



**General Info**

**Total:**

\$599,200.00

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**Number**

IFB No. 19-041

**Deadline**

09/19/2019 02:00 PM EDT

**Vendor**

Fabricated Metals

**Submitted**

09/16/2019 05:10 PM EDT

**Signed by**

Larry Garvin

**Opened**

09/19/2019 02:03 PM EDT **By** [lmustillo@njtransit.com](mailto:lmustillo@njtransit.com)

**Description**

Superstorm Sandy Signal Equipment and Material

**Allows zero unit prices and labor**

Yes

**Allows negative unit prices and labor**

Yes

**SECTION 1: INSTRUCTIONS TO BIDDERS, GENERAL PROVISIONS AND SPECIFICATIONS  
(SCOPE OF WORK)**

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IFB 19-041 Instructions to Bidders.pdf  
Instructions to Bidders

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IFB 19-041 General Provisions.pdf  
General Provisions

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IFB 19-041 Technical Specifications.pdf  
Technical Specifications

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**SECTION 2: EXHIBIT AND ATTACHMENT LIST**

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IFB No. 19-041 Notice to Bidders (Ad) 7.16.pdf  
Notice to Bidders (Advertisement)

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IFB No. 19-041 Prequalification Form (Appendix B).pdf  
Prequalification Form (Appendix B)

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IFB No. 19-041 Request for Change Form  
Request for Change Form

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IFB No. 19-041 DBE Requirement Forms.pdf  
DBE Requirement Forms

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IFB No. 19-041 Sample Paper Bid Bond  
Sample Paper Bid Bond

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IFB No. 19-041 Mandatory Equal Employment Opportunity (EEO) Language  
Mandatory Equal Employment Opportunity (EEO) Language

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IFB No. 19-041 NJ TRANSIT's Corporation's Protest Procedures  
NJ TRANSIT's Corporation's Protest Procedures

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IFB No. 19-041 Buy America Certification  
Buy America Certification

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**SECTION 3: ADDENDA ISSUED**

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IFB No. 19-041 Addendum 01.pdf  
Addendum No. 1

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IFB No. 19-041 Addendum 02.pdf  
Addendum No. 2

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IFB No. 19-041 Addendum No. 3.pdf  
Addendum No. 3

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IFB No. 19-041 Addendum No. 4.pdf  
Addendum No. 4

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IFB No. 19-041 Addendum No. 5.pdf  
Addendum No. 5

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**SECTION 4: ADDENDA ACKNOWLEDGEMENT FORM**

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**Bidder acknowledges and affirms that he/she has obtained, reviewed and applied all addenda issued during this bidding period. (Refer to the "Addenda Issued" section above) \***

Yes

**The undersigned acknowledges receipt of \_\_\_\_ Addenda attached hereto in the "Addenda Issued" section above. (Bidder must input the number of Addenda issued in the space provided below) \***

5

**Bidders must acknowledge receipt of all Addenda in the space provided above. Failure to acknowledge receipt of all Addenda may be grounds for the rejection of a Bid as non-responsive.**

## SECTION 5: DBE REQUIREMENTS AND GOAL ASSIGNMENT

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As an aid in meeting the commitment of its Disadvantaged Business Enterprise Program, NJ TRANSIT has assigned a DBE goal on the gross sum amount of the bid or contract for DBE subcontracting participation. All NJ Unified Certification Program (NJUCP) certified DBE firms, including suppliers, are eligible to participate in this contract. NJ TRANSIT'S DBE Program is accorded the same priority as compliance with all other legal obligations required by the USDOT. Contractors shall comply with the DBE Program requirements in the award and administration of NJ TRANSIT contracts. Failure by the Contractor to carry out these requirements shall constitute a breach of the contract, which may result in the termination of the Contract or other such remedy, as NJ TRANSIT deems appropriate.

The DBE subcontracting goals are identified in the "Instruction to Bidders" for this Project.

The Contractor shall refer to NJ TRANSIT's "DBE Requirements for Race-Conscious Federal Procurement Activities," attached to this IFB as "NJ TRANSIT DBE Requirements", for instructions, guidance, and explanations for DBE program obligations under this Contract. For this Contract, the apparent low Bidder and the second low Bidder shall identify all DBE and non-DBE subcontractors, subconsultants, and suppliers proposed to participate in and those solicited for this Contract, and shall complete and submit the mandatory DBE Form A - First Tier DBE Utilization, DBE Form A1 - Bidder/Proposal Solicitation and Contractor Information, DBE Form A2 - Non-DBE Subcontractor Utilization, and DBE Form B - Intent to Perform as a DBE Subcontractor.

The apparent low Bidder and the second low Bidder must also submit NJ Unified Certification Program (NJUCP) certificate or letter for all potential DBE subcontractors. Additionally, the apparent low Bidder and the second low Bidder shall submit any applicable supplemental forms (AA, AA 1, AA2, BB, and D). **All DBE forms and NJUCP certificates or letters shall be submitted with the Bid or within five (5) calendar days after the bid opening date.** However, Bidders are strongly encouraged to submit all mandatory documents with the Bid to prevent delay of the Contract award. Bidders are requested to review carefully and complete the forms entirely, with no blank fields.

Notwithstanding the date of submission of the mandatory DBE forms, all negotiations between a Bidder and any potential DBE subcontractor, subconsultant, or supplier shall be completed prior to the Bid Opening date. All DBE forms are included in the Contract package, specifically in "NJ TRANSIT DBE Requirements", attached to this IFB and available for download with the electronic bidding documents in the "Exhibit and Attachment List" section above.

**Failure to submit any and all mandatory DBE documentation within five (5) calendar days after the bid opening date shall result in a rejection of a Bid as non-responsible.**

Any questions regarding the DBE Requirements or the mandatory required forms for this contract should be directed to the Office of Business Development Specialist identified in the "Instructions to Bidders".

Bidders can refer to <https://njucp.dbesystem.com/>, which is a search engine of firms certified by the New Jersey Department of Transportation, the New Jersey Transit Corporation and the Port Authority of New York and New Jersey as Disadvantaged Business Enterprises. This listing is intended as an aid in identifying DBE firms to potential bidders/proposers and is not meant to be an all-inclusive listing of DBE firms available for subcontracting. The Bidder may identify other firms, however, all DBE firms must be properly certified prior to award of the contract. At the time of Bid Opening only DBE firms certified in the New Jersey Unified Certified Program (NJUCP) will satisfy the assigned DBE goal on this contract/IFB.

Link to the search engine of firms certified by the New Jersey Department of Transportation, the New Jersey Transit Corporation and the Port Authority of New York and New Jersey as Disadvantaged Business Enterprises

**SECTION 6: REQUIRED DOCUMENT LIST** (The forms are attached hereto in the "Exhibit and Attachment List" section above.

Name	Omission Terms	Submitted File
DBE REQUIRED FORMS - Refer to NJ TRANSIT DBE Requirements Submit the mandatory required forms (A, A1, A2) and any applicable supplemental forms (AA, AA1, AA2). Bidders utilizing DBE firms and/or suppliers shall also submit the mandatory Forms B and BB if applicable and a NJUCP DBE certification letter.	All forms shall be completed entirely with no blank fields and submitted with the Bid or to NJ TRANSIT in care of the Contract Specialist within five (5) calendar days of the bid opening date.	I am not enclosing this document because the omission terms have been met.
1 Required Document		



SECTION 7: BID PRICE FORM (ITEM LIST): (GROUP A)

\$0.00

Description	(NJT) Item Number	Units	Quantity	Unit Price	Extension
Impedance Bond, Concrete & Wood Ties Mini-Style, 300 Amps, As Per Specification S-012219	02064631	EA	38.00	\$0.00	\$0.00
Pier, Instrument Case Foundation, As Per Specification S-120518	02322004	EA	18.00	\$0.00	\$0.00
Pier, Triangle Instrument Case Foundation, As Per Specification S-120418	02322012	EA	28.00	\$0.00	\$0.00
					Total: \$0.00

SECTION 7A: BID PRICE FORM (ITEM LIST): (GROUP B)

\$0.00

Description	(NJT) Item Number	Units	Quantity	Unit Price	Extension
Remanufactured Model 5F Dual Control RH Switch Machine, 110 Volt DC, As Per Specification S-121715	N/A	EA	4.00	\$0.00	\$0.00
Remanufactured Model 5F Dual Control LH Switch Machine, 110 Volt DC, As Per Specification S-121715	N/A	EA	2.00	\$0.00	\$0.00
					Total: \$0.00

SECTION 7B: BID PRICE FORM (ITEM LIST): (GROUP C)

\$599,200.00

Description	(NJT) Item Number	Units	Quantity	Unit Price	Extension
Case, Equipment, High Single, Aluminum, As Per Specification S-042098 and Drawing SK-042894	02108676	EA	9.00	\$4,400.00	\$39,600.00
Case, Equipment, High Double , Aluminum, As Per Specification S-042098 and Drawing SK-010886	02108851	EA	2.00	\$7,600.00	\$15,200.00
House, Equipment, 6'X6' Aluminum, As Per Specification S-042098 and Drawing SK-060885	02247003	EA	2.00	\$13,650.00	\$27,300.00
House, Equipment, 8'X8' Aluminum, As Per Specification S-042098 and Drawing SK-100886	02247005	EA	11.00	\$18,700.00	\$205,700.00
House, Equipment, 8'X10' Aluminum, As Per Specification S-042098 and Drawing SK-010888	02247063	EA	5.00	\$20,800.00	\$104,000.00
House, Equipment, 8'X20' Aluminum, As Per Specification S-042098 and Drawing SK-031489	02247007	EA	1.00	\$38,800.00	\$38,800.00
House, Equipment, 8'X22' Aluminum, As Per Specification S-042098 and Drawing SK-042794	02247009	EA	2.00	\$40,900.00	\$81,800.00
House, Equipment, 8'X24' Aluminum, As Per Specification S-042098 and Drawing SK-010689	02247025	EA	2.00	\$43,400.00	\$86,800.00
Total: \$599,200.00					

SECTION 7C: BID PRICE FORM (ITEM LIST): (GROUP D)

\$0.00

Description	(NJT) Item Number	Units	Quantity	Unit Price	Extension
Cable, 15 Cond, Composite, Burial in Earth, 3 Cond, No. 8 AWG and 12 Cond, No. 14 AWG, Power Switches, As Per Specification S-84 Part I	02090862	FT	3,000.00	\$0.00	\$0.00
Cable, Burial in Earth, 12 Cond, No. 14 AWG, Electric Lock, As Per Specification S-84 Part I	02098758	FT	3,000.00	\$0.00	\$0.00
Cable, Burial in Earth, 19 Cond, No. 14 AWG, Solid Cable, Express, As Per Specification S-84 Part I	02099521	FT	12,000.00	\$0.00	\$0.00
Cable, Burial in Earth, 5 Cond, No. 9 AWG, Color Light Signals, As Per Specification S-84 Part I	02096257	FT	45,000.00	\$0.00	\$0.00
Cable, Burial in Earth, Two Single Cond, No. 6 AWG, As Per Specification S-84 Part II	02090292	FT	33,000.00	\$0.00	\$0.00
Cable, Burial in Earth, 6 PR, No. 14 AWG, Shielded, As Per Specification S-86	02099105	FT	2,000.00	\$0.00	\$0.00
Cable, 18 Cond, Composite, Burial in Earth, with 2 Cond, No. 6 AWG and 2 Cond, No. 9 AWG in Core and with 7 Cond, No. 9 AWG and 7 Cond, No. 14 AWG, Alternating, S-84 Part I	02099103	FT	1,000.00	\$0.00	\$0.00
Cable, 1/0, 250MCM, As Per Specification S-103018	02090417	FT	12,000.00	\$0.00	\$0.00
Cable, 1/C, 2/0, As Per Specification S-110918	02090415	FT	2,000.00	\$0.00	\$0.00
Cable, Shielded, Burial in Earth, 37 Cond, No.14 AWG, Solid Cable, Express, As Per Specification S-85	02090397	FT	1,000.00	\$0.00	\$0.00
					Total: \$0.00

SECTION 8: REQUIRED CERTIFICATIONS

NEW JERSEY TRANSIT CORPORATION BIDDER'S PROPOSAL

IFB NO. \*

19-041

New Jersey Transit Corporation

One Penn Plaza East

Newark, New Jersey 07105

The undersigned hereby declare that I/we (NAME) \*

Larry Garvin

TITLE \*

Project Manager

of (FIRM NAME) \*

Fabricated Metals

Date \*

09/06/19

having carefully examined the Notice to Bidders, Instructions to Bidders, Exhibits and Certifications, General Provisions, Special Provisions, Technical Provisions, Drawings and DBE Provisions and any Addenda, as listed in this Contract, and being familiar with local conditions affecting the cost of work, hereby will contract to do all work, complete, in place, according to the General Provisions, Special Provisions, Technical Provisions, Drawings, DBE Provisions and any Addenda to said Documents, and all other work in connection and incidental thereto for the amounts delineated in the Electronic Bidding Solicitation File.

I, being duly authorized, certify that the information supplied above is complete and correct to the best of my knowledge. I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

*The Bidder hereby certifies to the best of his/her knowledge and belief and under penalty of perjury under the Laws of the United States and the State of New Jersey.*

(A.) NON-COLLUSION CERTIFICATION

That the Bid was executed with full authority so to do; that said Bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Bid and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Bid and in the statements contained in this affidavit in awarding the contract for the said project.

The Bidder further warrants that no person or selling agency has been employed or retained to solicit or secure such contract upon agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by Bidder.

**(B.) CONTRACTOR'S CERTIFICATION OF ELIGIBILITY**

Bidder hereby certifies that it is not listed on the State of New Jersey, Department of Labor and Workforce Development, Division of Wages and Hour Compliance, Prevailing Wage Debarment List or on the State of New Jersey, Department of Treasury, Consolidated Debarment Report.

Bidder also certifies that it has no exclusion on the consolidated U.S. Government, Systems for Award Management (SAM) database. To register visit [www.sam.gov](http://www.sam.gov) and follow the registration instructions.

I, being duly authorized, certify that the information supplied above is complete and correct to the best of my knowledge. I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**If the Bidder is included on such report(s), the Bidder may not be eligible for award of Contract.**

**(C.) MANDATORY EQUAL EMPLOYMENT OPPORTUNITY (EEO) INFORMATION**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY (EEO) LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27**

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay

or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 etseq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression

disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27-1.1 et seq.

Link to the State of New Jersey Department of Treasury - Public Contracts EEO Compliance Monitoring Program Webpage ([http://www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

#### **(D.) CERTIFICATION OF COMPLIANCE/ NJ TRANSIT CODE OF ETHICS FOR VENDORS**

##### **IMPORTANT NOTICE TO ALL CONTRACTORS AND CONSULTANTS**

NJ TRANSIT is an instrumentality of the State of New Jersey and its employees and officers, including members of the NJ TRANSIT Board of Directors, are public servants. NJ TRANSIT, its employees and officers are governed by a number of civil and criminal laws which control how NJ TRANSIT and its personnel do business with contractors and consultants. These provisions include the Conflicts of Interest Law, N.J.S.A. 52:13D-12 etseq. and contain unequivocal and stringent restrictions relating to gifts and gratuities.



Be advised that the law prohibits the receipt of gifts and gratuities by any NJ TRANSIT employee or officer from any person, company or entity doing business - or wanting to do business - with NJ TRANSIT. Concomitantly, NJ TRANSIT's own Code of Ethics and Code of Ethics for Vendors, prohibits NJ TRANSIT employees from accepting gifts and prohibits you, the contractors and consultants, from offering any gifts to any NJ TRANSIT employee.

The term "gift" is broadly and widely defined. It includes all things and objects, tangible or intangible, including services, gratuities, meals, entertainment, tickets to events, access to membership clubs, travel costs, and lodging. Simply put, a "gift" is anything of value.

Do not, under any circumstance, tempt or put an NJ TRANSIT employee in the awkward position of having to refuse a gift or return a gift, no matter how well intentioned or innocuous the gift may be in your eyes.

The bright line rule for you and your staff in doing business with NJ TRANSIT is simple: Offer nothing and give nothing to any NJ TRANSIT employee or officer. It is your responsibility to circulate this Notice in your company and educate accordingly all personnel who do business with NJ TRANSIT.

#### **AFFIDAVIT OF COMPLIANCE/NJ TRANSIT'S CODE OF ETHICS FOR VENDORS AND STATE OF NEW JERSEY ETHICS LAWS**

a. Bidder warrants and affirms it has obtained and reviewed a copy of NJ TRANSIT's Code of Vendor Ethics and that Bidder has read and studied this document and distributed this document to all of Bidder's personnel involved in seeking to do business with NJ TRANSIT and required said personnel to fully read this document.

In addition, Bidder further warrants and affirms that Bidder has obtained and reviewed NJ TRANSIT'S document entitled "Important Notice to All Contractors and Consultants" and that Bidder has read and studied this document, including the page setting forth various New Jersey statutory provisions, and that Bidder has distributed this document to all of Bidder's personnel involved in seeking to do business with NJ TRANSIT and required said personnel to fully read this document.

b. Bidder warrants and affirms that it has issued written instructions to all of Bidder's personnel involved in seeking to do business with NJ TRANSIT instructing and requiring same to strictly adhere to the Contractor's responsibilities as set forth in NJ TRANSIT's Code of Vendor Ethics and in the "Important Notice to All Contractors and Consultants".

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c. Bidder warrants and affirms that during the bidding or proposal process for the contract with NJ TRANSIT, no gratuities or other inducements have been offered or given or will be offered or given in any form including gifts, gratuities, benefits, inducements, meals (other than de minimis valued snacks such as coffee, tea, soda, pretzels, cookies, or similar non-meal items), entertainment, or any other thing of value or favors of any kind to any member of NJ TRANSIT's Board of Directors, officer or employee of NJ

## TRANSIT.

d. Bidder warrants and affirms that during the RFP or IFB process for the contract with NJ TRANSIT, Bidder has not and will not make any offers of employment to any member of the NJ TRANSIT Board of Directors, officer or employee directly involved with this contract, or solicit or interview therefore, directly or indirectly, without first seeking and obtaining written approval from NJ TRANSIT's Ethics Liaison Officer.

e. Bidder warrants and affirms that during the RFP or IFB process for the contract with NJ TRANSIT it has and shall promptly report in writing to NJ TRANSIT every instance that comes to the Bidder's attention and knowledge regarding any member of NJ TRANSIT's Board of Directors, officer or employee of NJ TRANSIT who has solicited or asked Bidder to provide gifts, gratuities, benefits, inducements, meals (other than de minimis valued snacks such as coffee, tea, soda, pretzels, cookies, or similar non-meal items), entertainment or any other thing of value or favors of any kind or has made any solicitation or request, directly or indirectly, for employment with or through the Bidder.

f. Bidder acknowledges and accepts that for breach or violation of the foregoing warranties and affirmations, NJ TRANSIT shall have the discretion and legal right to disqualify Bidder from bidding or proposing for a contract between the Bidder and NJ TRANSIT.

### **(E.) PREVAILING WAGE (if applicable)**

Bidder acknowledges and affirms that he/she has personal knowledge of or has obtained and reviewed a copy of the valid prevailing wage rates for all trades and any Building Services involved in the project for the geographical location of the project as issued by the Commissioner of the Department of Labor & Workforce Development, Trenton, New Jersey 08625.

Bidder further acknowledges and affirms that he/she has personal knowledge of or has obtained and reviewed a copy of the valid wage determination for all construction and Building Services types required in the project for the geographical location of the project as issued by the Secretary of the U.S. Department of Labor, Washington, DC 20210.

Should wage rates determined and issued by the U.S. Department of Labor conflict with those determined and issued by the State of New Jersey Department of Labor, the greater of the two rates shall apply.

### **(F.) AFFIRMATIVE ACTION**

Bidder certifies that an Affirmative Action Program of Equal Opportunity has been adopted by the Bidder to ensure that applicants are employed, employees are treated, and the selection and utilization of contractors, subcontractors, consultants, material suppliers and equipment lessors shall be done in accordance with N.J.S.A. 10:2-1 through 10:2-4 and N.J.S.A. 10:5-31 et seq., as amended and supplemented, and the rules and regulations promulgated pursuant thereto. Bidder further certifies that it will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, and of the rules, regulations and relevant orders of the Secretary of Labor. Said Affirmative Action Program shall address both the internal recruitment, employment and utilization of minorities and women and the external recruitment policy regarding minority and women contractors, subcontractors, consultants, material suppliers and equipment lessors.

### **(G.) CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

☒ Agreement Terms \*

**Required for Contracts \$25,000 or more**

Instructions for Certification

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

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, NJ TRANSIT may pursue available remedies, including suspension and/or debarment.

The prospective lower tier participant shall provide immediate written notice to NJ TRANSIT 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.

The terms "covered transaction", "debarment", "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 C.F.R. Part 20]. You may contact NJ TRANSIT for assistance in obtaining a copy of those regulations.

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 NJ TRANSIT.

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.

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.

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

Except for transactions authorized under Paragraph 5 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, NJ TRANSIT may pursue available remedies including suspension and/or debarment.

#### Exclusion - Lower Tier Covered Transaction

(1) 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.

(2) 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.

#### **(H.) PREVENTION OF DRUG AND ALCOHOL ABUSE IN TRANSIT OPERATIONS CERTIFICATION**

☒ Agreement Terms \*

Bidder certifies that it has established and implemented a Drug and Alcohol Misuse Prevention Program in accordance with the terms of 49 C.F.R. Parts 653 and 654.

#### **BIDDERS PLEASE NOTE:**

**This Certification is required only for Contractors supporting NJ TRANSIT Bus Operations Equipment Maintenance, including Contractors engaged in Engine, Revenue Service Vehicle, and Parts Rebuilding and Overhaul.**

#### **(I.) DEBARMENT AND SUSPENSION**

During the performance of this Contract, the Contractor and its subcontractors must be in compliance with the U.S. Department of Transportation regulations, "Government wide Debarment and Suspension (Nonprocurement) and Government wide Requirements for Drug-Free Workplace (Grants)", 49 C.F. R. Part 29, and the FTA Master Agreement. The Contractor is solely responsible for ensuring compliance by all its subcontractors. Contractor will immediately notify NJ TRANSIT of any changes with regard to its own or its subcontractors' status. Certification must be received prior to contract award. Contractor will be responsible at its sole expense for providing conforming subcontractors, even if substitutions of proposed subcontractors are required. Failure of the Contractor to fully comply with these requirements will be grounds for NJ TRANSIT to terminate the contract for cause and for it to avail itself of any and all other remedies against the Contractor. Certification forms are to be mailed to the Contracting Officer, NJ TRANSIT Procurement Department, 6th Floor, One Penn Plaza East, Newark, New Jersey 07105-2246.

**SECTION 9 - CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS (Anti-Byrd Lobbying Certification)**

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☒ Agreement Terms \*

The undersigned 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 any 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 influencing or attempting to influence 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 "Disclosure of Lobbying Activities," in accordance with its instructions.
- (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 Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less that \$10,000 and not more than \$100,000 for each such failure.

**Name \***

Larry Garvin

**Title \***

Project Manager

**Firm \***

Fabricated Metals

SECTION 10: BUY AMERICA CERTIFICATION

Required for Contracts Over \$100,000

REQUIREMENT FOR PROCUREMENT OF STEEL, IRON, OR MANUFACTURED PRODUCTS (NON- ROLLING STOCK)

Bidder certifies that:

SELECT A OR B FROM  
DESCRIPTIONS BELOW: \*

(A)

(A) CERTIFICATE OF COMPLIANCE WITH 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.

(B) CERTIFICATE OF NON-COMPLIANCE WITH 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

BIDDERS PLEASE NOTE: This contract is funded in whole or in part by the United States Government through the Federal Transportation Administration (FTA) and is subject to Federal regulations and FTA requirements. For bid submissions over \$100,000 a signed "Buy America" certificate must be included with the bid submission or the bid will be deemed "non-responsive" and therefore rejected.

Note that Buy America certificates cannot be changed after the bid opening date except in very specific instances in which a clerical error has been identified as described in current Buy America regulations. Questions regarding Buy America compliance requirements should be submitted in writing to the appropriate NJ TRANSIT Contract Specialist prior to the bid opening.

Name \*

Larry Garvin

Title \*

Project Manager

Firm \*

Fabricated Metals

SECTION 11: OWNERSHIP DISCLOSURE FORM

PART I

PLEASE COMPLETE THE QUESTIONS BELOW BY SELECTING EITHER THE "YES" OR THE "NO" OPTION. ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO COMPLETE THIS FORM PURSUANT TO N.J.S.A. 52:25-24.2 **PLEASE NOTE THAT IF THE VENDOR/BIDDER IS A NON-PROFIT ENTITY, THIS FORM IS NOT REQUIRED.**

1.Are there any individuals, corporations, partnerships, or limited liability companies owning a 10% or greater interest in the Vendor {Bidder}?

Yes

IF THE ANSWER TO QUESTION 1 IS “NO”, PLEASE SIGN AND DATE THE FORM.

IF THE ANSWER TO QUESTION 1 IS “YES”, PLEASE ANSWER QUESTIONS 2 – 4 BELOW.

2. Of those parties owning a 10% or greater interest in the Vendor/Bidder, are any of those parties individuals?

Yes

3.Of those parties owning a 10% or greater interest in the Vendor/Bidder, are any of those parties corporations, partnerships, or limited liability companies?

No

4. If your answer to Question 3 is “YES”, are there any parties owning a 10% or greater interest in the corporation, partnership, or limited liability company referenced in Question 3?

No

IF **ANY** OF THE ANSWERS TO QUESTIONS 2 - 4 ARE "YES", PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 2 BELOW.

PART 2

PLEASE PROVIDE FURTHER INFORMATION RELATED TO QUESTIONS 2 – 4 ANSWERED AS "YES".

If you answered "YES" for questions 2, 3, or 4, you must disclose identifying information related to the individuals, corporations,partnerships, and/or limited liability companies owning a 10% or greater interest in the Vendor/Bidder. Further, if one or more of these entities is itself a corporation, partnership, or limited liability company, you must also disclose all parties that own a 10% or greater interest in that corporation, partnership, or limited liability company. This information is required by statute.

IF NONE, YOU MAY PLACE N/A IN THE BOX FOR “NAME” IN THE ENTRY BELOW.

PART 2 - INDIVIDUALS

**NAME \***

Anthony Diebold

**ADDRESS 1**

P. O. Box 9535

**ADDRESS 2**

**CITY**

Louisville

**STATE**

KY

**ZIPCODE**

40209

IF NONE, YOU MAY PLACE N/A IN THE BOX FOR "ENTITY NAME" IN THE ENTRY BELOW.

**PART 2 (Continued) - PARTNERSHIPS/CORPORATIONS/LIMITED LIABILITY COMPANIES**

**ENTITY NAME \***

N/A

**PARTNER NAME**

**ADDRESS 1**

**ADDRESS 2**

**CITY**

**STATE**

**ZIPCODE**

=====

=====

In the alternative, to comply with the ownership disclosure requirement, a Vendor {Bidder} with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign



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## =====

**Name \***

**Title \*****FEIN/SSN \***

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09/06/19

SECTION 12: SOURCE DISCLOSURE CERTIFICATION FORM

SOURCE DICLOSURE CERTIFICATION FORM (For Services Procurements Only)

PROFESSIONAL SERVICE N.J.S.A 52:34-13.2 CERTIFICATION

I hereby certify and say that I have personal knowledge of the facts set forth herein and am authorized to make this Certification on behalf of the Contractor.

The Contractor submits this Certification as part of its Bid in response to the referenced solicitation issued by NJ TRANSIT, in accordance with the requirements of N.J.S.A. 52:34-13.2.

The following is a list of every location where services will be performed by the Contractor and all Subcontractors. \*

N/A

Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced solicitation or extension thereof will be immediately reported by the Contractor to the Director of Contracts, NJ TRANSIT Corporation, One Penn Plaza East, Newark, New Jersey 07105.

I understand that, after award of a contract to the Contractor, it is determined that the Contractor has shifted services declared above to be provided within the United States to sources outside the United States prior to a written determination by the Contracting Officer, that the services can not be performed in the United States, the Contractor shall be deemed in breach of contract, which contract will be subject to Termination for Cause pursuant to Article 18 of the Goods and Services General Provisions.

I further understand that this Certification is submitted on behalf of the Contractor in order to induce NJ TRANSIT to accept a Bid, with knowledge that NJ TRANSIT is relying upon the truth of the statements contained herein.

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Certified By:

Individual Name: \*

Larry Garvin

Title: \*

Project Manager

Contractor(Name of Organization or Entity): \*

Fabricated Metals

Date: \*

09/06/19

## SECTION 13: INVESTMENT ACTIVITIES IN IRAN - STATE OF NEW JERSEY-DIVISION OF PURCHASE AND PROPERTY DISCLOSURE

## PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY SELECTING A OR B.

FAILURE TO SELECT ONE OF THE CHOICES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, he/she shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

The following list found at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. represents entities determined, based on credible information available to the public, to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25"): (<http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>)

**CHOOSE ONE \***

A. I CERTIFY....

A. I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

B. I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

**PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN** You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. If additional space is needed, Bidder shall complete list of all activities of the bidding person/entity, or one of its parent, subsidiaries or affiliates, engaging in the investment activities in Iran on a Disclosure of Investment Activities in Iran form provided by NJ TRANSIT, in care of the Contracting Officer, within seven (7) business days of bid submission.

## Activities Entry

Name

### Relationship to Bidder/Offeror

### Description Of Activities

### Duration of Engagement

**Anticipated Cessation Date**

**Bidder/Offeror Contact Name**

**Contact Phone Number**

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto, to the best of my knowledge, are true and complete. I attest that I am authorized to execute this certification on behalf of the above referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

**Full Name \***

John David Homm, Jr.

**Title \***

Controller

**Date \***

09/06/19

# SECTION 14: BUSINESS REGISTRATION

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In accordance with N.J.S.A. 52:32-44, all New Jersey and out of State business organizations must obtain a Business Registration Certificate (BRC) from the State of New Jersey, Department of Treasury, Division of Revenue, prior to contract award by NJ TRANSIT.

The Bidder must submit its Business Registration Certificate (BRC) and that of any named subcontractor prior to the time the contract is awarded. No contract will be awarded without proof of Business Registration with the Department of Treasury, Division of Revenue.

No contract with a Subcontractor shall be awarded by any Contractor unless the Subcontractor first provides proof of valid business registration.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730.

The business registration form (Form NJ-REG) can be found on-line at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

Visit <http://www.state.nj.us/treasury/revenue/busregcert.shtml>, if you do not have a business registration. (<http://www.state.nj.us/treasury/revenue/busregcert.shtml>)  
Visit [https://www1.state.nj.us/TYTR\\_BRC/jsp/BRCLoginJsp.jsp](https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp), to verify the validity of your existing business registration.

**I have obtained a "New Jersey Business Registration Certificate". \***

Yes

**and my "New Jersey Business Registration Certificate" Number is: \***

0400132183

SECTION 15: BID BOND

"GUARANTEE METHOD" BELOW REFERS TO PAPER OR ELECTRONIC BID BOND SUBMISSION. IF THE VENDOR FAILS TO SUBMIT A BID BOND THE BID WILL BE CONSIDERED NON-RESPONSIVE.

Bond Percentage

10.00%

Guarantee Method \*

Paper Bid Bond, Certified  
Check or Irrevocable Letter Of  
Credit

Paper Bid Bond, Certified Check or Irrevocable Letter Of Credit

Confirmation \*

I have provided a Paper Bid Bond, Certified Cashier's Check or Irrevocable Letter of Credit for 10.00% of the bid total amount. The Bid Security shall be delivered to NJ Transit's Bid Desk located at One Penn Plaza East, 6th Floor, Newark, NJ prior to the time and date set for the opening of bids or the bid shall be rejected.

## SECTION 16: BIDDER'S CERTIFICATION

I hereby certify that I have full authority to execute this Electronic Bid Proposal on behalf of the Bidder named on this Electronic Bid Proposal. In executing this Electronic Bid Proposal, I hereby declare that Bidder has carefully examined the Notice to Bidders, Instructions to Bidders, Exhibits and Certifications, General Provisions, Technical Provisions, Drawings, any Addenda, DBE Provisions and all other Contract Documents required for the named Project.

Bidder further understands that this Certification is submitted on behalf of the Bidder in order to induce NJ TRANSIT to accept a Bid, with knowledge that NJ TRANSIT is relying upon the truth of the statements contained herein.

By submitting this bid, the Bidder certifies and represents that its Electronic Bid Certifications as to Addenda Acknowledgement, Non Collusion Certification, Contractor's Certification of Eligibility, Certification of Compliance/NJ TRANSIT's Code of Ethics for Contractors, Ownership Disclosure, Source Disclosure (for service Procurements only), Disclosure of Investment Activities in Iran, Prevailing Wage (if applicable), Certification Regarding Debarment, Suspension and Other Responsibility Matters, Buy America Certification, Affirmative Action, Certification for Contracts, Grants, Loans and Cooperative Agreements (Anti-Byrd Lobbying Certification), Prevention of Drug and Alcohol Abuse in Transit Operations Certification (if applicable), Debarment and Suspension, Business Registration and Bid Bond have been digitally signed by an authorized representative of the Bidder.

Bidder certifies that he/she is authorized to make this Certification on behalf of the Bidder and to the best of his/her knowledge and belief, the foregoing statement is true. Bidder acknowledges that he/she is aware that if any of the statements are willfully false, Bidder is subject to punishment.

**The undersigned is a \***

LLC

**under the laws of the State of \***

## Kentucky

**Company Name \***

## Fabricated Metals

**Address \***

P. O. Box 9535

**Telephone Number: \***

(502) 363-2625

**Fax Number: \***

**E-Mail: \***

LarryG@fabricatedmetals.com

**FEIN Number:** [REDACTED]

**SECTION 15: AGENCY BID CERTIFICATION (\*\* FOR AGENCY USE ONLY\*\*)**

Optional: Vendor is not required to complete.

**\*\* FOR AGENCY USE  
ONLY\*\***

**WHEN BID IS PRINTED**

We certify that this is the official paper printout of the submitted Electronic Bid Proposal.

**Contract Specialist:**

**Date:**

**Bid Desk Representative:**

**Date:**