

## **CONTRACTOR RESPONSIBILITY FORM INSTRUCTIONS**

1. Who should complete and sign the Contractor Responsibility Form? This form must be completed for all contracts. In addition, all known subcontractors must complete this form. The person who completes the Contractor Responsibility Form on behalf of the submitting contractor or subcontractor must provide his/her title, telephone/fax number and e-mail address in Part II of the questionnaire. The person who signs the questionnaire on behalf of the submitting contractor or subcontractor should be either Chief Executive, Executive Director, Chief Administrator, President, Vice President, Treasurer, Secretary, Chair of the Board of Directors, or the principal owner or officer responsible for administering the submitting contractor's contract.
2. For purposes of this questionnaire, the terms "Contractor," "bidder," and "bidder/proposer" refer to both a bidder/proposer and to the firm to be awarded the contract, as well as Contractors seeking subcontracts.
3. For all questions, matters on appeal must be disclosed.
4. Unless otherwise noted, all questions relate to the previous ten (10) years.
5. All questions on this questionnaire must be answered; do not leave blanks. Where appropriate, state "None" or "Not Applicable" (N/A).
6. If additional space is required to fully respond to any question, please add sheets to this questionnaire and reference the question/answer appropriately.
7. If during the performance of this Contract, either of the following occurs, Contractor shall promptly give notice in writing of the situation to the City of Lincoln's / StarTran Assistant Purchasing Agent, and thereafter cooperate with the City's review and investigation of such information.
  - a. Contractor has reason to believe that any representation or answer to any question contained in this Contractor Responsibility Form was not accurate or complete at the time Contractor Responsibility Form was signed; or
  - b. Events occur or circumstances change so that an answer to any question on this Form is no longer accurate or complete.
8. Definitions:
  - a. Affiliate: An entity in which the parent of the submitting contractor owns more than fifty (50) % of the voting stock and/or an entity in which a group of principal owners or officers that owns more than fifty (50) % of the submitting contractor also owns more than fifty (50) % of the voting stock.
  - b. Control: The submitting contractor is controlled by another entity when: (1) the other entity holds ten (10) % or more of the voting stock of the submitting contractor; or (2) the other entity directs or has the right to direct daily operations. The submitting contractor

controls another entity when: (1) it holds ten (10) % or more of the voting stock of the other entity; or (2) it directs or has the right to direct daily operations.

- c. Government agency(ies): include city, state, federal public agencies, quasi- public agencies, authorities and corporations, public development corporations, public benefit corporations and local development corporations.

Integrity Monitor: includes an Independent Private Sector Inspector General (“IPSIG”), or any independent private sector firm with legal, audit, investigative and loss prevention skills, employed by an organization or government entity, either voluntarily or by compulsory process, to monitor an entity’s business activities to ensure compliance with relevant laws and regulations, as well as to uncover and report unethical or illegal conduct within and against the entity.

- d. Joint Venture: a business undertaking by two or more persons, corporations or other legal entities engaged in a single defined project. The necessary elements are: (1) an express or implied agreement; (2) a common purpose the group intends to carry out; and (3) shared profits and losses.
- e. Managerial employees or managerial capacity: Employees in a supervisory capacity who, either by virtue of their title or their duties, operate with discretion over solicitation, letting, or management of contracts with public agencies.
- f. Officer: Any individual who serves as or performs the functions of chief executive officer, chief financial officer, or chief operating officer of the submitting contractor, without regard to such individual’s title. president, vice president, secretary, treasurer, board chairperson, trustee (individual or entity who administers a trust) or their equivalents.
- g. Parent: Any entity including, but not limited to any individual, partnership, joint venture or corporation which owns (50) % or more of the voting stock of another entity.
- h. Principal Owner: An individual, partnership, joint venture or corporation that holds a ten (10) % or greater ownership interest in a submitting contractor or subcontractor.
- i. Share: To have space, staff, equipment, expenses, or use such items, in common with one or more other entities.
- j. Significant Adverse Information: includes but is not limited to an unsatisfactory final performance evaluation on a contract with any agency within the immediate prior three (3) years, an uncured interim unsatisfactory rating on a contract with any agency, or an answer of “yes” to any question in Part IV herein.

Subcontract: An agreement between an individual or entity that is a party to a contract and another individual or entity which is for the provision of goods, services or construction pursuant to that contract, and has a value that when aggregated with the values of all other such agreements with the same individual or entity and subcontractor during the immediately preceding twelve (12) month period is valued at one million dollars (\$1,000,000) or more, and in special circumstances involving agreements of \$100,000 or more.

k. Submitting Contractor: The entity submitting the Contractor Responsibility Form.

l. Subsidiary: An entity in which the majority of the voting stock is owned by a parent.

**PART I. IDENTITY OF CONTRACTOR:**

A. Contractor's full legal name:

\_\_\_\_\_

B. Tax ID Number ("TIN"), Employer Identification Number ("EIN") and Social Security Number ("SSN"), as applicable:

\_\_\_\_\_

C. Contractor's form of legal entity (corporation, joint venture, sole proprietorship, etc.): \_\_\_\_\_

If the Contractor is a Joint Venture, or Partnership, please list all partner firms and/or parties to the Joint Venture below. All partners and/or parties listed are also required to individually complete a separate Contractor Responsibility Form.

(1) Partner/Party name: \_\_\_\_\_

TIN, EIN, or SSN \_\_\_\_\_:

Percentage of Ownership: \_\_\_\_\_

(2) Partner/Party Name: \_\_\_\_\_

TIN, EIN or SSN: \_\_\_\_\_

Percentage of ownership: \_\_\_\_\_

D. State or country under whose laws Contractor is organized and year organized:

\_\_\_\_\_

E. Does the Contractor now use or, in the past ten (10) years has it used, TIN, EIN, doing business as or "DBA", name, trade name or abbreviation other than the Contractor's name or TIN, or EIN number listed in Part I.B. above?

Yes ☐

No ☐

F. Contractor's mailing address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
G. Contractor's street address (complete only if different than "F"):

\_\_\_\_\_  
H. Has the contractor changed its address in the past five (5) years and, if so, what was the firms' prior address(es)? \_\_\_\_\_

\_\_\_\_\_  
I. Contractor's telephone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**PART II. IDENTITY OF PERSON COMPLETING THIS QUESTIONNAIRE:**

A. Name: \_\_\_\_\_

B. Employer/Title: \_\_\_\_\_

C. Telephone number: \_\_\_\_\_

D. Mobile: \_\_\_\_\_

E. Email Address: \_\_\_\_\_

**PART III. CONTRACTOR REPRESENTATIONS:** If for any reason a representation on this questionnaire is not accurate and complete as of the time Contractor signs this form, Contractor must identify the provision and explain the reason in detail on a separate sheet. Absent such an explanation, Contractor represents that the following statements are complete and accurate:

Please check this box if a separate sheet is attached: ☐

A. Statement of non-collusion

- (1) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:
  - a. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
  - b. Unless otherwise required by law, the prices which have been quoted in this bid

have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

- c. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- (2) A bid shall not be considered for award, nor shall any award be made where (1) (a), (b), and (c) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (1) (a), (b), and (c) above have not been complied with, the bid shall not be considered for award, nor shall any award be made unless the City of Lincoln determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph 1(a) herein.

B. Statement of no-conflict of interest:

- (1) No appointed or elected official, member or other officer or employee or immediate family member of the City of Lincoln or of StarTran:
  - a. is interested, directly or indirectly, in any manner whatsoever in or in the performance of the Contract or in the supplies, work, or business to which it relates or in any portion of the profits thereof; or
  - b. has been or will be offered or given any tangible or intangible consideration in connection with this bid/proposal/Contract.
- (2) Contractor covenants that neither Contractor nor, to the best of Contractor's knowledge after diligent inquiry, any director, officer, owner or employee of Contractor or any person or entity with a 10% or more interest in Contractor has any interest nor shall they acquire any interest, directly or indirectly, which would conflict in any manner or degree with the faithful performance of the Contract hereunder.
- (3) In the event Contractor has no prior knowledge of a conflict of interest as set forth in "1" and "2" above and hereafter acquires information which indicates that there may be an actual or apparent violation of any of the above, Contractor shall promptly bring such information to the attention of StarTran's Assistant Purchasing Agent. Contractor shall thereafter cooperate with StarTran's review and investigation of such information and comply with any instructions it receives from StarTran in regard to remedying the situation.

- C. (If the answer to any questions is "YES," Contractor must provide all relevant information on a separate sheet annexed hereto). Please check this box if a separate sheet is attached:  
☐

The following questions apply to:

1. Contractor, contractor's parent, subsidiaries and affiliates of Contractor (if any);
2. Any joint venture (including its individual members) and any other form of partnership (including its individual members) which includes the Contractor or Contractors' parent, subsidiaries or affiliates of Contractor;
3. Contractor's directors, officers, principals, managerial employees, and any person or entity with a 10% or more interest in Contractor;
4. any legal entity controlled, or 10% or more of which is owned, by Contractor, or by any director, officer, principal, managerial employee of Contractor, or by any person or entity with a 10% or more interest in Contractor.

a. Within the past five (5) years, has contractor been declared not responsible?

☐ Yes

☐ No

b. Has Contractor been debarred, suspended, or otherwise disqualified from bidding, proposing, or contracting?

☐ Yes

☐ No

c. Is there a proceeding pending relating to Contractor's responsibility, debarment, suspension, or qualification to receive a public contract?

☐ Yes

☐ No

d. Within the past five (5) years, has Contractor defaulted on a contract or been terminated for cause?

☐ Yes

☐ No

e. Has a government agency or other public entity requested or required enforcement of any of its rights under a surety agreement on the basis of the Contractor's default or in lieu of declaring Contractor in default?

☐ Yes

☐ No

f. Within the past five (5) years, has the Contractor been required to engage the services of an Integrity Monitor in connection with the award of or in order to complete, any public or private contract?

☐ Yes

☐ No

g. Within the past five (5) years, have Contractor's safety practices/procedures been evaluated and ruled as less than satisfactory by any state, any public authority or any public entity, or the United States government?

☐ Yes

☐ No

Has Contractor's Workers Compensation Experience Rating been 1.2 or greater at any time in the last five (5) years? If "yes", please explain.

☐ Yes

☐ No

**PART IV. QUESTIONS WHICH MUST BE ANSWERED BY "YES" or "NO":** (In the event of a "YES," Contractor must provide all relevant information on a separate sheet.)

To the best of your knowledge after diligent inquiry, in connection with the business of Contractor or any other firm which is related to Contractor by any degree of common ownership, control, or otherwise, do any of the following statements apply to:

- i) Contractor, Contractor's parent, subsidiaries and affiliates of Contractor (if any);
- ii) any joint venture (including its individual members) and any other form of partnership (including its individual members) which includes Contractor or Contractor's parent, subsidiaries, or affiliates of Contractor;
- iii) Contractor's directors, officers, principals, managerial employees, and any person or entity with a 10% or more interest in Contractor; iv) any legal entity controlled, or 10% or more of which is owned, by Contractor, or by any director, officer, principal, managerial employee of Contractor, or by any person or entity with a 10% or more interest in Contractor.

A. Within the past ten (10) years, has been convicted of or pleaded nolo contendere to (1) any felony or (2) a misdemeanor related to truthfulness in connection with business conduct.

☐ YES

☐ NO

B. Has pending before any state or federal grand jury or court an indictment or information of the commission of a crime which has not been favorably terminated.

☐ YES

☐ NO

C. Is the subject of a pending investigation by any grand jury, commission, committee or other entity or agency or authority of any local, state, or the federal government in connection with the commission or alleged commission of a crime.

☐ YES

☐ NO

D. Is currently disqualified from selling or submitting bids/proposals to or receiving awards from or entering into any contract with any federal, state or local government agency, any public authority or any other public entity.

☐ YES

☐ NO

E. Within the past five (5) years, has refused to testify or to answer any question concerning a bid or contract with any federal, state, or local government agency, any public authority or any other public entity when called before a grand jury or other committee, agency or

forum which is empowered to compel the attendance of witnesses and examine them under oath, upon being advised that neither the person's statement nor any information or evidence derived from such statement will be used against that person in any subsequent criminal proceeding.

☐ YES

☐ NO

F. Is currently disqualified from selling or submitting a bid to, or receiving an award from, or entering into any contract with any public entity or public authority within the State of Nebraska because, within the past five (5) years, such entity or person refused to testify or to answer any relevant question concerning a transaction or contract with the State of Nebraska, any political subdivision of the State of Nebraska, or a public authority or a public department, agency or official of the State of Nebraska or of a political subdivision of the State of Nebraska, when called before a grand jury or other state or local department, commission or agency which is empowered to compel the attendance of witnesses and examine them under oath, upon being advised that neither that person's statement nor any information or evidence derived from such statement will be used against that person in any subsequent criminal proceeding.

☐ YES

☐ NO

G. Has within a ten (10) year period preceding this Bid/Proposal been convicted of or had a civil judgment rendered against it for or in relation to:

1. commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction;

2. collusion with another person or entity in connection with the submission of bid/proposals:

3. violation of federal or state antitrust statutes or False Claims Acts; or

4. commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement(s) or receiving stolen property.

☐ YES

☐ NO

**PART V. ADDITIONAL QUESTIONS:** In the event of a "Yes", Contractor must provide all relevant information on a separate sheet annexed hereto, and StarTran reserves the right to inquire further with respect thereto.

A. List the name, title, and home and business address of each person or legal entity which has a 10% or more ownership or control interest in Contractor:

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

Title: \_\_\_\_\_

Home Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

B. List the name, title, and home and business address of each director and principal

officer of Contractor:

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

Title: \_\_\_\_\_

Home Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

C. In the past ten (10) years, has Contractor entered into a consent decree, deferred prosecution agreement, or a no-prosecution agreement?

☐ YES

☐ NO

D. In the past three (3) years, has Contractor been a subcontractor on any contract with StarTran?

☐ YES

☐ NO

E. In the past seven (7) years, have any bankruptcy proceedings been initiated by or against the Contractor (whether or not closed) or is any bankruptcy proceeding pending by or against the Contractor regardless of the date of filing?

☐ YES

☐ NO

F. In the past five (5) years, have there been any judgements, injunctions, or liens of \$100,000 or more, including but not limited to, judgements based on taxes owed, fines and penalties assessed by a government agency against Contractor at any time?

☐ YES

☐ NO

G. Are there any judgments, injunctions, or liens for \$100,000 or more each against Contractor that remain open, unsatisfied or in effect today?

☐ YES

☐ NO

H. During the past five (5) years, has the Contractor failed to file any applicable federal, state or local tax return?

☐ YES

☐ NO

I. Does the Contractor own or rent office space? Please provide details.

☐ YES

☐ NO

J. Does any principal owner or officer of the Contractor, or any member of his/her immediate family, have an ownership interest in any entity that holds the title or lease to any real property used by the Contractor?

☐ YES

☐ NO

K. Does Contractor share office space, staff, equipment, or expenses with any other entities? If "YES", please provide details.

☐ YES

☐ NO

L. Contractor is required to provide a list of contracts as requested in (1) and (2) below. For each of the contracts listed in (1) and (2) below, Contractor shall provide a brief description of the work performed, the contract number, the dollar amount at award and at completion, date completed, and the name and telephone number of the owner's representative:

- (1) List all contracts completed during the last three (3) years. If more than three (3) contracts have been completed in the past three (3) years, list the last three (3) contracts completed.

a. Brief description of work performed: \_\_\_\_\_

\_\_\_\_\_

Contract number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of company and owner's representative: \_\_\_\_\_

Dollar amount at completion: \_\_\_\_\_

b. Brief description of work performed: \_\_\_\_\_

\_\_\_\_\_

Contract number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of company and owner's representative: \_\_\_\_\_

Dollar amount at completion: \_\_\_\_\_

c. Brief description of work performed: \_\_\_\_\_

\_\_\_\_\_

Contract number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of company and owner's representative:

\_\_\_\_\_

Dollar amount at completion: \_\_\_\_\_

- (2) (2) List each contract completed by Contractor during the last three (3) years for which liquidated damages or penalty provisions were assessed against Contractor for failure to complete the work on time or for any other reason. Contractor is required to provide an explanation of the circumstances for each contract.

a. Brief description of work performed: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of company and owner's representative:

\_\_\_\_\_

Dollar amount at completion: \_\_\_\_\_

b. Brief description of work performed: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of company and owner's representative:

\_\_\_\_\_

Dollar amount at completion: \_\_\_\_\_

c. Brief description of work performed: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of company and owner's representative:

\_\_\_\_\_

Dollar amount at completion: \_\_\_\_\_

If none of the above situations occurred during the last three (3) years, state  
"NONE" here:

\_\_\_\_\_

M. Furnish the following information for each contract for which, during the last three (3) years, the Contractor was:

- (1) Terminated for default; or
- (2) Sued to compel performance; or
- (3) Sued to recover damages, including, without limitation, upon an alleged breach of contract, misfeasance, error or omission or other alleged failure on Contractor's part to perform as required by the contract; or
- (4) Called upon a surety to perform the work; or
- (5) Required to engage the services of an Integrity Monitor in connection with the award of or in order to complete, any public or private contract; or
- (6) Required to draw on a letter of credit in lieu of a performance bond.

a. Brief description of work performed: \_\_\_\_\_

\_\_\_\_\_

Contract Number: \_\_\_\_\_

Dollar amount of award: \_\_\_\_\_

Date completed: \_\_\_\_\_

Name/Telephone number of owner's representative:

\_\_\_\_\_

If none of the above situations occurred during the last three (3) years, state "NONE" here:

\_\_\_\_\_

N. List all Contractor employees: (Attach additional sheets as needed).

- (1) Who are currently employees of StarTran or the City of Lincoln:

a. Name: \_\_\_\_\_

Currently employed by: \_\_\_\_\_

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

Currently employed by: \_\_\_\_\_

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

Currently employed by: \_\_\_\_\_

(2) Who within the past two (2) years have been StarTran or affiliate employees who were involved on behalf of Contractor with the preparation of this bid/proposal or would be involved on behalf of Contractor with the preparation of this bid/proposal or would be involved in the performance of the contract if it is awarded to Contractor.

a. Name: \_\_\_\_\_

Currently employed by: \_\_\_\_\_

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

Currently employed by: \_\_\_\_\_

O. Provide certified financial statements for Contractor's last three (3) fiscal years. If Contractor does not have certified financial statements, provide financial statements sworn to by Contractor's chief financial officer. If Contractor is unable to provide any such statements, provide other information which will enable StarTran to evaluate and determine whether Contractor has sufficient financial resources to enable Contractor to perform the Contract.

P. Does Contractor have a subsidiary or affiliate?

☐ YES

☐ NO

Q. Is Contractor a subsidiary of another entity?

☐ YES

☐ NO

R. Within the past five (5) years or currently, does Contractor, any director, officer, principal, managerial employee of Contractor, or any person or entity with a 10% or more interest in Contractor have an interest of 10% or more in any other firm or legal entity?

☐ YES

☐ NO

- S. If the answer to P, Q or R is “YES,” would Contractor’s answers pertaining to Part V Questions A through M above be the same for each such parent, subsidiary, affiliate, firm or legal entity? If not, please provide a full explanation on a separate sheet of paper.
- T. Describe the resources, including but not limited to, staffing, facilities, equipment, and tools that Contractor will commit to the performance of this contract. If this information is provided elsewhere in Contractor’s bid/proposal, please enter below the reference to that section in Contractor’s submission that responds to this question.

See Section: \_\_\_\_\_

Contractor must sign here: \_\_\_\_\_

Authorized Signature

Date: \_\_\_\_\_

## CONTRACTOR RESPONSIBILITY FORM

### AFFIDAVIT AND ACKNOWLEDGEMENT

(Complete and submit this Affidavit and Acknowledgement Form unless the Affidavit of No Change Applies.)

STATE OF \_\_\_\_\_ ) SS:  
COUNTY OF \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, before me personally came and appeared \_\_\_\_\_ by me known to be said person, who swore under oath as follows:

1. I am \_\_\_\_\_ of  
(Print name and title)

\_\_\_\_\_  
(Print name of firm)

2. I am duly authorized to sign this questionnaire on behalf of said firm and duly signed this document pursuant to said authorization.

3. The answers to the questions set forth in the Contractor Responsibility Form and, except as set forth in the stated exceptions in Part III, the representations set forth in this questionnaire are true, accurate and complete. I authorize StarTran to verify any such information and to conduct any background checks it deems appropriate.

4. I acknowledge and understand that the questionnaire includes provisions which are deemed included in the contract if awarded to the firm.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me

This \_\_\_\_\_ day of

\_\_\_\_\_  
(month / year)

Notary Public \_\_\_\_\_ County

My commission expires: \_\_\_\_\_