



Policy for Reviewing Unsolicited Proposals

Adopted _____

INTRODUCTION

The Transportation Agency for Monterey County (TAMC) follows state and federal procurement rules via an adopted Procurement Policies and Procedures and Contract Management Manual to ensure engagement in full and fair competition, and to obtain the best value, price and quality for taxpayer-funded goods and services. Typically, consultant services are obtained using a Request for Bids, Qualifications and/or ~~Request for~~ Proposals process, and the procedures are open to public scrutiny via the TAMC Board of Directors and its committees.

Occasionally, TAMC receives unsolicited proposals from consultants wishing to do business with TAMC or from companies interested in public-private partnerships and/or joint development. This Policy for Reviewing Unsolicited Proposals is designed to ~~address those situations~~facilitate review of those proposals in a consistent manner. This Policy document is for internal use. Exhibit A, Conceptual Proposal Form, and Exhibit B, Pre-Qualification Application, will be made available on the TAMC website for those interested in submitting unsolicited proposals.

WHAT IS AN UNSOLICITED PROPOSAL?

~~A written proposal that is submitted to TAMC on the initiative of the submitter for the purpose of developing a contractual relationship that is not in response to a formal or informal request issued by TAMC. Unsolicited proposals can be like junk mail; not all are worthy of TAMC staff time and resources in reviewing them.~~

~~WHAT DISTINGUISHES AN AN~~ UNSOLICITED PROPOSAL ~~WORTHY OF REVIEW?~~

~~In order for an Unsolicited Proposal to be worthy of TAMC review, it should be:~~

- Innovative and pragmatic;
- Independently originated and developed by the proposer;
- Submitted by parties external to TAMC, prepared without TAMC's supervision, endorsement, direction, or direct involvement; and
- Sufficiently detailed that its benefits in support of TAMC's mission and responsibilities are readily apparent.

~~A Reviewable Unsolicited Proposal is distinguishable from a project already part of TAMC's long-term budget planning process and plan if it uses innovative but pragmatic solutions that offer added value, such as enhanced financing options, improved customer service outcomes or advanced delivery dates. Sales tax bonds and certificates of participation are not unique and innovative financing tools.~~

~~SHOULD PROPOSERS INTERESTED IN A PUBLISHED SOLICITATION SUBMIT AN~~ UNSOLICITED PROPOSAL?

~~No.~~ An Unsolicited Proposal is not any of the following:

- An offer responding to TAMC's ~~previously~~any published ~~request~~requests for bids/qualifications/proposals; or

- An advance or premature proposal for property or services that TAMC could acquire through competitive methods (submitted within the budget year before release of a published request for proposal); or
- A replacement for an existing contract that is already in effect; or
- An opportunity to stipulate the means and methods of an existing contractual relationship.

Unsolicited Proposals Process Overview

~~All Unsolicited Proposals shall be submitted to the TAMC Executive Director, or designee, who will log the proposal and respond acknowledging receipt of the proposal within five business days, then transfer it to the appropriate staff person for evaluation of technical and/or financial merit.~~

~~TAMC will evaluate Reviewable Unsolicited Proposals using a two-phased approach, as described below. Unsolicited Proposals that do not include completed forms described in Phase One shall be summarily declined.~~

~~In Phase One, TAMC will evaluate conceptual proposals. Conceptual proposals will be reviewed within 90 days of receipt, at which time a determination will be made as to whether to proceed to Phase Two. If there is interest in a conceptual proposal, the proposer may be asked to submit a detailed proposal for evaluation in Phase Two. If the proposal proceeds beyond Phase Two, TAMC's procurement policies and procedures will apply. TAMC may, at any time, choose not to proceed further with any Unsolicited Proposal.~~

Phase One – Conceptual Proposal

~~The purpose of Phase One is for TAMC to review and screen written, concept-level proposals to determine whether to request additional and detailed information in Phase Two.~~

This Policy calls for two levels of review for unsolicited proposals: a “Phase One – Conceptual Proposal” and a “Phase Two – Detailed Proposal.” In order to conserve resources and ensure consistency, all Unsolicited Proposers must complete and submit the Conceptual Proposal Form (Exhibit A). Only after the Conceptual Proposal has been reviewed by TAMC staff and the TAMC Executive Committee, will the Proposer be asked to proceed to the second level of review. Permission to proceed to the Detailed Proposal does not commit TAMC to the Unsolicited Proposal.

Phase One – Conceptual Proposal

CONTENT – CONCEPTUAL PROPOSAL

Unsolicited Proposers shall complete and submit Exhibit A, Conceptual Proposal Form ~~with their conceptual proposal,~~ in order to trigger a Phase One review.

THRESHOLD REVIEW AND PROCESS OVERVIEW- CONCEPTUAL PROPOSAL

Upon receipt of a ~~reviewable conceptual proposal~~Conceptual Proposal, the TAMC Executive Director, or ~~his or her~~ designee, will take the following steps:

1. ~~Promptly log and acknowledge~~Acknowledge receipt of the proposal ~~(letter to proposer);~~; and
 2. ~~Determine whether the proposal meets the threshold requirements of an Unsolicited Proposal (below).~~
2. Before initiating a Phase One evaluation, the TAMC Executive Director will determine if the conceptual proposal meets the following threshold requirements:
- Satisfies the definition of a Reviewable Unsolicited Proposal;
 - Includes all required content and attachments;
 - Contains sufficient detail to enable TAMC to perform an adequate evaluation;
 - Is submitted by parties external to TAMC, has been approved by a responsible official or other representative authorized to contractually obligate the proposer; and
 - Complies with this Policy's requirements for use and disclosure of data.

EVALUATION - CONCEPTUAL PROPOSAL

If the proposal meets the threshold requirements, TAMC will take the following steps:

1. ~~The TAMC Executive Director will officially transfer the proposal to appropriate staff; and~~
2. ~~Appropriate staff will perform the evaluation process and notify the proposer of TAMC's decision. The possible outcomes may be to discontinue the process, to proceed to Phase Two, or to pursue a competitive procurement. TAMC staff will provide a general explanation of the reasons for the decision, communicate regularly with the TAMC Executive Director, and seek the TAMC Executive Director's approval of recommendations related to implementation.~~

~~Conceptual proposals will be evaluated promptly in accordance with the criteria set out in this section. At Phase One, the evaluation process will include a review of the Conceptual Proposal and Conceptual Proposal form. The proposer(s) will have no interaction with the evaluation team, except at TAMC's sole discretion.~~

EVALUATION CRITERIA – CONCEPTUAL PROPOSAL

1. Staff will present the Conceptual Proposal to the Executive Committee (a public meeting subject to the Brown Act).
2. Per direction of the Executive Committee, staff will notify the proposer of TAMC's decision.

If the proposal meets the threshold requirements, ~~staff and the evaluation team~~Executive Committee will determine the evaluation criteria, as necessary, to reflect the specific proposal, but generally will consider the following factors:

1. The proposal offers direct or anticipated benefits to TAMC and the community;
2. The proposal is consistent with TAMC's mission, goals and objectives;

3. The proposal satisfies a need for TAMC that can be reasonably accommodated in TAMC's annual long-term capital and operating budgets without displacing other planned expenditures and without placing other committed projects at risk;
4. The proposal offers goods or services that TAMC may not have intended to procure or provide through the normal TAMC contract process;
5. The proposal offers goods or services that are within TAMC's jurisdiction or control; and
6. Any other factors appropriate for the proposal.

The possible outcomes may be to discontinue the process, to proceed to Phase Two, or to pursue a competitive procurement.

Phase Two – Detailed Proposal

~~The purpose of Phase Two is for TAMC to receive more detailed technical and financial information to fully understand and evaluate the proposal. At the conclusion of this phase, TAMC will decide whether to decline the proposal, to proceed to a sole source agreement, or to pursue a competitive solicitation.~~

PROCESS – REQUEST FOR DETAILED PROPOSAL

If TAMC desires to proceed to Phase Two, TAMC will issue a Request for a Detailed Proposal ~~that formally tells~~ asking the proposer ~~that to complete Exhibit B, Pre-Qualification Application.~~ TAMC ~~is willing to proceed to Phase Two. Depending on the circumstances, the request may include the following~~ information in the Request:

- A summary of Phase I Project Evaluation;
- A description of the request for additional information process and purpose;
- A description of the problem or opportunity being addressed;
- Relevant background, context, parameters and policies;
- Functional, technical and legal requirements;
- Requests for other project related information related to scope, budget, schedule, personnel, risks, data, performance measurement, potential impacts, etc.; and
- Requests for specific modifications or clarifications to the scope of the original proposal.

~~TAMC may, at its sole discretion, invite the proposer(s) to present to the review team, ask and answer questions of the review team, and discuss the proposal and context with the review team.~~

PROCESSING

~~Once the Detailed Proposal is received, the TAMC staff will keep a record of the persons on the evaluation team and record the disposition of the proposal. Outside advisors will be consulted only if the TAMC evaluation team deems it necessary and beneficial.~~

CONTENT – ~~DETAILED~~ DETAILED PROPOSAL

~~In addition to the information provided in Phase One, a Detailed Proposal must, at a minimum, include the following information:~~

~~TECHNICAL INFORMATION:~~

- ~~A. Names and professional information of the proposer's key personnel who would be committed to the project;~~
- ~~B. Type of support needed from TAMC; e.g., facilities, equipment, materials, or personnel resources;~~
- ~~C. Type of support being provided by the proposer;~~
- ~~D. A sufficiently detailed description of the scope of work being offered, in order to allow TAMC to evaluate the value received for the price or TAMC support proposed;~~

- ~~E. Proposed price or total estimated cost for the effort and/or the revenue generated in sufficient detail for meaningful evaluation and cost analysis, including an annual cash flow for the proposed project and annual or future costs to operate and maintain;~~
- ~~F. A schedule for the implementation, including specific details for any property and/or services to be provided by TAMC; and~~
- ~~G. Proposed duration of effort.~~

SUPPORTING INFORMATION:

- ~~1. Type of contract being sought by the proposer (the final determination on type of contract Unsolicited Proposers shall be made by TAMC, should TAMC decide to proceed with a contract);~~
- ~~2. Description of the proposer's organization, previous experience in the field, and facilities to be used;~~
- ~~3. Required statements and disclosures, if applicable, about organizational conflicts of interest and environmental impacts; and~~
- ~~4. Information, in the form of TAMC's complete and submit Exhibit B, Pre-Qualification Application (Exhibit B) demonstrating to TAMC that the proposer has the necessary financial resources to complete the proposed project or effort, as determined by TAMC staff. Such information may include:~~
 - ~~a. Financial statements, including an Auditor's Report Letter or an Accountant's Review Letter, Balance Sheets, Statements of Income and Stockholder's Equity, and a Statement of Change in Financial Position;~~
 - ~~b. Un-audited balance sheets;~~
 - ~~c. Names of banks or other financial institutions with which the proposer conducts business; and~~
- d. Letter of credit commitments, in order to trigger a Phase Two review.

EVALUATION – DETAILED PROPOSAL

Detailed Proposals will be evaluated promptly, at a minimum in accordance with the criteria set out in this section, as well as any other evaluation criteria identified in the Request for Detailed Proposal.

Threshold Review: Before initiating a comprehensive evaluation, TAMC staff will determine if the Detailed Proposal continues to meet the threshold requirements set out in Phase One and the requirements specifically set out in the Request for Detailed Proposal.

Evaluation Criteria: ~~At Phase Two, After the evaluation team threshold review, TAMC staff will confirm the proposal meets the same following minimum evaluation criteria set forth in Phase One, in addition to the following minimum factors, and any additional criteria set out in the Request for Detailed Proposal:~~

- 1. The proposer's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
- 2. The proposer's financial capacity to deliver the goods or services defined in the proposal;
- 3. Viability of the proposed schedule and TAMC's ability to meet activities required;
- 4. TAMC's capacity to enter into a contract and/or otherwise provide requested resources;

5. The qualifications, capabilities and experience of key personnel who are critical in achieving the proposal objectives;
6. The relative costs and benefits of the proposal with respect to improving mobility and accessibility in Monterey County;
7. The specific details of the cost/revenue generated; and
8. Any other factors appropriate for the proposal.

RECOMMENDATION

The evaluation team will review the Detailed Proposal and make a recommendation ~~on the disposition of the Detailed Proposal~~ to TAMC's Executive Director ~~for review and approval. If proposal exceeds the and~~ Executive ~~Director's contracting authority or environmental determinations are necessary, the Board of Directors' approval~~ Committee. Per direction of the Executive Committee, staff will be required, and notify the proposer ~~will be notified of the date of the meeting when the proposal will be discussed of next steps.~~

FULL AND OPEN COMPETITION REQUIREMENTS

TAMC's receipt of a Reviewable Unsolicited Proposal does not, by itself, justify a contract award without full and open competition. If the Unsolicited Proposal offers a proprietary concept that is essential to contract performance, it may be deemed a Sole Source, consistent with TAMC Procurement policies. If not, TAMC will may pursue a competitive procurement, ~~either through a formal solicitation or by the process outlined below.~~

PROOF OF CONCEPT

~~TAMC may, at its sole discretion, choose to work with a third party to prove a concept as a means of better understanding an Unsolicited Proposal and its application and value to TAMC, provided that the work is done at the expense of the proposing party.~~

UNSOLICITED PROPOSAL – SOLE SOURCE AWARD

~~If it is impossible to describe the property or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought, as determined by TAMC, TAMC may make a sole source award, as provided in TAMC's Sole Source Award Policy.~~

UNSOLICITED PROPOSAL – COMPETITIVE SOLICITATION PROCESS

~~If the Unsolicited Proposal does not meet the criteria of a sole source award, before entering into a contract resulting from an Unsolicited Proposal, TAMC will follow its procurement policies to issue a Request for Qualifications and/or Request for Proposal to do the work.~~

~~CONTRACT RESULTING FROM AN UNSOLICITED PROPOSAL~~

~~Nothing in this policy or otherwise requires TAMC to act or enter into a contract based on an Unsolicited Proposal. TAMC, at its sole discretion, may return and/or decline an Unsolicited Proposal at any time during the process.~~

PREREQUISITES TO CONTRACT NEGOTIATION

The duly authorized TAMC representative(s) may commence contract negotiations only after the following prerequisites have been met:

1. An Unsolicited Proposal has received a favorable comprehensive evaluation, ~~including in comparison to any proposals received following publication as provided in this policy;~~
 2. ~~The~~ TAMC staff ~~sponsoring the contract~~ supports its recommendation, ~~furnishes~~ identifies the necessary funds in the Agency Budget, and provides a sole-source justification (if applicable); and
 3. TAMC Executive Director and Executive Committee approve proceeding with negotiations.
3. If the proposal exceeds the Executive Director's contracting authority or TAMC if environmental determinations are necessary, the Board of Directors approves (if Directors' approval will be required), and the proposer will be notified of the date of the meeting when the proposal will be discussed.

General Requirements

PROHIBITION OF USE OF CONFIDENTIAL INFORMATION FOR SOLICITATIONS

If TAMC's decision is to pursue a competitive procurement, TAMC personnel shall not use any data, or any confidential patented, trademarked or copyrighted information, ~~as identified by the proposer, as part of an Unsolicited Proposal,~~ or confidential technical or financial proprietary information ~~as, as identified by the proposer, as the basis, or part of the basis,~~ for a solicitation or in negotiations with any other firm, unless the proposer is notified of and agrees to the intended use. ~~Concepts or ideas are not considered proprietary by TAMC but specific implementing methodologies that are unique to and identified by the proposer will be recognized.~~

PUBLIC RECORDS ACT

Unsolicited Proposals are subject to the provisions of the California Public Records Act (California Code Government Code §6250 et seq.).

Public Contract Code Section 22164 provides that: ~~information that is not otherwise a public record pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title I of the Government Code)~~ shall not be open to public inspection. Any documents provided by the proposer to TAMC marked "Trade Secret," "Confidential" or "Proprietary," or any financial records provided by the proposer to TAMC, shall be clearly marked with the proposer's name. TAMC will use its best efforts to inform the proposer of any request for records that may involve any ~~financial records or documents marked "Trade Secret," "Confidential" or "Proprietary"~~

~~provided by proposers to TAMC. TAMC will not advise as to the nature or content of documents entitled to protection from disclosure under the California Public Records Act but will allow proposers the opportunity to seek injunctive relief, if desired, such documents.~~ If a proposer fails to seek injunctive relief preventing the disclosure of records, the proposer shall be deemed to have waived the proposer's right to object.

In the event of litigation concerning the disclosure of any records claimed to be exempt from disclosure by a proposer, TAMC's sole involvement will be as a stakeholder, retaining the records until otherwise ordered by a court. The proposer, at its sole expense and risk, shall be fully responsible for any and all fees for prosecuting or defending any action concerning the records claimed to be exempt from disclosure, and shall indemnify and hold TAMC harmless from all costs and expenses, including attorney's fees in connection with any such action.

Exhibit A

Conceptual Proposal Form

Phase One of TAMC's Reviewable Unsolicited Proposal process involves submitting this form. Submit only the information required by this form. If TAMC determines that the proposal should proceed to Phase Two, TAMC will issue a Request for a Detailed Proposal.

PLEASE BE ADVISED **THAT THIS COMPLETED FORM WILL BE DISCUSSED AT A PUBLIC MEETING OF THE TAMC EXECUTIVE COMMITTEE, AND** THAT SOME RECORDS MAY BE SUBJECT TO DISCLOSURE PURSUANT TO A PUBLIC RECORDS REQUEST.

PART 1: BASIC INFORMATION

Proposer Information:

Name: _____

Address: _____

Further contact information: _____

Type of organization: _____

Technical personnel names & contact information: _____

Business personnel names & contact information: _____

These individuals should be responsible for answering TAMC's technical or business questions concerning the proposal or any subsequent agreement concerning the proposal.

PART 2: TECHNICAL INFORMATION

Title of the proposal: _____

☐ Abstract of the proposal is attached

To move forward in the Unsolicited Proposal process, the abstract must include a brief – but complete – discussion of the following:

1. Objectives
2. Method of approach
3. Nature and extent of anticipated results; and
4. Manner in which the work will help support accomplishment of TAMC's mission.

Technical expertise the proposer needs from TAMC: _____

PART 3: FINANCIAL INFORMATION

Proposed price or total estimated cost: _____

Revenue: _____

Be concise but provide sufficient detail for TAMC to meaningfully evaluate the proposal.

Financial information the proposer needs from TAMC: _____

PART 4: PROCEDURAL INFORMATION

Period of time for which the proposal is valid: _____

- ☐ Proprietary data has been submitted with this proposal and such data is deemed confidential by the proposer in the event of a request submitted to TAMC under the California Public Records Act.

Any proprietary data must be clearly designated, as well as the legal provision allowing exemption from disclosure claimed.

- ☐ Other government entities or private parties have received this proposal.

Please explain: _____

- ☐ Other government entities or private parties may provide funding for this proposal.

Please explain: _____

- ☐ There are patents, copyrights and/or trademarks applicable to the goods or services proposed.

Please explain: _____

- ☐ There is additional information not requested in this form that would allow TAMC to evaluate this proposal at this conceptual phase.

Describe: _____

PART 5: SIGNATURE

Name: _____

Date: _____

Title: _____

The individual who signs this form must be authorized to represent and contractually obligate the Proposer.

DRAFT

Exhibit B

Pre-Qualification Application

Name of Applicant Firm: _____

Date Submitted: _____

Preparer's Name: _____

Phase Two of TAMC's Reviewable Unsolicited Proposal process involves submitting this form and providing the information requested in the Request for a Detailed Proposal.

THIS PAGE MUST BE COMPLETED AND INCLUDED WITH THE APPLICATION

READ THE INSTRUCTIONS BEFORE FILLING OUT THE QUESTIONNAIRE

INSTRUCTIONS

1. This application should be completed by a person in the firm who is knowledgeable of and duly authorized to attest to the past and present operations of the firm and its policies. ~~A corporate officer of the firm, owner or partner, as appropriate, must sign the Pre-Qualification Certification form.~~
2. All questions must be answered completely, and any “Yes” answers must be fully explained. Please note that a Yes answer to any question does not automatically result in denial of pre-qualification for a procurement.
3. Please be aware that TAMC is subject to the California Public Records Act and that some of the material to be submitted may be subject to public disclosure, pursuant to a Public Records Act Request. You are advised to consult with your own legal counsel as to which materials may be legally exempt from disclosure.

DEFINITIONS

1. **Affiliate** is defined as any one of the following:
 - a. Any Firm other than Applicant Firm which owns 25% or more of Applicant Firm, such as parent companies or holding companies;
 - b. A subsidiary or a Firm in which Applicant Firm owns 25% or more;
 - c. A Firm in which a major stockholder or owner of Applicant Firm owns controlling interest;
 - d. A Firm with which Applicant Firm has or has had an unseverable business or professional identity, and
 - e. Any permanent or temporary common business enterprise relationship in which the parties share operating responsibility and profits such as joint ventures.
2. **Key Person** – For purposes of pre-qualification a key person is
 - a. Any person in Applicant Firm who owns 10% or more of the Firm and/or those who make decisions with respect to its operations, finances, or policies, such as the President, CEO, CFO, COO, and, in the case of partnerships, the General Partner(s);
 - b. Corporate Secretaries and Treasurers, as well as Directors, if they meet criteria #1, above;
 - c. Division or Regional Business Managers who operate away and independently from the Applicant Firm, but only if the division or regional office is negotiating directly with TAMC.

APPLICATION SUBMITTAL

Email this application to:

Executive Director
info@tamcmonterey.org

If you have questions, call the TAMC office at (831) 775-0903.

SECTION I: IDENTIFICATION

1. Applicant Firm

- A. _____
Name of Applicant Firm Tax ID No. or Social Security Number
- B. _____
Address
- C. _____
(Mailing Address, if different from above)
- D. _____
If doing business with TAMC under a DBA or other name, include legal name of the company and Tax ID No., if different
- E. Primary Company Telephone No. () _____ Fax No. () _____
- F. Applicant Firm's Contact Person for Pre-Qualification Office follow-up:
- | Name | Position | E-Mail | Telephone Number |
|------|----------|--------|------------------|
|------|----------|--------|------------------|
- G. Has the Applicant Firm changed its address or has the Firm or its owner operated under any other name(s) including other DBAs in the past five years? If yes, explain fully on a separate sheet of paper. ☐ No ☐ Yes
- H. Type of business organization: _____
- Year organization established: _____ Number of current employees: _____
- ☐ Sole Proprietor
- ☐ Corporation: Date and State of Incorporation: _____
- ☐ Limited Liability Corporation (LLC): Date and State of Incorporation: _____
- ☐ Limited Partnership (LP)
- ☐ Limited Liability Partnership (LLP)
- ☐ General Partnership (GP): Date and State of Partnership filing: _____
- ☐ Other (describe): _____

- I. List general type of business in which Applicant Firm is engaged (may include more than one). Attach copies of business licenses, if appropriate:

- J. List type of product or service to be provided to TAMC:

SECTION II: OWNERSHIP/MANAGEMENT, PROJECT TEAM MEMBERS, AND RELATED ENTITIES

1. Owners/Key Persons

List Owners and Key Persons of Applicant Firm. For large publicly traded companies, list only Key Persons. (See DEFINITIONS for clarification if necessary.)

Full Legal Name	Title	Social Security No. (last four digits only)	% Of Ownership

[Use additional sheets if necessary]

2. Related Entities (Affiliates/Subsidiaries/Joint Ventures)

A. List affiliates, subsidiaries, holding companies, joint ventures, etc., of Applicant Firm. If no affiliates, state NONE. N/A is not an acceptable answer. Provide organizational, geographical or functional chart, if it would assist in clarifying the line(s) of authority. (See DEFINITIONS for clarification if necessary.)

Affiliate Name & Address	Tel.#	% Owned	Top Executive's Name	*Type of Relation

*Type of Relationship: 1. Joint Venture (JV), 2. Parent Co (PC),
3. Holding Co (HC), 4. Subsidiary (S), 5. Other (O), please explain.

B. At any time during the past five years have any Owners or Key Persons of Applicant Firm (if yes, explain fully):

a. Served as Key Person, Officer or Director, in any other Firm not affiliated with Applicant Firm? If so, please explain in a separate sheet.

☐ No

☐ Yes

b. Had any ownership interest in any other Firm other than shares of publicly owned companies? If so, please explain in a separate sheet.

☐ No

☐ Yes

SECTION III: CONTRACTING HISTORY

1. Contracting History

- A. List the applicant Firm's three largest government contracts, subcontracts, or sales. If none, list the three largest contracts with non-governmental entities.

Contract #1	Contract #2	Contract #3
Agency/Owner		
Contract No.		
Name/Location		
Describe Goods or Services Furnished		
Were you a Prime or Subcontractor?		
Start Date/Complete Date		
Contract Amount		
Agency/Owner Contact to Verify (Name/ Tel.)		

NOTE: ANY "YES" ANSWERS BELOW MUST BE FULLY EXPLAINED ON A SEPARATE SHEET OF PAPER AND ATTACHED TO THIS APPLICATION.

- B. Is the Applicant Firm currently certified by the California Department of Transportation (Caltrans) as a disadvantaged business entity, minority-, or woman-owned business?

☐ No

☐ Yes

- C. During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged-, minority-, or woman-owned business certifications?

☐ No

☐ Yes

In the past five years has the Applicant Firm or any Affiliate been the subject of any of the following actions?

- D. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?

☐ No

☐ Yes

- E. Failed to complete a contract for a commercial or private owner?

☐ No

☐ Yes

- F. Been denied a low-bid contract in spite of being the low bidder?

☐ No

☐ Yes

- G. Had a contract terminated for any reason, including default?

☐ No

☐ Yes

- H. Had liquidated damages assessed against it during or after completion of a contract?

☐ No

☐ Yes

SECTION IV: CIVIL ACTIONS

If “Yes” to Sections IV, V or VI, provide details including a brief summary of cause(s) of action, indicate if Applicant Firm, Key Person or Affiliate Firms were plaintiffs (P) or defendants (D); define charges explicitly, by what authority, court or jurisdiction, etc. In the case of tax liens, please indicate whether the liens were resolved with the tax authorities. Please submit proof of payment or agreements to pay the liens.

Complete details are required!

1. **Violations of Civil Law**

In the past five years has Applicant Firm, any of its Key Persons, or any Affiliate been the subject of an investigation of any alleged violation of a civil antitrust law, or other federal, state or local civil law?

☐ No

☐ Yes

2. **Lawsuits with Public Agencies**

At the present time is, or during the past five years has, the Applicant Firm, any of its Key Persons, or any Affiliate been a plaintiff or defendant in any lawsuit regarding services or goods provided to TAMC or to a public agency?

☐ No

☐ Yes

3. **Bankruptcy**

During the past five years, has the Applicant Firm or any Affiliate filed for bankruptcy or reorganization under the bankruptcy laws?

☐ No

☐ Yes

4. **Judgments, Liens and Claims**

During the past five years, has the Applicant Firm been the subject of a judgment, lien or claim of \$25,000 or more by a subcontractor or supplier?

☐ No

☐ Yes

5. **Tax Liens**

During the past five years, has the Applicant Firm been the subject of a tax lien by federal, state or any other tax authority?

☐ No

☐ Yes

SECTION V: COMPLIANCE WITH LAWS AND OTHER REGULATIONS

1. Criminal

In the past five years has the Applicant Firm, any of its principals, officers, or Affiliates been convicted or currently charged with any of the following:

- A. Fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement or transaction?
☐ No ☐ Yes
- B. Federal or state antitrust statutes, including price fixing collusion and bid rigging?
☐ No ☐ Yes
- C. Embezzlement, theft, forgery, bribery, making false statements, submitting false information, receiving stolen property, or making false claims to any public agency?
☐ No ☐ Yes
- D. Misrepresenting minority or disadvantaged business entity status with regard to itself or one of its subcontractors?
☐ No ☐ Yes
- E. Non-compliance with the prevailing wage requirements of California or similar laws of any other state?
☐ No ☐ Yes
- F. Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement?
☐ No ☐ Yes
- G. Falsification, concealment, withholding and/or destruction of records relating to a public agreement or transaction?
☐ No ☐ Yes
- H. Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction?
☐ No ☐ Yes
- I. Do any Key Persons in Applicant Firm have any felony charges pending against them that were filed either before, during, or after their employment with the Applicant Firm?
☐ No ☐ Yes

2. Regulatory Compliance

In the past five years, has Applicant Firm, any of its Key Persons, or Affiliates:

- A. Been cited for a violation of any labor law or regulation, including, but not limited to, child labor violations, failure to pay wages, failure to pay into a trust account, failure to remit or pay withheld taxes to tax authorities or unemployment insurance tax delinquencies?
☐ No ☐ Yes
- B. Been cited for an OSHA or Cal/OSHA “serious violation”?
☐ No ☐ Yes
- C. Been cited for a violation of federal, state or local environmental laws or regulations?
☐ No ☐ Yes
- D. Failed to comply with California corporate registration, federal, state or local licensing requirements?
☐ No ☐ Yes
- E. Failed to comply with California corporate registration, federal, state or local licensing requirements?
☐ No ☐ Yes
- F. Had its corporate status, business entity’s license or any professional certification, suspended, revoked, or had otherwise been prohibited from doing business in the State of California, in the last three years?
☐ No ☐ Yes
- G. During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged-, minority-, or woman-owned business certifications?
☐ No ☐ Yes
- H. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?
☐ No ☐ Yes

SECTION VI: ETHICS

1. Conflict of Interest

- A. Does the Applicant Firm or any of its Key Persons have any existing relationships that could be construed as either personal or organizational conflicts of interest, or which would give rise to a conflict if Applicant Firm should be a recipient of a contract with TAMC?
- ☐ No ☐ Yes
- B. Has any Owner, Key Person or Project Team member of Applicant Firm ever (if yes, explain fully):
- a. Been an employee of TAMC, or served as a member of TAMC Board of Directors or as an Alternate?
- ☐ No ☐ Yes
- b. Been related by blood or marriage to an TAMC employee, TAMC Board member or Alternate?
- ☐ No ☐ Yes

2. Political, Charitable, And Other Contributions

Has the Applicant Firm, any of its Key Persons, or Affiliates ever, regardless of amount:

- A. Given (directly or indirectly), or offered to give on behalf of another or through another person, money, contributions (including political contributions), or other benefits, to any current TAMC Board Member or Alternate?
- ☐ No ☐ Yes
- B. Given, or offered to give on behalf of another, money, contributions, or other benefits, directly or indirectly, to any current or former TAMC employee?
- ☐ No ☐ Yes
- C. Been directed by any TAMC employee, Board member or Alternate Board member, or contractor to offer or give money, contributions or other benefits, directly or indirectly, to any current or former TAMC employee, Board member or alternate Board member?
- ☐ No ☐ Yes
- D. Directed any person, including employees or subcontractors, to give money, contributions or other benefits, directly or indirectly, to any current or former TAMC employee, Board member, Alternate Board member, or to someone else in order to benefit an TAMC employee, Board member, or Alternate Board member?
- ☐ No ☐ Yes
- E. Been solicited by any TAMC employee, Board member, or Alternate Board member to make a contribution to any charitable nonprofit organization?
- ☐ No ☐ Yes

IF YES TO ANY OF THE ABOVE, SUBMIT LIST OF CONTRIBUTIONS AND DETAILS.

SECTION VII: ADDITIONAL DOCUMENTATION REQUIRED

Copies of the following documents are to be submitted with this application:

1. Applicant Firm's Current Local Business Licenses, if required by city, county or state, and
2. Applicant Firm's Financial Statements:
 - A. PUBLICLY TRADED COMPANIES: Financial information will be accessed on-line. However, if additional information is needed, it will be specifically requested from the firm.
 - B. NON-PUBLICLY TRADED COMPANIES WITH AUDITED OR REVIEWED FINANCIAL STATEMENTS: Statements, including balance sheet, statement of earnings and retained income, with footnotes, for the most recent three years.
 - C. NON-PUBLICLY TRADED COMPANIES WITHOUT AUDITED OR REVIEWED FINANCIAL STATEMENTS: Company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years. The Chief Financial Officer of the corporation, a partner, or owner, as appropriate, must certify these financial statements.
 - D. SOLE PROPRIETORSHIPS: Refer to C. If financial statements are not generated, please fill out and sign the Financial Statement form. Submit one form for each of the most recent three years.

NOTE: TAMC reserves the right to ask for additional documentation if it is reasonably required to make a determination of integrity and responsibility relevant to the goods or services the Applicant Firm will provide to TAMC if awarded a contract.

Financial Statement

This information is provided for pre-qualification purposes only. This document is considered a confidential document not subject to public disclosure under California law.

To be completed by Applicant Firms that do not produce company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years (one sheet per year.)

ASSETS	
Cash on Hand and in Banks	\$
Account and Notes Receivable	\$
Fixed Assets (net of depreciation)	\$
Other Assets	\$
Total Assets	\$
LIABILITIES	
Accounts Payable	\$
Notes Payable to Banks (in next 12 months)	\$
Notes Payable to Others	\$
Taxes Payable	\$
Long Term Liabilities (more than 12 months)	\$
Other Liabilities	\$
Total Liabilities	\$
Net Worth	\$
INCOME FROM OPERATIONS	
Revenue	\$
Interest from Bank Accounts	\$
Cost of Goods Sold (if appropriate)	\$
Gross Profit	\$
General & Administrative Expenses	\$
Depreciation	\$
Interest Paid	\$
Net Gain or Loss	\$

I hereby certify that the above information is true and accurate to the best of my knowledge and belief. I understand false statements may result in denial of pre-qualification, and possible debarment for a period of five years.

Signature of Owner or Officer

Date Signed

Company Name

For the Year Ended

Federal ID #

PRE-QUALIFICATION CERTIFICATION

A COPY OF THIS CERTIFICATION MUST BE COMPLETED AND SIGNED BY A GENERAL PARTNER, OWNER, PRINCIPAL OR CORPORATE OFFICER AUTHORIZED TO LEGALLY COMMIT THE APPLICANT FIRM AND SUBMITTED WITH THE APPLICATION.

The signer of this declaration recognizes that the information submitted in the questionnaire herein is for the express purpose of inducing TAMC to award a contract, or to allow the Applicant to participate in TAMC projects as contractor, subcontractor, vendor, supplier, or consultant. The signer has read and understands the requirements of the program and has read and understands the instructions for completing this form.

DECLARATION

State of: _____

County of: _____

I, (printed name) _____, Social Security Number (last four digits) _____, being first duly sworn, state that I am the (title) _____ of Applicant Firm. I certify that I have read and understood the questions contained in the attached Application, and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this Application is complete, current, and true. I further acknowledge that any false, deceptive or fraudulent statements on the Application will result in denial of pre-qualification.

I authorize TAMC to contact any entity named herein, or any other internal or outside resource, for the purpose of verifying information provided in the questionnaire or to develop other information deemed relevant by TAMC.

Signature of Certifying Individual Date

Subscribed and sworn to (or affirmed) before me this _____ day of _____,
by _____. ☐ Personally known to me, or ☐ Proved to me on the basis
of satisfactory evidence to be the person who appeared before me.

Signature of Notary Public

Place Notary Seal Above

NOTICE TO APPLICANTS

A material false statement, omission or fraudulent inducement made in connection with this pre-qualification application is sufficient cause for denial of the application or revocation of a prior approval, thereby precluding the Applicant Firm from doing business with, or performing work for, TAMC, either as a vendor, prime contractor, subcontractor, consultant or subconsultant for a period of five years. In addition, such false submission may subject the person and/or entity making the false statement to criminal charges. (Title 18 USC 1001, false statements; California Penal Code Section 132, offering altered or antedated or forged documents or records; and Section 134, preparing false documentary evidence).

NOTE: Applicant information submitted to TAMC in connection with pre-qualification is considered confidential. All such applicant information is confidential business information and will be afforded protection to the fullest extent permitted by law.