**Project & DB Contract #:** Timber Bridge Bundle One (DB2506)

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| **Design-Builder/Name of Company:** |  |
| **Year Established:** |  |
| **Federal Tax ID No.:** |  |
| **Name of Official Representative:** |  |
| **Contact Person:** |  |
| **Address:** |  |
| **Telephone No.:** |  |
| **Fax No.:** |  |
| **E-mail address:** |  |

**Business Organization (check one):**

Corporation (If yes, indicate the State and Year of Incorporation):

General Partnership Joint Venture

Other (describe):

|  |  |
| --- | --- |
| **Business Address:** |  |
| **Office Performing Work:** |  |
| **Contact Telephone Number:** |  |

If the entity is a Joint Venture or General Partnership, indicate the name and role of each member company in the space below. Complete a separate Design-Build Information form (Form A) for each member company and attach it to the Proposal. Also indicate the name and role of each other financially liable party and attach a separate form.

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| Name of Member Company | Role |
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Under penalty of perjury, I certify that I am the company’s official representative, and that, to the best of my knowledge and belief, following reasonable inquiry, the foregoing is true and correct.

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| **Signature:** |  | **Print Name:** |  |
| **Date:** |  | **Title:** |  |

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| 1. **Design-Builder/Company Name:** | | 2. **DB Contract #:** DB2506  **Project:** Timber Bridge Bundle One |
| 1. **Owner Contract No./State Project No.:** | | 1. **Type (Construction, Design-Build, Design):** |
| 5. **Name of Prime:** | | 6. **Company Role:**  (joint venture partner, subcontractor, etc.) |
| 7. **Owner (Name):**  Address:  Phone:  Contact Person: | | 8. **Original Project Budget:** $  **Final Project Cost:** $  **Work Carried by Own Forces (%):** |
| 9. | **Original Project Schedule Milestones:** | |
| **Project Completion Schedule Milestones:** | |
| 10. **Project Description and Nature of Work Performed by Your Company:** | | |

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| **Project & DB Contract #:** | Timber Bridge Bundle One (DB2506) |
| **Proposer Name:** |  |
| **Date:** |  |

**Background**

The integrated nature of Design-Build creates the potential for conflicts of interest. Disclosure, evaluation, and management of these conflicts and of the appearance of conflicts require attention to State and federal Laws in the contracting process. The Tennessee Department of Transportation (“TDOT”) has developed Conflict of Interest Disclose Guidelines (“COI Disclosure Guidelines”). The COI Disclosure Guidelines are intended to summarize the key governing standards of State and Federal Laws, include definitions of key terms, and describe the COI Disclosure Process.

**Federal Standards**

Pursuant to 23 USC 112(b)(3), the Federal Highway Administration (FHWA) has promulgated administrative rules that affect federally funded Design-Build procurements and related procurements. These rules, which are in 23 Code of Federal Regulations (CFR) Parts 635 and 636, are used as the basis for TDOT’s guidelines on the subject. The main rule on Organizational Conflicts of Interest in Design Build transactions is 23 CFR § 636.116. This rule affects not only Design-Build procurements, but also “any contract for engineering services, inspection or technical support in the administration of the Design Build contract.”

These rules specifically regulate both organizational and individual conflicts of interest. The federal rules define “organizational conflict of interest” as follows:

“Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.” (23 CFR § 636.103)

**Organizational Conflict of Interest Policy**

TDOT may disqualify the Design-Builder if any of its Major Participants belong to more than one Design-Builder organization. If any Major Participants of different Design-Builder organizations belong to the same parent company, each Design-Builder must describe how the participants have avoided conflicts of interest during the procurement phase of the Project.

The Design-Builder agrees that, if after award, an Organizational Conflict of Interest is discovered, an immediate and full disclosure in writing must be made to TDOT that must include a description of the action that the Design-Builder has taken or proposes to take to avoid or mitigate such conflicts. If an Organizational Conflict of Interest is determined to exist, TDOT may, at its discretion, cancel the Contract. If the Design-Builder was aware of an Organizational Conflict of Interest prior to the award of the Contract and did not disclose the conflict to TDOT, TDOT may terminate the Contract for default.

**Disclosure Pursuant to 23 CFR Section 636.116(a)(2)(v)**

In the space provided below, and on supplemental sheets as necessary, identify all relevant facts relating to past, present, or planned interest(s) of Design-Builder which may result, or could be viewed as, an Organizational Conflict of Interest in connection with the RFP.

The Design-Builder shall disclose:

1. Any current contractual relationships with TDOT (by identifying TDOT contract number and project manager);
2. Any present or planned contractual or employment relationships with any current TDOT employee;
3. Any current relationships between the Major Participants, Key Personnel, Design Professionals, or Subcontractors of the Design-Builder on other TDOT projects; and
4. Any other circumstances that might be considered to create a financial interest in the contract for the Project by any current TDOT employee if the Design-Builder is awarded the contract.

The foregoing is provided by way of example and shall not constitute a limitation on the disclosure obligations.

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**Explanation**

In the space provided below, and on supplemental sheets as necessary, identify steps that have been or will be taken to avoid, neutralize, or mitigate any organizational conflicts of interest described herein.

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**Certification**

The undersigned hereby certifies that, to the best of his or her knowledge and belief, no interest exists that is required to be disclosed in this Conflict of Interest Disclosure Statement, other than as disclosed above.

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| **Signature:** |  | **Print Name:** |  |
| **Company Name:** |  | **Title:** |  |

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| **Proposer Name:** |  |
| **Date:** |  |

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| **RFQ/RFP Book No. and Section ID** | **Question** | **Reserved for Agency Response** |
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| **Proposer Name:** |  |
| **Date:** |  |

The undersigned acknowledges receipt of the addenda to the RFP as indicated below.

**ADDENDA**

|  |  |  |  |
| --- | --- | --- | --- |
| Addendum/Clarification No. |  | Dated |  |
| Addendum/Clarification No. |  | Dated |  |
| Addendum/Clarification No. |  | Dated |  |
| Addendum/Clarification No. |  | Dated |  |
| Addendum/Clarification No. |  | Dated |  |

Failure to acknowledge receipt of all addenda may cause the Proposal package to be considered non-responsive to the solicitation. Acknowledged receipt of each addendum must be clearly established and included with response to this RFP.

|  |  |  |  |
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| **Signature:** |  | **Print Name:** |  |
| **Date:** |  | **Title:** |  |