall demonstrate appraisals shall be performed pursuant to 49 C.F.R. Part 24, Section 24.103 which is consistent with the Uniform Standards of Professional Appraisal Practices.

4. EVALUATION / SOURCE SELECTION

A. Selection of a firm to provide the services required herein will be made by an Evaluation Committee. The Evaluation Committee will determine the most qualified firm(s) through validation of factors in described above and oral presentations, if necessary. If the decision is made to conduct oral presentations, oral presentations will be made accordingly.

B. The evaluation process may include the participation of an Oral Presentation Committee; an Executive Selection Committee, or a Board Selection Committee. The participation of the Executive Selection Committee or the Board Selection Committee may occur at the beginning of the evaluation process, foregoing an Evaluation Committee of staff members all together, or to become involved after the Evaluation Committee has made an initial shortlist. Board members may elect to participate as scoring members or non-scoring observers in any of these committees.

C. Following the evaluation of qualification submittals for Review Appraisal Services, METRO may, at its sole discretion:

1. Invite a short list of qualified Respondents to participate in oral interviews;
2. Take no further action; or
3. Modify (expand or reduce) the Scope of Services, Attachment A, and issue a Request for Submittal based upon the modified scope.

5 SMALL BUSINESS AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS

A. The Metropolitan Transit Authority of Harris County, Texas (METRO) has implemented a Small Business Enterprise Program, hereinafter referred to as the Program, for small businesses attempting to provide goods and/or services as prime Contractors to METRO or as subcontractors to other prime Contractors to METRO. It is the policy of METRO to promote equal opportunity and non-discrimination in all of its procurement matters in accordance with state and federal law. The Program seeks to provide METRO-certified Small Businesses (SBE) and Texas Unified Certification Program (TUCP)-certified Disadvantaged Businesses Enterprises (DBE) a full and fair opportunity to participate in METRO projects through race-gender neutral means. The Small Business Enterprise Program shall not be used to discriminate against any person or company or group of persons or companies because of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age. Each bidder, proposer, Contractor and subcontractor shall comply with this non-discrimination requirement.

B. The Small Business Enterprise Program is a separate program from METRO’s Disadvantaged Business Enterprise (DBE) Program which is administered by the federal government and applies to federally funded projects. METRO’s Small Business and Disadvantaged Business Enterprise Programs can be found at https://www.ridemetro.org/Pages/SB-FormsTemplates.aspx

C. Nothing in the Small Business or Disadvantaged Business Enterprise Programs should be construed to give a bidder or proposer a property interest in a Submittal or contract prior to the Board of Directors’ award of the contract and compliance with all statutory and legal requirements.

D. METRO has established a Small Business Participation goal for this solicitation. The Small Business Participation goal may be satisfied by utilizing METRO-certified Small Businesses or TUCP-certified Disadvantaged business enterprises or a combination...
of both. All references to Small Businesses include Disadvantaged Businesses. The Small Business Participation goal is: N/A%

RESPONDERS WHO FAIL TO COMMIT TO THE SMALL BUSINESS CONTRACT GOAL WILL BE DEEMED NONRESPONSIVE AND NO FURTHER CONSIDERATION WILL BE GIVEN TO THEIR SUBMISSION.

E. Small Business Goal Commitment for a Small Business Participation goal listed in above item D

1. **If a Small Business Participation goal is established in item D above**, bidders/proposers who fail to commit to the Small Business Participation goal will be deemed nonresponsive and no further consideration will be given to their Submittal.

2. Non-certified Small Business or TUCP Disadvantaged Business Enterprise primes must subcontract at a minimum the Small Business Participation goal percentage to certified Small Business firms, TUCP Disadvantaged Business Enterprise firms or a combination of both in order to satisfy the Small Business Participation goal requirement.

3. The performance of a METRO-certified Small Business or TUCP Disadvantaged Business Enterprise prime may satisfy the Small Business Participation goal requirement if:

   a) **The SBE/DBE prime self-performs at a minimum the Small Business Participation goal percentage**

   Example: Small Business Participation goal is 35%
             The SBE/DBE prime self-performs 35%
             The prime has satisfied the 35% Small Business Participation goal

   b) **The SBE/DBE prime combined with a SBE/DBE subcontractor performs at a minimum the Small Business Participation goal percentage**

   Example: Small Business Participation goal is 40%
             The SBE/DBE prime self-performs 35%
             SBE/DBE subcontractor performs 5%
             The prime has satisfied the 40% Small Business Participation goal

   c) **The SBE/DBE prime cannot self-perform 100% of the contract. The prime must subcontract to SBE/DBEs and/or non-SBE/DBEs at a minimum the Small Business Participation goal percentage**

   Example: Small Business Participation goal is 35%
             SBE/DBE prime self-performs 65%
             Subcontractors (certified and/or non-certified) perform 35%
             The prime has satisfied the 35% Small Business Participation goal

   d) **Joint venture Contractors with SBE/DBE partners will count towards the Small Business Participation goal only for the percentage of the SBE/DBE partner.**

   Example: Joint venture
             1 - Non-SBE/DBE partner @ 50% of joint venture
             1 - SBE/DBE partner @ 50% of joint venture
             Joint venturer is performing 30% of the contract = 15% Small Business participation

   e) **Joint venturers and their partners are prohibited from submitting as a prime and as a subcontractor on the same submission.**

   Example: Joint venturer submits as a prime
             Joint venture partners are listed as subcontractors on the same submission
             Joint venturers and partners are prohibited from submitting in this way

   f) **All prime Contractors, whether SBE/DBE or non-SBE/DBE, must always self-perform at a minimum thirty percent (30%) of the contract regardless of the Small Business Participation goal percentage**

   g) **Bidders/proposers are prohibited from multiple submissions** of Submittals, i.e. submitting as a prime Contractor in one submission and as a subcontractor in another submission for the same project. Such multiple submissions may result in the disqualification of all submissions where the bidder/proposer is listed.

   h) **Agreements between a bidder/proposer and a Small Business Enterprise or Disadvantaged Business Enterprise in which the SBE or DBE promises not to provide subcontracting quotations to other bidders/proposers shall be prohibited.**

   i) **SBEs and DBEs are limited to submitting as subcontractors on only four (4) Submittals for the same project. Failure to**
adhere to this four (4) Submittal limit may result in the disqualification of the offending SBE or DBE from all Submittals.

F. Required Small Business Documents

1. Contractor Utilization Plan

a) IT IS MANDATORY that every bidder or proposer submit a Contractor’s Utilization Plan (the ‘Plan’) when submitting a Submittal or response to request for qualifications, whether or not a Small Business Participation goal has been established.

b) The bidder/proposer must use this form to identify all subcontractors with whom the bidder/proposer intends to contract, specifying the agreed price and/or percentage to be paid each subcontractor for such work, and certifying the contract items and parts thereof to be performed by each subcontractor. Only percentages of Contract Work Effort are to be indicated when responding to RFQ/RFP submissions, as pricing is determined later in the procurement process.

c) If applicable, the Plan should set forth how the Small Business Participation goal for the proposed project is to be met. The Plan will be used by METRO as a factor in evaluating whether a bidder/proposer has complied with the requirements of the Program to satisfy the Small Business Participation goal.

d) If the Small Business participation submitted by the bidder/proposer does not meet an established Small Business Participation goal, if any, the bidder/proposer will be deemed non-responsive and will not be considered for contract award.

e) Failure to submit a complete Plan for a contract with a Small Business Participation goal will result in Submittal being deemed non-responsive and will not be considered for contract award.

f) When a Small Business Participation goal has been established, the Small Business Participation goal, the Contractor shall adhere to the Plan submitted unless a waiver is received from the Office of Small Business. Any changes in the Plan regarding the proposed use of certified subcontractors in discharging the contract duties must be approved by the Office of Small Business. The approval of the Office of Small Business will not be unreasonably withheld upon a showing of good cause to make the change.

g) When adding a certified subcontractor to the Plan with a Small Business Participation goal, the Contractor must submit a copy of the subcontract agreement to the Office of Small Business within fifteen (15) days of receiving approval from the Office of Small Business.

h) The Contractor Utilization Plan must include the following:

1) A simple, straight-forward statement outlining subcontractor participation regardless of certification, inclusive of scope, responsibilities and percentage of work.

2) Materials and supplies shall be counted towards the small business goal as follows:

   i. 100 percent of the cost of materials or supplies purchased from a small business manufacturer can be applied towards the Small Business Participation goal of a Contract. A manufacturer is defined as a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment of the general character described by the scope and/or specifications of the contract.

   ii. Sixty percent of the cost of materials or supplies purchased from a small business regular dealer can be applied towards the Small Business Participation goal of a Contract. A regular dealer is defined as a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the scope and/or specifications of the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

3) Copies of documents demonstrating that each Small Business team member is acceptably certified as either a METRO-certified Small Business or TUCP-certified Disadvantaged Business Enterprise, and verifying that such certification is current as of the date of submission.

   i. METRO accepts the following certifications:

   - SBE - Metropolitan Transit Authority of Harris County (METRO)
   - DBE - City of Houston/Texas Unified Certification Program (TUCP)
   - DBE - City of Austin
   - DBE – Corpus Christi Regional Transportation Authority
   - DBE – North Central Texas Regional Certification Agency
   - DBE – South Central Texas Regional Certification Agency
• Texas Department of Transportation (DOT) approved DBE certification

ii. **METRO does not** accept the following certifications:

• State of Texas HUB (Historically Underutilized Business)
• Minority Business Enterprise only
• Women Business Enterprise only
• City of Houston Small Business certification only

iii. If a proposer/bidder submits plans to add a firm as part of its small business participation that is not yet certified as referenced above, that firm must be either METRO Small Business- or TUCP Disadvantaged Business Enterprise-certified **prior** to the Submittal date. Firms certified after the Submittal date will not be counted towards the commitment. Additional Small Business certification information and forms may be found at METRO’s website: www.ridemetro.org under **Small Business**.

4) When requested, a timeline for performance by subcontractors.

5) Signature of the bidder/proposer

2. Business Assurance Statement (BAS)

   a) Bidders/proposers **are required to submit** an executed Business Assurance Statement form with their Submittal **when a Small Business Participation goal has been established**.

   b) Bidders/proposers must enter their Small Business Participation goal **commitment**. This includes the SBE/DBE prime’s participation if applicable.

   c) Bidders/proposers must enter into agreements with the subcontractors listed on the Plan

   d) Bidders/proposers must include the BAS Clauses in their subcontractor agreements

3. Letter of Intent (LOI)

   a) Bidders/proposers **are required to submit** a Letter of Intent form for all subcontractors **when a Small Business Participation goal has been established**.

   b) The Letters of Intent must be executed by the prime and the subcontractor

4. Contractor Utilization Plan Pledge (Pledge)

   a) Bidders/proposers **are required to submit** an executed Pledge form with their Submittal **when a Small Business Participation goal has been established**.

   b) Bidders/proposers must pledge prompt payment to **ALL** subcontractors

   c) Bidders/proposers must affirm adherence to METRO’s Non-discrimination Mandate.

   d) When applicable, bidders/proposers must pledge prompt payment of retainage

   e) Bidders/proposers must include the Pledge Clauses in their subcontractor agreements

G. Incentives Utilizing Small Businesses

1. Fees for Solicitation Documents. Submitters making a valid bid or proposal and participating in the Program will receive a refund for up to seven (7) sets of documents purchased from METRO.

2. Bid Security/Bond. A bid security will no longer be required except for federally funded construction solicitations exceeding $100,000.

3. METRO's Incentives. METRO may utilize other incentives, as set forth in the request for Submittal, as it determines appropriate.

H. METRO encourages Contractors to use financial institutions owned and controlled by socially and economically disadvantaged individuals. A listing of such institutions may be found at [https://www.fdic.gov/regulations/resources/minority/mdi.html](https://www.fdic.gov/regulations/resources/minority/mdi.html)

6 INSTRUCTIONS TO SOQ RESPONDERS
A. **APPROVAL OF CONTRACT**

If required by the METRO Procurement Manual, award of a Contract evolving from this solicitation shall be contingent upon the prior receipt of written approval from the METRO Board of Directors. No contractual agreement shall be binding on METRO until this approval has been obtained. It shall be the responsibility of firms responding to this solicitation to monitor Board award decisions. All persons and/or entities responding to this Solicitation hereby acknowledge the contract award requirement enumerated in this Paragraph. Anticipated Board Items are posted on METRO’s web site at: https://www.ridemetro.org/Pages/BoardMeetingsAndNotices.aspx

**Public Notice of Solicitation Results**

The anticipated METRO Board meeting month for approval of a contract resulting from this solicitation will be forthcoming. It is the responsibility of the proposer to check METRO’s website for notices on the specific dates for METRO Board meetings. All proposers of this Solicitation and METRO hereby agree that this provision shall serve as the minimum required action by the proposer toward exercising due diligence in obtaining the results of this Solicitation. The requirement of approval by the METRO Board of Directors for any particular solicitation is dependent upon several factors. However, all proposers shall be required to check the METRO web site regarding whether or not the solicitation associated with their proposal requires approval by the METRO Board of Directors. All persons and/or entities responding to this Solicitation hereby acknowledge the Public Notice of Solicitation Results enumerated in the Paragraph. METRO Board meeting notices are posted on METRO’s web site at: https://www.ridemetro.org/Pages/BoardMeetingsAndNotices.aspx

Unsuccessful proposers can request a debriefing by contacting the Contract Administrator named in this solicitation.

B. **CERTIFICATION**

By submitting a SOQ in response to this announcement, a Respondent certifies that neither its firm nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in this procurement process by any federal department or agency. Further, if any of the aforementioned situations occurs during the course of the procurement, the Respondent is required to inform METRO thereof. See Section XI, Exhibit C, ‘Debarment and Suspension Form.’

C. **CONFLICTS DISCLOSURE**

Vendors doing business with METRO or seeking to do business with METRO are required to file a completed questionnaire (FORM CIQ) disclosing the vendor’s affiliations or business relationship with any Board Member, local government officer (or his or her family member). Form CIQ is available on METRO’s web site at https://www.ridemetro.org/Pages/ConflictsDisclosure.aspx.

D. **DEBARMENT AND SUSPENSION**

1. This Contract is a covered transaction for purposes of 49 C.F.R. Part 29. As such, the Contractor is required to verify that none of the Contractor’s principals, as defined at 49 C.F.R. § 29.995, or affiliates, as defined at 49 C.F.R. § 29.905, are excluded or disqualified as defined at 49 C.F.R. § 29.940 and § 29.945.

2. The Contractor is required to comply with 49 C.F.R. § 29, Subpart C and must include the requirement to comply with 49 C.F.R. § 29, Subpart C in any lower tier covered transaction it enters into.

3. The Contractor must sign and submit the ‘Debarment and Suspension Certification,’ included herein as Exhibit C. The certification in this Clause is a material representation of fact relied upon by METRO. If it is later determined that the proposer knowingly rendered an erroneous certification, in addition to remedies available to METRO, the federal government may pursue available remedies, including but not limited to suspension and/or debarment. The proposer agrees to comply with the requirements of 49 C.F.R. § 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions. See Section XI, Exhibit C, ‘Debarment and Suspension Form.’

E. **ELIGIBILITY FOR AWARD**

1. Each proposer shall complete, and submit the applicable forms contained in this document. If the proposer is a joint venture, each joint venturer shall prepare and submit separate forms.

2. In order for a proposer to be eligible to be awarded the contract, a proposal must be responsive to the Request for Proposals, show the proposer’s technical competency, and METRO must be able to determine that the proposer is responsible to perform the contract satisfactorily.

3. A responsive proposal complies with all material aspects of the solicitation. Proposals that do not comply with all the terms and conditions of this solicitation will be rejected as nonresponsive.
4. Responsible proposers as a minimum must:
   a. Have financial resources adequate to perform the contract, or ability to obtain such resources as required during the performance of the contract;
   b. Have the necessary technical equipment, material and capability, including qualified supervision and skilled workforce, adequate to perform the contract, or the ability to obtain such resources as are required during the course of the contract;
   c. Have a satisfactory record of business integrity and ethics;
   d. Have a satisfactory record of current and/or past performance in behalf of METRO and/or other owners, including the areas of scheduling, submittals; record keeping, reporting, qualified supervision, skilled workforce, safety, quality of equipment, materials and workmanship, timely performance, warranties and guarantees;
   e. If applicable, have a satisfactory record as a Contractor of achieving Small Business Participation goals in past METRO projects, as well as providing evidence satisfactory to METRO that the proposer will comply with Small Business Program requirements and any Small Business Participation goal contained herein;
   f. Certify that it is not on the U.S. General Services Administration's 'Lists of Parties Excluded from Federal Procurement or Non-Procurement Programs.' Signing and submitting the proposal is so certifying;
   g. Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

5. A proposer may be requested to submit written evidence verifying that it meets the minimum criteria necessary to be determined a responsible proposer. Refusal to provide requested information will result in the proposer being declared non-responsive, and the proposal will be rejected.

F. PREPARATION OF STATEMENTS OF QUALIFICATIONS (SOQs)

In an effort to promote greater use of recycled and environmentally preferable products and to minimize waste, all Submittals should comply with the following:

1. All Submittals and copies should be printed on recycled paper with a minimum post-consumer content of thirty percent (30%) or on tree-free paper (i.e., paper made from raw materials other than trees, such as kenaf).

2. Unless absolutely necessary, all Submittals and copies should minimize or eliminate the use of non-recyclable or non-reusable materials, such as plastic report covers, plastic dividers, vinyl sleeves and bindings.

3. To further reduce the use of materials not essential to Submittals, METRO encourages Responders to forgo the use of three-ring binders or glued materials when assembling the originals and copies of the SOQ. Standard Form 330 Parts I and II, and other required information. Instead, METRO prefers and appreciates the use of paper clips, binder clips, staples, rubber bands, and other materials containing recycled content, such as folders, paper clips, discs or thumb drives, envelopes, boxes, etc. METRO also appreciates receiving Submittals assembled in formats that allow for easy removal and recycling of paper and other materials.

4. Unnecessary samples, attachments or documents not specifically asked for should not be submitted with a Submittal.

G. PROHIBITION ON LOBBYING

No Responder shall, directly or indirectly, engage in any conduct (other than the submission of the SOQ or other prescribed submissions and/or presentations before the Evaluation or Selection Committees) to influence any employee of METRO or any member of the Metropolitan Transit Authority Board of Directors concerning the award of a contract as a result of this Solicitation. Violation of this prohibition may result in disqualification of the Bidder or Proposer from further participation in the solicitation for the services or goods sought herein or from participation in future METRO solicitations or contracts. The communication blackout period shall commence from the issue of a solicitation through contract award. The Contract Administrator is the only METRO representative authorized to communicate with firms or their representatives during the blackout period.

H. PROTESTS

1. Any protest of the Request for Qualifications shall be submitted for resolution to the Chief Procurement Officer. Such protest shall be in writing and shall be supported by the information set forth in Chapter 12 of METRO's Procurement Manual to enable the protest to be considered. A protest will not be considered if it is insufficiently supported or it is not received within the time limits specified herein.

2. A protest based upon terms, conditions or form of a proposed procurement action prior to submission of qualifications, shall
be submitted so that it is received by the Chief Procurement Officer no later than five (5) calendar days prior to the specified date for submission of qualifications.

3. For a protest concerning award decision, including evaluations, the initial protest must be received by the Chief Procurement Officer not later than five (5) calendar days after the interested party knows, or through exercise of reasonable diligence should have known, whichever is earlier, of the grounds for the protest.

4. Each protest will be processed in accordance with METRO’s Protest Procedures located in Chapter 12 of METRO’s Procurement Manual. A copy of the procedures will be provided to the protester upon written request to METRO’s Chief Procurement Officer.

5. A written final determination on any protest will be rendered by METRO’s President & Chief Executive Officer and will be provided to the protester as soon as practicable.

6. The protester must exhaust its administrative remedies by pursuing METRO’s protest procedures to completion prior to appealing METRO’s decision to the FTA.

7. Federal Transit Administration (FTA) Circular 4220.1F, Paragraph 7L, addresses bid protests. A copy of this Paragraph will be provided to the protester upon written request to METRO. Review of a protest by FTA will be limited to a grantee’s failure to have or follow its written protest procedures or its failure to review a complaint or protest or violation of federal law or regulation. An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of any adverse decision by METRO, or other basis of appeal to the FTA. Violations of a specific federal law or regulation will be handled by the complaint process stated with that law or regulation. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities.

I. RESTRICTIONS ON LOBBYING

Contractors who apply or propose for an award of $100,000 or more shall file the certification required by 49 C.F.R. part 20, ‘New Restrictions on Lobbying.’ Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contracts on its behalf with non-federal funds with respect to that federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier, up to the recipient. See Section XI, Exhibit B, ‘Certification of Restrictions on Lobbying.’

7 STATEMENT OF QUALIFICATIONS (SOQ) FORMS SUBMISSION CHECKLIST

Insert requested information and sign and date where indicated.

SUBMIT WITH COMPLETED SUBMITTAL

☐ Statement of Qualifications, responses to Evaluation Criteria Section I, No. 2 A
☐ Organization Chart Section I, No. 2 D
☐ Standard Form 330, Part I (prime) and Part II
   (For each subconsultant/subcontractor) Section I, No. 2 C
☐ ‘Certification of Restrictions on Lobbying’ form Section II, Exhibit B
☐ ‘Debarment and Suspension Certification’ form Section II, Exhibit C
☐ ‘Contractor’s Utilization Plan’ form Section II, Exhibit D, Form 1

SUBMIT IF A SMALL BUSINESS GOAL IS ESTABLISHED

☐ ‘Business Assurance Statement’ form Section II, Exhibit D, Form 2
☐ ‘Subcontractor/Supplier Letter of Intent’ form Section II, Exhibit D, Form 3
☐ ‘Contractor’s Utilization Plan Pledge’ form Section II, Exhibit D, Form 4
☐ Acceptable certification documentation

SUBMIT ONLY IF APPLICABLE

☐ Evidence of attainment of proper license or permit, if special licensing or permitting is required by federal, state or local law or ordinance.
1 EXHIBIT A SCOPE OF SERVICES

Exhibit A – Scope of Services

Review Appraisal Services - ensuring, accuracy and appropriate consideration of appraisal theory in order to recommend a consistent indication of market value.

1.1 A review appraiser, at minimum, must be state licensed and hold an MAI designation and preferably hold the AI-GRS or the AI-RRS designation.

1.2 Review appraisers shall review appraisals prepared by METRO’s independent appraisers. The review appraiser shall:

- Examine the presentation and analysis of market information in all appraisals to assure that they meet the definition of appraisal found in 49 C.F.R. Part 24.2(a)(3) and appraisal requirements found in 49 C.F.R. Part 24.103
- Assure that the analysis of market information supports the appraiser’s opinion of value
- Identify each appraisal report as recommended accepted or not accepted (The review appraiser should find an appraisal ‘not acceptable’ only after he or she has been unsuccessful in working with the appraiser to obtain an acceptable appraisal.)
- Prepare a written report identifying the appraisal reports reviewed
- Document the findings and conclusions arrived at during the review of the appraisal(s)
- Prepare a signed certification stating the parameters of the review and the approved value

1.3 Provide one (1) hard copy and an electronic copy of the review appraisal report.

1.4 All services, including reports, opinions, and information, to be furnished under this Scope of Work are confidential and shall not be divulged, in whole or in part, without prior written approval of METRO, except as testimony under oath in a judicial proceeding or as otherwise required by law. The Review Appraiser shall take all necessary steps to ensure that no member of the Review Appraiser’s staff or organization divulges any such information except as may be required by law.
EXHIBIT B CERTIFICATION OF RESTRICTIONS ON LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

A. No federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an office or employee of any agency, a member of Congress, an officer or employee 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 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. After a Contract is awarded by METRO, if applicable, the undersigned is also required to submit to METRO's Contracting Officer a signed copy of the Form-LLL, ‘Disclosure Form to Report Lobbying,’ for all sub-awards at all tiers in excess of $100,000.00.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. Once a Contract is awarded by METRO, the undersigned is also required to submit to METRO's Contracting Officer a signed copy of the certificate for all sub-contracts at all tiers in excess of $100,000.00.

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 ____________________, 20__

Company Name: _____________________________________________

By: ________________________________________________________

(Signature of Company Official)

___________________________________________________________

(Title of Company Official)
EXHIBIT C DEBARMENT AND SUSPENSION FORM

The undersigned certifies, by submission of this certification, that neither the proposer’s/contractor’s company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

If the company is unable to certify to any of the statements in this certification, the company shall attach an explanation to this certification.

I hereby certify that I am authorized to execute this certification on behalf of the company and certify the truthfulness and accuracy of the contents herein or attached hereto to the best of my belief. The company does/does not (strike one) have in-house legal counsel.

Company Name: ________________________________

By: ________________________________
   Signature of Company Official   Date

______________________________
   Title of Company Official

The following shall also be completed if the Company has in-house legal counsel:

The undersigned legal counsel for ________________________________ hereby certifies that ________________________________ has authority under state and local law to comply with the subject assurances and that the certification above has been legally made.

______________________________
   Signature of Company’s Attorney   Date
INSTRUCTIONS TO COMPLETING CONTRACTOR UTILIZATION PLAN FORM

The Contractor Utilization Plan identifies the bidder’s/proposer’s (prime) team of certified and non-certified subcontractors and suppliers. It is also used to determine the percent (%) of Small Business (SB) participation on the team. All team members must be listed on the form regardless of certification status. Make additional copies of the appropriate Section(s) of the form, if needed, to include all team members.

Information applicable to all members of the team in Sections 1, 2, 3 & 4 of the CUP:

- Name, tax identification number, business address and contact information of prime, subcontractors and suppliers.
- Brief description of work to be performed by prime or subcontractors; or products to be provided by the suppliers.
- Certification status of prime, subcontractor(s) and supplier(s). Include a copy of the METRO SBE certificate or a DBE certificate for any applicable members of the team. Be sure to reference the solicitation regarding the types of SB certifications that METRO accepts or visit the METRO website www.ridemetro.org and go to the Small Business link.
- Percentages of the total contract value to be performed by the prime and each subcontractor and supplier. (Note: The total of all team members must equal 100%.)
- Price is REQUIRED on this form when responding to “Invitations for Bid” (IFB) solicitations. Price is only required on the FINAL CUP for “Requests for Qualifications” (RFQ) or “Requests for Proposals” (RFP) solicitations.

<table>
<thead>
<tr>
<th>Name of Business</th>
<th>Type of Work to be Performed or Materials Supplied</th>
<th>Indicate if SBE/DBE (Y/N)</th>
<th>Percent of Contract Effort</th>
<th>Price (IFB ONLY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax ID No.</td>
<td>SBE</td>
<td>DBE</td>
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<td>Business Address</td>
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CUP Completion Instructions continued on next page
Section 1 – Prime Contractor: This Section is only for the bidder’s/proposer’s information.

Section 2 – Subcontractors: This Section is used to list all certified and non-certified subcontractors.

Section 3 – Suppliers – Manufacturers (100%): In this section, list all certified and non-certified suppliers that manufacturer or produce the product they are providing.

- 100% of each certified supplier’s contract value (or percentage) will count towards the SB goal.

Section 4 – Suppliers – Dealers (60%): In this section, list all certified and non-certified suppliers that purchase their products from a wholesaler.

- 60% of each certified supplier’s contract value (or percentage) will count towards the SB goal.
- Note that the “Percent of Contract Effort” in this section is divided into 2 parts: “100%” and “60%”. BOTH PERCENTAGES MUST BE SPECIFIED IF A SUPPLIER IS CERTIFIED.
- The “100%” represents the total value of the P.O. (or Contract) as a percentage of the total value of the bid. For example: If the total bid is $1,000,000 and the P.O. value is $100,000, then the 100% value = 10% and the 60% value = 6%. In this example, only 6% ($60,000) will be counted towards the SB goal. See example below:

<table>
<thead>
<tr>
<th>Percent of Contract Effort</th>
<th>Price (IFB ONLY)</th>
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</thead>
<tbody>
<tr>
<td>100% Value (%):</td>
<td>100% Value ($)</td>
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<tr>
<td>100%</td>
<td>$100,000</td>
</tr>
<tr>
<td>60% Value (%):</td>
<td>60% Value ($)</td>
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<tr>
<td>6%</td>
<td>$60,000</td>
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</tbody>
</table>

- Reminder: In the case of an RFP or RFQ, only specify the percentages.

Summary Totals & SBE/DBE Participation Section

- In this section, under “TOTAL AMOUNT OF BID/PROPOSAL”, specify the dollar amounts and the corresponding percentages relative to the total proposal amount from Sections 1, 2, 3, & 4. (Important: The total dollars must match your proposal amount and the corresponding percentages must total to 100%).
- Under “% SBE/DBE Participation” specify the percent of SB participation per Sections 1, 2, 3 & 4. See IFB example below:

**EXAMPLE ONLY SCENARIO:** The Prime is not certified, and all of the subcontractors and suppliers are certified firms. The Small Business goal is 35%.

<table>
<thead>
<tr>
<th>TOTAL AMOUNT OF BID/PROPOSAL</th>
<th>% SBE/DBE Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIME: $500,000</td>
<td>50%</td>
</tr>
<tr>
<td>SUBCONTRACTORS: $300,000</td>
<td>30%</td>
</tr>
<tr>
<td>SUPPLIER-MANUFACTURERS: $100,000</td>
<td>10%</td>
</tr>
<tr>
<td>SUPPLIERS-DEALERS: $100,000</td>
<td>10%</td>
</tr>
<tr>
<td>TOTAL BID/PROPOSAL AMOUNT: $1,000,000</td>
<td>100%</td>
</tr>
</tbody>
</table>

(Note: If the solicitation is an RFP or RFQ, only specify the percentages.)

Remember to submit all Sections, enter the information highlighted in yellow below, sign and date the form.

Submitted By: ___________________________  Business Name: ___________________________
Signature of Owner/Officer of Business (Date)  Telephone/Email: ___________________________
Address: ___________________________
Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

<table>
<thead>
<tr>
<th>Section 1 – PRIME CONTRACTOR</th>
<th>Type of Work to be Performed or Materials Supplied</th>
<th>Indicate if SBE/DBE (Y/N)</th>
<th>Percent of Contract Effort</th>
<th>Price (IFB ONLY)</th>
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<tr>
<th>Section 2 – SUBCONTRACTORS</th>
<th>Type of Work to be Performed or Materials Supplied</th>
<th>Indicate if SBE/DBE (Y/N)</th>
<th>Percent of Contract Effort</th>
<th>Price (IFB ONLY)</th>
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<td>Name of Business</td>
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| Name of Business             |                                                   |                           |                           |                 |
| Tax ID No.                   |                                                   |                           |                           |                 |
| Business Address             |                                                   |                           |                           |                 |
| Telephone No.                |                                                   |                           |                           |                 |
| Contact Person               |                                                   |                           |                           |                 |
| Title                        |                                                   |                           |                           |                 |
| Email Address                |                                                   |                           |                           |                 |
Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

<table>
<thead>
<tr>
<th>Section 3 – SUPPLIERS – MANUFACTURERS 100%</th>
<th>Counts for 100% toward small business goal when purchased from small business manufacturer (see Instructions to Bidders/Proposers).</th>
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<tbody>
<tr>
<td><strong>Type of Work to be Performed or Materials Supplied</strong></td>
<td><strong>Indicate if SBE/DBE (Y/N)</strong></td>
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<td>Name of Business</td>
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</table>
Bidder/Proposer presents the following participants in this solicitation and any resulting contract.

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<tr>
<th>Section 4 – SUPPLIERS – DEALERS 60%</th>
<th>Counts for 60% toward small business goal when purchased from small business regular dealer (see Instructions to Bidders/Proposers).</th>
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<tbody>
<tr>
<td>Name of Business</td>
<td>Type of Work to be Performed or Materials Supplied</td>
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<td>Tax ID No.</td>
<td>Indicate if SBE/DBE (Y/N)</td>
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<td>Telephone No.</td>
<td>Percent of Contract Effort</td>
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<td>Contact Person</td>
<td>Price (IFB ONLY)</td>
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</table>

**TOTAL AMOUNT OF BID/PROPOSAL % SBE/DBE Participation**

- PRIME: $ __________________________ %  
- SUBCONTRACTORS: $ __________________________ %  
- SUPPLIERS-MANUFACTURERS: $ __________________________ %  
- SUPPLIERS-DEALERS: $ __________________________ %

**TOTAL BID/PROPOSAL AMOUNT: $ __________________________ %**

The Contractor agrees to adhere to this Plan submitted unless a waiver is received from the Office of Small Business. Any changes in the Plan regarding the proposed use of certified subcontractors in discharging the contract duties must be approved by the Office of Small Business. The approval of the Office of Small Business will not be unreasonably withheld upon a showing of good cause to make the change.

Submitted By: __________________________
Signature of Owner/Officer of Business (Date)

Business Name: __________________________
Address: __________________________
Telephone/Email: __________________________
Form 2  BUSINESS ASSURANCE STATEMENT

The undersigned certifies that he/she has read, understands and agrees to be bound by the small business provisions set forth in this Solicitation. The undersigned further certifies that he/she is legally authorized by the bidder/contractor to make the statements and representations in this solicitation and that said statements and representations are true and accurate to the best of his/her knowledge and belief. The undersigned agrees to attain the small business utilization percentages of the total offer amount as set forth below:

Small Business contract Goal Commitment = ___% - must match commitment on the Contractor Utilization Plan form

The undersigned will enter into formal agreement(s) for work to be identified on the ‘Contractor Utilization Plan Form’ form conditioned upon execution of a contract with METRO and agrees to include the two assurance statements below in all subcontracts.

Copies of the subcontract agreements will be submitted to the Contracting Officer within fifteen 15 days of contract award and within fifteen 15 days of the addition of new subcontractors to the Contractor Utilization Plan.

The undersigned certifies that the firm shown below has not discriminated against any subcontractors because of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age, but has provided full and equal opportunity to all potential subcontractors irrespective of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age.

The undersigned understands that if any of the statements and representations are made knowing them to be false or there is a failure to implement any of the stated intentions, objectives, goals, and commitments set forth herein without prior approval of METRO's President & Chief Executive Officer or duly authorized representative, the bidder/contractor will be subject to the loss of any Contractor, the termination thereof resulting from this proposal, and could be ineligible for future METRO contract awards.

Signature: ___________________________________________________________

Title: __________________________ Date of Signing: ______________________

Firm or Corporation: ____________________________________________________________________

Address: ____________________________________________________________________________

_____________________________________________________________________________________

Telephone Number: __________________________
Form 3 SUBCONTRACTOR/SUPPLIER LETTER OF INTENT

PLEASE SUBMIT SEPARATE FORMS FOR EACH SUBCONTRACTOR/SUPPLIER

For use by submitters to identify subcontractors and suppliers.

Solicitation No.: ____________________________

Project Title: ____________________________________________________________

Prime Contractor: ___________________________________________________________________

Subcontractor/Supplier: ___________________________________________________________________

Small Business  Yes ☐  No ☐  Disadvantaged Business: Yes ☐  No ☐

Contact Name: ___________________________________________________________________

Address: _____________________________________________________________________________

Phone: ___________________________  Fax: _______________________________________________

Period of Performance: ____________________________________________________________

Description of proposed materials or services to be performed under the Contract Utilization Plan:

_________________________________________________________________________________

Signature of Subcontractor/Supplier  Title

_________________________________________________________________________________

Signature of Prime Contractor  Title
Form 4 CONTRACTOR UTILIZATION PLAN PLEDGE

Copies of the Subcontract Agreements will be submitted to the Contracting Officer within fifteen (15) days of Contract award and within fifteen (15) days of the addition of new Subcontractors to the Contractor Utilization Plan and will include the Clauses below:

Pledge of Prompt Payments

I pledge to pay all Subcontractors within five (5) business days after receiving payment from METRO for amounts previously invoiced for work performed or materials furnished under the Contract.

Signature: ______________________________
Title: _________________________________
Date: _________________________________

METRO’s Non-discrimination Mandate

I affirm that __________________________ (Company name) adheres to METRO’s Non-discrimination Mandate and has not discriminated against any subcontractors in considering subcontracting opportunities based on race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age.

Signature: ______________________________
Title: _________________________________
Date: _________________________________

(FOR CONSTRUCTION CONTRACTS)

I pledge to release the retainage of all Subcontractors within thirty (30) days after satisfactory completion and approval of work performed. Subcontractors may petition the prime Contractor to make the final payment and may notify METRO of the request. As METRO releases retainage for payment to the Subcontractor, the prime Contractor is required to immediately (within 15 days) pay the Subcontractor. The release of retainage will be made to the Subcontractor regardless of the prime invoicing METRO.

Signature: ______________________________
Title: _________________________________
Date: _________________________________
Please refer to the current versions of METRO’s Codes of Ethics for METRO Employees and for the METRO Board of Directors at https://www.ridemetro.org/Pages/ConflictsDisclosure.aspx
EXHIBIT G  INSURANCE REQUIREMENTS

1. CONTRACTOR'S INSURANCE

A. The Contractor shall purchase and maintain in effect during the entire period of this contract, including any maintenance period thereof, insurance of the types and with minimum limits of liability as stated below. Such insurance shall protect Contractor from claims which may arise out of or result from Contractor's operations whether such operations are performed by Contractor or by any subcontractor or by anyone for whose acts any of them may be liable.

WORKERS' COMPENSATION INSURANCE providing Statutory Benefits in accordance with the Workers' Compensation Act of the State of Texas and/or any other State or Federal law as may be applicable to the work being performed under this contract.

EMPLOYER'S LIABILITY with limits of liability not less than:

- $1,000,000 Each Accident
- $1,000,000 Each Employee for Disease
- $1,000,000 Policy Limit for Disease

Policy shall be endorsed with a waiver of subrogation recognizing the waiver of all rights of subrogation or recovery against METRO as stated in paragraph B. below.

COMMERCIAL GENERAL LIABILITY utilizing Insurance Services Office Form CG 00 01 or its substantial equivalent providing coverage on an "occurrence" basis, including bodily injury, property damage, and products and completed operations with limits no less than:

- $1,000,000 Each Occurrence
- $2,000,000 General Aggregate
- $2,000,000 Products and Completed Operations Liability Aggregate

- Policy shall be endorsed to name METRO as Additional Insured as respects Contractor's operations in performance of this contract.
- Policy shall be endorsed with a waiver of subrogation recognizing the waiver of all rights of subrogation or recovery against METRO as stated in paragraph B. below.
- Such insurance shall be primary and non-contributing with any other valid and collectible insurance or self-insurance available to METRO.

BUSINESS AUTOMOBILE LIABILITY utilizing Insurance Services Office Form CA 00 01 or its substantial equivalent including liability coverage for all autos owned, rented, hired or borrowed by the Contractor, as well as liability coverage for mobile equipment subject to compulsory insurance or financial responsibility laws or other motor vehicle insurance laws with the following minimum limit:

- $1,000,000 Any One Accident- Combined Single Limit

- Policy shall be endorsed to name METRO as Additional Insured as respects Contractor's operations in performance of this contract.
- Policy shall be endorsed with a waiver of subrogation recognizing the waiver of all rights of subrogation or recovery against METRO as stated in paragraph B. below.
- Such insurance shall be primary and non-contributing with any other valid and collectible insurance or self-insurance available to METRO.

PROFESSIONAL LIABILITY covering acts, error or omissions arising out of the rendition of or failure to render professional services, whether committed or alleged to have been committed by the Contractor or by its employees, subcontractors, consultants or other to whom the Contractor is legally responsible. The limit of liability shall not be less than:

- $1,000,000 Each Occurrence

Contractor shall maintain Professional Liability insurance for not less than five years following completion of services performed under this contract and shall so evidence by Certificate of Insurance each year.

The following provisions apply with respect to all insurance coverages required above:

The insurance coverages required in this section shall not limit the Contractor's liability or limit the indemnification provisions set forth herein.

If the Contractor maintains higher limit than the minimums shown above, METRO requires and shall be entitled to coverage for the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specific minimum limits of
insurance and coverage shall be available to METRO.

The limits of liability as required above may be provided by a single policy of insurance or by a combination of primary, excess or umbrella policies. But in no event shall the total limits of liability available for any one occurrence or accident be less than the amount required above.

All policies of insurance presented as proof of compliance with the above requirements shall be on forms and with insurance companies approved by METRO. All such insurance policies shall be provided by insurance companies having Best's ratings of A- or greater and VI or greater (A- VI) as shown in the most current issue of Best's Key Rating Guide. Policies of insurance issued by insurance companies not rated by Best's or having Best's ratings lower than A- VI will not be accepted as complying with the insurance requirements of the contract unless such insurance companies were approved in writing prior to award of contract.

B. Contractor agrees to waive all rights of subrogation or recovery against METRO arising out of any claims for injury(ies) or damages resulting from the work performed by or on behalf of Contractor under this agreement and/or the use of any METRO premises or equipment in the performance of this agreement.

C. Proof of compliance with these insurance requirements shall be furnished to METRO in the form of an original certificate of insurance including the endorsements mentioned in section A. above, or copies of the applicable policy language effecting required coverage signed by an authorized representative or agent of the insurance company(ies), within fourteen (14) days of notice of award of contract and before any work under this contract will be allowed to commence. Certificates will be unacceptable unless they clearly show that all of the above stipulated requirements have been met. Renewal or replacement certificates shall be furnished METRO not less than seven (7) days prior to the expiration or termination date of the applicable policy(ies). Otherwise, METRO may halt all work under this contract upon expiration or other termination of any required coverage, and work will not be allowed to resume until a satisfactory renewal certificate is received.

D. The Certificate Holder shall read as follows on the Certificate of Insurance:

**Metropolitan Transit Authority of Harris County, TX (METRO)**
1900 Main St
Houston, TX 77002

Contractor shall require any and all subcontractors performing work under this contract to obtain and maintain the insurance coverage specified in this section. Such insurance shall be endorsed to name METRO and its directors, officers and employees as Additional Insured as respects to subcontractor's operations in performance of this contract. In addition, subcontractor and their respective insurers providing the required insurance coverage will waive all rights of subrogation or recovery against METRO providing such coverage shall be endorsed to recognize this required waiver of subrogation. The insurance limits may be provided through a combination of primary and excess policies, including the umbrella form of policy. In the event a subcontractor is unable to furnish insurance in the limits required under this contract, the Contractor shall endorse the subcontractor as an Additional Insured on its General Liability and Automobile Liability policies and provide METRO a certificate of insurance showing such coverage.

Such insurance will be primary and non-contributing with any other insurance and be in a form and from insurance companies reasonably acceptable to METRO.

Any request to deviate from the stipulated insurance limits required of subcontractor must be approved by METRO and will be based solely on the scope of work to be performed by the subcontractor. Contractor shall obtain and make available for inspection by METRO upon request current certificates of insurance evidencing insurance coverages carried by subcontractor.

2. **INDEMNIFICATION AGREEMENT**

A. **CONTRACTOR AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS METRO, ITS DIRECTORS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS AND ATTORNEY’S FEES, FOR BODILY INJURY, SICKNESS, DISEASE OR DEATH OF ANY PERSON, OR FOR DAMAGES TO ANY PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES OR LOSS OF USE THEREOF, BROUGHT OR RECOVERABLE BY THIRD PARTIES AGAINST METRO, ITS DIRECTORS AND/OR EMPLOYEES AND ARISING OUT OF OR RESULTING FROM ANY NEGLIGENT ACT OR OMISSION BY CONTRACTOR IN THE PERFORMANCE OF THIS CONTRACT. CONTRACTOR AGREES TO PROVIDE ACKNOWLEDGEMENT OF INDEMNIFICATION WITHIN TEN DAYS FROM RECEIPT OF DEMAND FOR INDEMNIFICATION FROM METRO.**

B. **THE INDEMNITY PROVIDED FOR IN THIS ARTICLE SHALL HAVE NO APPLICATION TO ANY CLAIM, LOSS OR DAMAGE, CAUSE OF ACTION, SUIT OR LIABILITY BROUGHT OR RECOVERABLE AGAINST METRO, ITS DIRECTORS AND/OR EMPLOYEES TO THE EXTENT THE INJURY, DEATH OR DAMAGE RESULTS SOLELY FROM A GROSS NEGLIGENT ACT OR WILLFUL BEHAVIOR BY METRO.**

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