

Appendix C: Forms

AFFIDAVIT REGARDING PROHIBITED COMMUNICATIONS, CONTINGENCY FEES AND CONFLICTS OF INTEREST	
PROJECT NAME:	
PDB CONTRACT #:	
PROPOSER LEGAL ENTITY NAME:	

The Proposer, identified above, does hereby attest, certify, warrant, and assure that the Proposer, and its member firms (if any), agents, subcontractors, or employees:

1. Have not communicated, with any member of the selection committee, or with any employee or official of the Department, concerning the review or evaluation of any Proposal, except that a Proposer may communicate with those Department employees who are specifically listed in the RFP as appropriate points of contact and in accordance with procedures established in the RFP that allow Proposers to communicate with entities such as utilities and permit agencies;
2. Have not offered or paid, and will not offer or pay, a contingency fee of any type that is directly tied to specific actions or work designed to help the Proposer obtain a contract through this RFP process; and
3. Have not received any compensation for assisting the Tennessee Department of Transportation in preparing this RFP.

PROPOSER SIGNATURE

NOTICE: This affidavit MUST be signed by an individual empowered to contractually bind the Proposer. If said individual is not the chief executive or president, this document shall attach evidence showing the individual's authority to contractually bind the Proposer.

PRINTED NAME AND TITLE OF SIGNATORY

STATE OF TENNESSEE

COUNTY OF _____

Personally appeared before me, [name of authorized signatory for the Proposer identified above], with whom I am personally acquainted, and who acknowledged that the statements contained in this affidavit are true to the best of his knowledge, information and belief.

Witness my hand, at office, this _____ day of _____, year _____.

NOTARY PUBLIC

My Commission Expires: _____

Acknowledgement and Attestation Form (Partnerships Form)

Project Name: _____

Date: _____ PDB Contract #: _____

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Progressive Design-Build Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on _____ at _____
Date City

_____ State of _____
County State

1) _____ 2) _____
Partner Signature Partner Signature

Typed Name: _____ Typed Name: _____

Notary: _____
Notary Signature Date

Commission Expires: _____

Note: Add additional signature if there are more than two partners.

Acknowledgement and Attestation Form (Joint Venture Form)

Project Name: _____

Date: _____ PDB Contract #: _____

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Progressive Design-Build Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on _____ at _____
Date City
_____ State of _____
County State

1) _____
Venture Partner Binding Signature Date

Typed Name: _____

Title: _____

Type of Business: _____

Witness Date

Typed Name: _____

2) _____
Venture Partner Binding Signature Date

Typed Name: _____

Title: _____

Type of Business: _____

Witness Date

Typed Name: _____

1. Add additional venture partners as necessary.
2. Witnesses of venture partners shall be corporate secretary for corporations, partners for partnerships, and notaries for sole proprietorships.
3. Please attach joint venture agreement.
4. Type of business shall identify the venture partner as a corporation, venture, partnership, sole proprietorship, or other legal entity.

Acknowledgement and Attestation Form (Corporate Form)

Project Name: _____

Date: _____ PDB Contract #: _____

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Progressive Design-Build Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on _____ at _____
Date City

_____ State of _____
County State

_____ Date
Corporate Officer Signature

_____ Date
Secretary

Typed Name: _____ Typed Name: _____

Note: Use full corporate name and attach corporate seal here.

Seal

Acknowledgement and Attestation Form (Sole Proprietorship Form)

Project Name: _____

Date: _____ PDB Contract #: _____

By responding to this RFP, the Respondent(s) certify that he/she has reviewed the Progressive Design-Build Sample Contract, and its Exhibits contained herein, and are familiar with their terms and conditions and find them expressly workable without change or modification.

We certify and declare that the foregoing is true and correct.

Subscribed on _____ at _____
Date City

_____ State of _____
County State

_____ Respondent Date

Typed Name: _____ Typed Name: _____

Notary: _____
Notary Signature Date

Commission Expires: _____

Certificate of Final Indirect Costs

Instructions: Where contract terms and payment are negotiated based on individual elements of costs, the Design-Build Team must provide an indirect cost rate established in accordance with the federal cost principles (as specified in 2 CFR part 200, subpart E), and it shall include a certification by an official of the Design-Build Team that all costs are allowable in accordance with the federal cost principles.

An official of the Design-Build Team shall be an individual executive or financial officer of the Design-Build Team's organization, at a level no lower than a Vice President or Chief Financial Officer, or equivalent, who has the authority to make representations about the financial information utilized to establish the indirect cost rate proposal submitted.

The certification of final indirect costs shall read as follows and be submitted with the Proposal as detailed in the RFP:

Certificate of Final Indirect Costs

Project Name: _____

PDB Contract #: _____

This is to certify that I have reviewed this Proposal to establish final indirect cost rates and to the best of my knowledge and belief:

1. All costs included in this Proposal (dated _____) to establish final indirect cost rates for (identify period covered by rate: _____) are allowable in accordance with the cost principles of the Federal Acquisition Regulation (FAR) under title 48, Code of Federal Regulations (CFR), part 31; and
2. This proposal does not include any costs which are expressly unallowable under applicable cost principles of the FAR under 48 CFR part 31.

Firm: _____

Signature: _____

Name of Certifying Official: _____

Title: _____

Date of Execution: _____

HOURLY/UNIT RATE FORM	
PROJECT NAME:	
PDB CONTRACT #:	
PROPOSER LEGAL ENTITY NAME:	

The Proposer is to submit hourly/unit rates (inclusive of all labor costs, including overhead and profit) for all Key Personnel and added-value personnel listed in Section 2.5.3.1 of the RFP on this form. This form and required rate documentation are to be included with the Proposer's mandatory SOI attachments (see Section 2.5.2 of the RFP).

TDOT evaluates the hourly/unit rates on a pass/fail basis based on rates that are reasonable when considering market conditions, in addition to the level of experience identified in the RFP and as generally expected of an individual filling the identified role.

<i>Key Individual</i>	<i>Hourly Base Rate</i>	<i>Overhead Rate</i>	<i>Pre-construction Fee</i>	<i>Fully Loaded Hourly Unit Rate</i>
Project Manager	\$	%	11%	\$
Construction Manager	\$	%		\$
Design Manager	\$	%		\$
Lead Cost Estimator	\$	%		\$
Utility Design/Construction Coordinator	\$	%		\$
Optional additional Key Personnel (1): _____	\$	%		\$
Optional additional Key Personnel (2): _____	\$	%		\$

For this state-funded preconstruction phase, TDOT has defined the allowable overhead rate and preconstruction fee percentages consistent with TDOT Policy 301-01. This requires the Proposer to establish its unit rates using the firm's TDOT-audited federal acquisition regulation (FAR) home office, field office, indirect overhead rate **or** by using the maximum allowable overhead/indirect cost rate of 145%, whichever is less.

If the Proposer or Key Personnel firm **does not** have an established home or field office overhead rate, the Proposer or Key Personnel firm is to use an overhead rate consistent with Section 109 of the TDOT *Standard Specifications for Road and Bridge Construction*. This includes a 45% labor burden (see Section 109.04.C.1) and home office overhead rate of 15% (see Section 109.06.E) to markup the hourly base rate.

TDOT reserves the right to request additional supporting documentation for any rate not reflective of market conditions for comparable services and to further negotiate or reject rates to be included in the PDB preconstruction agreement. **Failure to provide requested documentation, listing incorrect rates or markups, altering this form, or listing a rate that is not consistent with market conditions for comparable services may be grounds for Proposal rejection as non-responsive.**