

APRIL 21, 2017

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**ATTACHMENT A
CONFLICT OF INTEREST
DISCLOSURE STATEMENT**

_____ certifies that it has no real or perceived conflict of interest in relation to services of the MBTA contract agreement for _____ and furthermore to take any action or supply any information necessary should a conflict of interest arise.

Authorized Signature: _____

Title or Position: _____

Date: _____

**ATTACHMENT C
SCHEDULE OF PARTICIPATION
OF
DISADVANTAGED BUSINESS ENTERPRISE**

Project No. _____
Location: _____

Name of Disadvantaged Business	Address	Type of Work and Contract Items or Parts Thereof to be Performed	NAICS Code(s)	Projected Start and Finish Date for Work	Agreed Price

Name of Respondent: _____

A copy of the DBE's most recent certification and an original affidavit must be attached to this schedule.

**ATTACHMENT D
DBE AFFIDAVIT**

Form C No. _____

MBTA Contract No. _____

State of _____ (Date) _____

County of _____ S.S.

The undersigned being duly sworn, deposes and says that he/she is the

(sole owner; partner; president; treasurer; or other duly authorized official of a corporation)

of _____
(Name of DBE)

and certifies that since the date of its certification by Massachusetts Supplier Diversity Office (SDO) to perform work in the following NAICS Code(s):

NAICS Code(s)

The certification has not been revoked nor has it expired nor has there been any change in the minority status of

(Name of DBE)

(Signature and Title of
Person Making Affidavit)

Sworn to before me this _____ day of _____, 20_____.

(Notary Public)

Note: The Bidder must attach the DBE's most recent certification letter or document to this affidavit.

**ATTACHMENT E
DBE
UNAVAILABLE CERTIFICATION**

I, _____ , _____
(name) (title)

of _____ , certify that on _____
(prime bidder) (date)

I contacted the following Disadvantaged Business Enterprise to obtain an estimate for work items to be performed on MBTA Contract No. _____.

Disadvantaged Respondent	Work Items Sought
_____	_____
_____	_____
_____	_____

To the best of my knowledge and belief, said Disadvantaged Business Enterprise was unavailable for work on this project, or unable to prepare an estimate for the following reason(s):

Signature: _____ Date: _____

_____ was offered an opportunity to respond on above-referenced work on _____ by _____.
(name of business enterprise)

_____ Date _____ Source _____

The above statement is a true and accurate account of why I did not submit an estimate on this project.

Signature of DBE Authorized Representative

Title

Date

A separate unavailability certification form should be completed for each DBE.

**ATTACHMENT F
DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION
LETTER OF INTENT**

MBTA Contract No. _____
Description: _____

To: _____
(Name of Prime Respondent)

The undersigned intends to perform work in connection with the above project as (check one):

_____ individual _____ DBE _____ partnership _____ joint venture

The Disadvantaged Business status of the undersigned is confirmed

- 1 on the reference list of Disadvantaged Business Enterprises dated _____ or
- 2 on the attached Disadvantaged Business Enterprise identification Statement.

The undersigned is prepared to perform the following work in connection with the above project.
(Specify in detail particular work items or parts thereof to be performed and specify for each work item the applicable NAICS code for which the undersigned is certified):

At the following price: _____

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

Projected Items	Projected Commencement Date	Completion Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

The above work will not be sublet to a non-Disadvantaged Business Enterprise at any tier. The undersigned will enter into a formal agreement for the above work with you, conditioned upon your execution of a contract with the MBTA.

Date _____
Name of Disadvantaged Business Enterprise _____

By Authorized Representative _____

**ATTACHMENT G
GOVERNMENT-WIDE DEBARMENT
AND SUSPENSION**

By signing and submitting this bid or proposal, the prospective lower tier participant is providing the signed certification set out below.

1. 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 Authority may pursue available remedies, including suspension and/or debarment.
2. The prospective lower tier participant shall provide immediate written notice to the Authority if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact the Authority for assistance in obtaining a copy of those regulations.
4. 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 in writing by the Authority.
5. The prospective lower 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 Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List issued by U.S. General Service Administration.
7. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for transactions authorized under Paragraph 4 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 all remedies available to the Federal Government, the Authority may pursue available remedies including suspension and/or debarment.

**"Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transaction"**

The prospective lower tier participant certifies, by submission of this bid or proposal, that neither it nor its "principals" [as defined at 49 C.F.R. § 29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

When the prospective lower tier participant is unable to certify to the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name

Firm

Date

ATTACHMENT H
CERTIFICATION OF RESTRICTIONS ON LOBBYING
APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an 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.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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 (as amended by the Lobbying Disclosure Act of 1995). 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.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Engineer, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Engineer understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

Signature of Engineer's Authorized Official

Name and Title of Engineer's Authorized Official

Date

**ATTACHMENT I
CERTIFICATION OF COMPLIANCE
CHILD CARE
REGULATION 102 CMR 12.00**

The undersigned hereby certifies that, if awarded this contract, he/she will comply, to the extent required by law, with Section 7 of Massachusetts General Law, Chapter 521 of the Acts of 1990, as amended by Chapter 329 of the Acts of 1991 and the Massachusetts Executive Office of Health and Human Services – Office of Children – Regulation 102 CMR 12.00.

Signature: _____
Authorized Representative

Position: _____

Company Name: _____

Date: _____

ATTACHMENT J
CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or organization, entity, or group of individuals.

Signature: _____

Position: _____

Company Name: _____

Date: _____

ATTACHMENT L

**United States Occupational Safety and Health Administration
Personnel Training Certification**

By signing and submitting this bid or proposal, the prospective participant is providing the signed certification set out below.

That all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee. (M.G.L. Chapter 30 Section 39M as amended by Chapter 306 of the Acts of 2004)

Name of person signing the proposal

Title of person signing the proposal

Firm

Date

ATTACHMENT M
Consultant Certification
Undocumented Workers

Consultant Legal Name: _____

INSTRUCTIONS:

Executive Order 481 applies to all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established. As it is the policy of the Executive Branch to prohibit the use of undocumented workers in the connection with the performance of state and federal contracts, all contracts entered after February 23, 2007 require that consultants, contractors and vendors, as a condition of receiving Commonwealth funds under any Executive Branch contract, make the following certification:

As evidence by the signature of the Authorized Signatory below, the Consultant certifies that under the pains and penalties of perjury that the Consultant shall not knowingly use undocumented workers in the connection with the performance of all Executive Branch contracts; that pursuant to federal requirements, the Consultant, shall verify the immigration status of all workers assigned to such contract without engaging in unlawful discrimination; and that the Consultant shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). The Consultant understands and agrees that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting the Consultant to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

_____ Date: _____
Authorized Signature

Print Name

Title: _____ Telephone: _____

Fax: _____ Email: _____

The Consultant is required to sign this Certification and may provide a copy of the signed Certification for any contract executed with Executive Branch Department. A copy of this signed Certification must be attached to the "record copy" of all contracts with Consultants with the Contracting Department.

ATTACHMENT N
Consultant Certification
MBTA Retiree Participation Disclosure

In accordance with the MBTA Hiring of MBTA Retirees Policy, Section 3.3 dated June 5, 2009, THE CONSULTANT AND/OR CONTRACTOR IS REQUIRED TO NOTIFY THE MBTA THAT A MBTA RETIREE HAS BEEN INCLUDED AS A MEMBER OF ITS TEAM.

Every consultant and/or contractor is required to notify the MBTA as part of the bidding process that a MBTA retiree will be included as a member of its team. The consultant and/or contractor shall be required to provide the name and date of retirement for each MBTA retiree on the team. Every MBTA retiree working for the MBTA under this condition shall do so in accordance with MGL, Chapter 268A, Section 5.

The Consultant certifies that the following MBTA Retirees are assigned to the team for this contract. Use additional pages as necessary.

Project Name: _____

<u>Firm Name</u>	<u>Retiree Name</u>	<u>MBTA Retirement Date</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of person signing the proposal

Title of person signing the proposal

Firm

Date

Effective June 5, 2009

ATTACHMENT O
(If applicable)

**Certificate of Responsibility and Independence
of Owner's Representative**

By signing and submitting this certificate, the prospective participant is providing the signed certification set out below.

The Owner's Representative certifies under the pains and penalties of perjury that the Owner's Representative's sole responsibility shall be to the Commonwealth and the Massachusetts Bay Transportation Authority. The Owner's Representative further attests that the Owner's Representative shall be wholly independent of the designer, the general contractor or any subcontractor involved in the project.

Signed under pains and penalties of perjury.

Signature of Owner's Representative

Name of Owner's Representative

Firm

Date