

GREATER ORLANDO AVIATION AUTHORITY

REQUEST FOR QUALIFICATIONS  
FOR

**W-00501, AIRSIDES RESTROOM REFURBISHMENT (D/B)**

ORLANDO INTERNATIONAL AIRPORT  
ORLANDO, FLORIDA

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## REQUEST FOR QUALIFICATIONS SUBMISSION REQUIREMENTS

### 1.0 Introduction

The Greater Orlando Aviation Authority (Aviation Authority) invites interested **Design-Build firms** (Proposers) to submit a Statement of Qualifications (SOQ) to provide design and construction services in accordance with Florida Statutes Section 287.055, 2 CFR 200 and federal requirements, for the design and construction of **W-00501, Airsides Restroom Refurbishment (D/B) at the Orlando International Airport (MCO)**.

It is the Aviation Authority's intent to pursue the Bipartisan Infrastructure Law (BIL) funding for the Program from the Federal Aviation Administration (FAA).

### 2.0 Scope of Services

A summary of the scope of services, and information regarding the Pre-Submittal Conference, is included in the Advertisement for this Project, which is available on the Aviation Authority's website at:

<http://www.orlandoairports.net/airport-business/#business-opportunities>

The scope of services is not intended to be all inclusive of the work to be performed. This generalized scope has been prepared so that responses will be written using a common basis. The Proposer's own experience should allow it to amplify the scope in its SOQ. Adjustments to the Project and/or Scope of Services may be made as the design progresses.

The design and preconstruction services generally include, but are not limited to:

- Schematic Design Phase - 30% - develop the design documents including the updated schedule, cost estimate and construction phasing plans. Prepare and conduct all necessary presentations to the Aviation Authority.
- Design Development Phase – 60% - develop design documents including the updated schedule, cost estimate and construction phasing plans. Prepare and conduct all necessary presentations to the Aviation Authority. Comply with material quality standards that are included in the Design Criteria Package and the Aviation Authority's Design Guidelines.
- Construction Document Preparation Phase - 95% – develop design documents for permitting. These documents will require all design to be detailed and coordinated sufficiently to allow for permitting. The document package will also include updated drawings and specifications, updated schedule, cost estimate and construction phasing plans. Prepare and conduct all necessary presentations to the Aviation Authority. This phase includes coordination with the City of Orlando on the permitting approach.
- Construction Document Preparation Phase - 100% – develop final design documents for construction. The document package will also include an updated schedule and phasing

plans. At the completion of this design phase, the Contractor will submit a Request for Change Order (RCO) to convert allowances for the alternate work (if any). The RCO will propose a guaranteed completion date and a detailed construction schedule for the alternate work.

The construction services generally include, but are not limited to:

- All labor, equipment and material procurement, scheduling, and construction services necessary to complete the Project, including documentation of existing conditions and submission of as-built documents.
- Attend and prepare minutes of weekly job coordination meetings.
- Prepare submittals to the Aviation Authority's Owners Authorized Representative (OAR) for review. Incorporate modifications required by the Aviation Authority. All submittals are to be in accordance with the Aviation Authority's Design Guidelines. All drawing submittals are to be delivered in 11" x 17" format or as requested by the Aviation Authority.
- Preparation and submission of contract documents for the work, including shop drawings, complete as-builts, closeout documents, warranties and other materials.
- The design, contract documents and construction administration to be coordinated with Aviation Authority's OAR and all agencies having jurisdiction.
- Prepare and submit all applications for permits and approvals required by authorities having jurisdiction and make arrangements for fees to be paid.
- Provide construction contract administration to include: assistance in interpretation of plans and technical specifications, architects and engineers supplemental instructions, requests for information, requests for change orders, change orders, submittals, attend construction progress meetings and record and publish minutes and coordination of all testing and inspection.
- Coordinate with ongoing Aviation Authority projects.
- Obtain appropriate badges and security clearances. Develop and comply with safety protocols.

### **3.0 Solicitation Schedule**

Please refer to the Aviation Authority's website under Business Opportunities/Construction for meeting locations and updated information pertaining to any revisions to this schedule. The anticipated schedule is subject to change in the RFP:

Pre-Submittal Conference	February 20, 2024
Requests for Clarification deadline	March 1, 2024
Last Addendum posted on Aviation Authority website	March 6, 2024
Deadline for SOQ submission	<b>March 12, 2024</b>
Procurement Committee Shortlisting Meeting RFP released to shortlisted firms	March 26-29, 2024 (TBD)
Technical (including DBE Exhibits) and Price Proposal submission deadline	May 14, 2024 (TBD)
Procurement Committee Meeting for Interviews/ Price Opening/Ranking	May 28-June 7, 2024 (TBD)
Aviation Authority Board for Award	June 19, 2024
Design Completion (including alternates)	TBD
CO Proposal Submission for alternates	TBD
Construction Committee for CO approval	TBD
Aviation Authority Board for CO approval (if needed) Construction NTP for alternates	TBD

All dates subject to change.

#### 4.0 Mandatory Minimum Requirements

- 1) Proposer shall be a design/build firm, which is defined as a partnership, corporation or other legal entity that:
  - is certified under Florida Statute 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
  - is certified under Florida Statute 471.023 to practice or to offer to practice engineering; or certified under Florida Statute 481.219 to practice or to offer to practice architecture; or certified under Florida Statute 481.319 to practice or to offer to practice landscape architecture.
- 2) Proposer shall submit the Required Forms in Tab 9.
- 3) The Proposer and its key personnel (at least the Project Manager and Superintendent) must have prior experience as the prime consultant on a minimum of two (2) similar renovation projects at a medium or large hub airport, within the last ten (10) years, each with a minimum

construction value of not less than Ten Million dollars (\$10,000,000).

## 5.0 Requests for Clarifications

Written inquiries shall be directed to **Mr. Robert Furr, R.A., Vice President, Engineering and Architecture, Greater Orlando Aviation Authority, email: W501@goaa.org**. Questions received after close of business on **March 1, 2024**, will not be answered.

No oral interpretation or clarification of this RFQ will be made to any Proposer. All interpretations and any supplemental instructions will be in the form of a written addendum posted on the Aviation Authority's website and in the box.com folder. To obtain access to the box.com folder, send a request for access to the above email address that includes the requestor's name and email address. It is the sole responsibility of each Proposer to periodically check the Aviation Authority's website for any issued addenda. The failure of any Proposer to review any addendum will not relieve them from any obligation contained therein.

## 6.0 SOQ Format and Deadline for Submission

SOQs shall include one (1) volume, addressing each numbered subsection in the order requested, indexed, and clearly identified.

Proposers shall submit one (1) original, along with one (1) electronic PDF version\* on a USB portable storage device (flash drive, thumb drive, etc.) of its SOQ **no later than 2:00 p.m. local time on March 12, 2024, to the Project Controls Office, Greater Orlando Aviation Authority, 11312 Terminal C Service Road, Bldg. 16, Orlando, FL 32824**. SOQs received after that time will not be considered.

SOQs shall be submitted in sealed packages clearly labeled, "**Statement of Qualifications for W-00501, Airsides Restroom Refurbishment (D/B)**."

**\*PDF submission requirements:** All documents shall be PDF/A compliant. PDF/A compliant documents have embedded fonts and do not reference external files. Layers shall not be preserved from CADD drawings. Scanned documents shall be created as PDF/A compliant, made text searchable and have a minimum resolution of 300 dpi. Submittals in PDF format shall have navigational bookmarks inserted in lieu of any tabs required in the hard copy. The entire submittal shall not exceed a single USB portable storage device. In cases where there are discrepancies between the PDF and hard copy, the hard copy shall take precedence.

The information submitted for Tabs 1-2 (excluding tab pages) shall not exceed 20 one-sided 8-1/2"x11" pages in Arial font with no smaller than 12 pitch font. **SOQs that are not in compliance with the requirements may be downgraded accordingly.**

## 7.0 SOQ Contents

### 1. Proposing Entity Structure.

Proposer's Statement of the following:

- a) The name and address of the legal entity that will contract with the Aviation Authority if awarded the Agreement for the Project.
- b) Name, address, email address and telephone/fax numbers of one (1) individual to whom all future correspondence and/or communications will be directed.
- c) A statement declaring the type of business relationship the Proposer will use (i.e., a single company, joint venture or other form of business relationship to perform the services for the Projects). If the Proposer is a joint venture or partnership, the Qualifying Experience in Section 3 may be satisfied by the joint venture, partnership entity, or any member entity thereof. Please provide a copy of the Joint Venture or Partnership Agreement.

Important for joint ventures or partnerships:

- i. the joint venture or partnership must be the proposed policyholder of the insurance required in Section 5 below,
- ii. the joint venture or partnership must hold, in the name of the joint venture or partnership, the professional license required in Section 6 below, and
- iii. the joint venture or partnership must have the bonding capacity, in the name of the joint venture or partnership, as required in Section 7 below.

### 2. Executive Brief.

- a) A comprehensive project approach to provide the required Services for the Project.
- b) A narrative explanation regarding why the Proposer should be selected for the Project, including:
  - i. A brief overview of the specific experience and expertise of the proposed team (key personnel and subconsultants).
  - ii. Prior experience working in a medium or large hub operating airport.
  - iii. Prior experience on projects that the proposed team has worked together on.
  - iv. Discussion of similar projects referenced in Paragraph 3 below (USGSA Form 330), with particular reference to scope, phasing, construction delivery methods and lessons learned.
- c) A narrative outlining the Proposer's approach to incorporating sustainable design principles into the Services.

- d) A two (2) page description of the Proposer's quality control program for providing the proposed Services. Include the proposed method for communication and coordinating with the Aviation Authority, its other consultants and other interested governmental agencies.

### 3. Qualifying Experience.

- a) Include USGSA Form 330 for the Proposer, key personnel and its subconsultants. Include an Organizational Chart for reference. List not more than three (3) key personnel for each subconsultant category and provide a resume showing the experience on similar projects.
- b) **The Proposer and its key personnel** (at least the Project Manager and Superintendent) **must have prior experience as the prime consultant on a minimum of two (2) similar renovation projects at a medium or large hub airport, within the last ten (10) years, each with a minimum construction value of not less than Ten Million dollars (\$10,000,000).** Clearly identify each qualifying project in the USGSA Form 330.
- c) Provide additional information on other similar projects, which best represent the Proposer's skill and experience in working on projects of the size, type and complexity of the advertised Project.
- d) Proposers and their key personnel should have prior design experience (1) coordinating with; (2) meeting the requirements on projects funded by; and, (3) in accordance with the rules and regulations of the following public/governmental agencies: the Federal Aviation Administration, the Department of Environmental Protection (DEP), the City of Orlando, and other authorities having jurisdiction. Clearly identify the specific project and description in the USGSA Form 330 for each qualifying project.
- e) For each qualifying project, provide the name, title, address, Email address and phone/fax numbers for a reference contact person of the Proposer's client, preferably the owner of the facility, who is familiar with the Proposer's role on that project. Reference checks will be conducted on those projects and may be conducted on other projects.

### 4. DBE Requirements.

All Proposers are hereby notified that they must comply with the Disadvantaged Business Enterprise (DBE) requirements of 49 CFR Part 26, as referenced in the Aviation Authority's DBE Participation Program. The Policies, Forms, and certified DBE Directory are available on the Aviation Authority's website at:

[http://www.orlandoairports.net/small\\_business](http://www.orlandoairports.net/small_business).

The Proposer shall submit a written action plan that demonstrates the Proposer's understanding of the DBE Participation Program and how the Proposer plans to ensure that it will achieve or exceed the DBE participation goal. The Aviation Authority is seeking a detailed DBE action plan that the Proposer will commit to implementing in order to maximize DBE participation and development in a robust, meaningful matter, reduce barriers of entry for DBEs, and promote development of DBEs. This DBE action plan is a material factor in the shortlisting evaluation process.



**For this Project, the Aviation Authority has established a DBE Participation Goal of 17% for the Contract.**

Questions concerning the DBE program can be addressed to the Aviation Authority's Office of Small Business Development, Attn. Edelis Molina, Greater Orlando Aviation Authority, Orlando International Airport, 5850-B Cargo Road, Orlando, FL 32827; Phone: (407) 825-7135, Email: edelis.molina@goaa.org. Proposers shall be solely responsible for confirming DBE subconsultants' experience, capacity, certification and any other information related to the Project.

**5. Insurance Requirements.**

Include evidence of the Proposer's ability to provide the following insurance coverage, either by means of an existing policy or other verifiable proof (Agent/Broker commitment letter):

- a) Professional Liability – Minimum of \$1,000,000 per claim and annual aggregate with maximum deductible or self-insured retention in an amount not exceeding \$100,000. Any deductible or self-insurance retention should be indicated on the Proposer's certificate of insurance.
- b) Commercial General Liability (CGL) – Minimum of \$5,000,000 per occurrence and annual aggregate, with maximum deductible or self-insured retention in an amount not exceeding \$100,000. Any deductible or self-insurance retention should be indicated on the Proposer's certificate of insurance.
- c) Automobile Liability – Minimum of \$5,000,000 per occurrence, with maximum deductible or self-insured retention in an amount not exceeding \$100,000. Any deductible or self-insurance retention should be indicated on the Proposer's certificate of insurance.
- d) Worker's Compensation - (statutory limit)  
Employer's Liability:                     \$500,000 - each accident  
   \$500,000 disease - policy limit  
   \$500,000 disease - each employee

Policy terms must be acceptable to the Aviation Authority and must comply with the Aviation Authority's requirements for insurance.

**6. Licensure.**

Proposers must be licensed and registered in accordance with Florida State law and shall be familiar with all applicable federal, State of Florida, Orange County, Florida, and City of Orlando codes, regulations and laws. Include the following:

- a) Evidence that the Proposer and the proposed key personnel and subconsultants are properly licensed to perform the services, such as copies of the applicable licenses and certifications.
- b) Evidence that the Proposer (and DBAs) are properly formed, incorporated, or registered with the State of Florida, such as a copy of the electronic certificate of status that was generated from the Florida Department of State, Division of Corporations website within the last 30 days.

7. **Bonding Capacity.**

Provide an acknowledgement by the Proposer's Surety, on the Surety's letterhead, of the Proposer's ability to provide 100% Performance and Payment Bonds for a minimum of twenty million dollars (\$20,000,000) for a single project together with evidence for maximum single project bonding capacity and Proposer's aggregate bonding capacity. The Surety must be rated no less than "A-" as to management and no less than "VIII" as to strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Post Office Box 1107, Summit, New Jersey 07901. Information shall be provided by the Surety on behalf of the Proposer.

8. **Claims Information.** Disclose all lawsuits, arbitrations and claims filed or raised by or against the Proposer over the last five (5) years, specifically identifying:

- The project involved.
- The parties involved.
- The nature of the claim(s).
- Amount at issue.
- Disposition or status.
- Litigation, case style, number, and jurisdiction.
- **A statement as to whether the claim involves any proposed team member.**

NOTE: If the Proposer is a joint venture or partnership, which is not currently in existence, the above-requested documentation shall be submitted from each entity of the proposed joint venture or partnership.

9. **Required Certifications.**

Please complete, sign and include the Forms in Exhibit A.

10. **Additional Information.**

Any additional information, which may be requested by the Aviation Authority. The Aviation Authority reserves the right to request any supplementary information it deems necessary to evaluate Proposer's experience and qualifications and/or clarify or substantiate any information contained in the SOQ.

## **8.0 Evaluation and Award Criteria and Procedure**

The Aviation Authority's Procurement Committee will evaluate the SOQs and intends to shortlist no less than three (3) of the most qualified Proposers. Among the factors that will be considered in selecting the shortlist of Proposers are their capabilities; adequacy of personnel; past record, including prior experience on similar programs; their past performance with the Aviation Authority (if applicable); their past performance with other entities and experience of the firm or individual; approach to providing the Services; compliance with the Aviation Authority's DBE Participation Program; and the responses to the inquiries set forth above. The Aviation Authority reserves the right to solicit from available sources relevant information concerning a Proposer's past performance and may consider such information in its selection of shortlisted Proposers, in accordance with the process set forth in Florida Statutes 287.055, Consultants' Competitive Negotiation Act (CCNA).

The Aviation Authority will issue a Request for Proposals (RFP) to the shortlisted Proposers. The RFP will include all of the evaluation criteria and the proposed contract with all federally-required terms and conditions. The RFP will request the shortlisted Proposers to submit (1) a technical design proposal including a proposed schedule; and, (2) a price proposal, all of which shall be based on the RFQ, RFP the Design Criteria Package and all documents referenced therein.

The Aviation Authority, at its sole discretion, may schedule pre-submittal conferences, proprietary meetings, interviews and/or presentations with the shortlisted Proposers. Interviews are typically held following the submission of the proposals, in the Aviation Authority Boardroom, in alphabetical order, with a ten-minute presentation, followed by a twenty-minute question and answer period. The Aviation Authority's Procurement Committee has discretion to revise the schedule and length of the interviews as it deems appropriate.

Award, if made, will be based on the Aviation Authority's evaluation of the SOQs, technical proposals, price proposals, compliance with all requirements set forth in the RFQ and RFP, and interviews. The Aviation Authority's Procurement Committee will evaluate each responsive Proposer, comparatively against each other, by assigning up to the maximum score for each category, as set forth in the RFP.

The Aviation Authority intends, but is not obligated, to enter into a non-exclusive agreement with the selected Proposer to perform the required Services for the Project. Should the Aviation Authority be unable to execute a contract with the first-ranked Proposer, the Aviation Authority may execute a contract with the second-ranked Proposer. The Aviation Authority shall have the right, but not the obligation, to award all or any portion of the Project. The Aviation Authority reserves its right to award any or all of the advertised Project subject to the availability of funding. The precise scope of the Contract may be phased or revised based upon the timing and amount of federal grant funding.

The Aviation Authority reserves the right to waive any informality in the SOQs, to reject any and all SOQs, to re-advertise, postpone, or to elect not to proceed with the Project for any reason.

## **9.0 Additional Information and Requirements**

**Public Records and Meetings.** All recommendations and decisions regarding award of the Project shall be made at open public meetings in accordance with the requirements of Florida Statute 286.011, and all interested parties are invited to attend such meetings. In accordance with Florida Statute 287.055 (10), the Aviation Authority declares that all or any portion of the documents and work papers prepared and submitted pursuant to this invitation shall be subject to re-use by the Aviation Authority.

Labeling information as "proprietary" or "confidential" or any other designation of restricted use **shall not** protect information from release if required or deemed appropriate by the Aviation Authority under applicable policies, open meeting laws, or public records laws, see Chapters 119 and 286, Florida Statutes. All materials or documents submitted in response to this Solicitation will become the property of the Aviation Authority. By submitting a SOQ, Proposers specifically waive all claims against the Aviation Authority related to the disclosure of public records.

**Security.** Proposer's personnel and subconsultants will be required to meet the Aviation Authority's requirements for security background checks and must comply with all Airport Operations Area (AOA) security requirements. All personnel requiring unescorted access to a secure or sterile area of the airport must undergo a Criminal History Records Check (CHRC) and are subject to the requirements of Title 49 of the Code for Federal Regulations Part 1542 or 1544 and the Airport Security Improvement Act of 2000. Additional U.S. Customs and Border Protection requirements may apply.

**Lobbying Restrictions.** Proposers are hereby advised that individuals, who conduct lobbying activities with Aviation Authority employees or Board members, must register with the Aviation Authority each year prior to conducting any lobbying activities. A statement of expenditures incurred in connection with those lobbying instances should also be filed prior to April 1st of each year for the preceding year. As of January 16, 2013, lobbying any Aviation Authority Staff, who are members of any committee responsible for ranking Proposals, SOQs, or Bids, and thereafter forwarding those recommendations to the Board and/or Board Members, is prohibited from the time that a Request for Proposals, Request for Qualifications, or Request for Bids is released to the time that the Aviation Authority Board makes

an award. As adopted by the Aviation Authority Board on September 19, 2012, lobbyists are now required to sign-in at the Aviation Authority offices prior to any meetings with Staff or Board members. In the event a lobbyist meets with or otherwise communicates with Staff or an Aviation Authority Board member at a location other than the Aviation Authority offices, the lobbyist shall file a Notice of Lobbying (Form 4) detailing each instance of lobbying to the Chief Administrative Officer within seven (7) calendar days of such lobbying. The policy, forms, and instructions are available in the Aviation Authority's offices and the web site.

**Prohibited Communications (Cone of Silence).** Any communication with an Aviation Authority Board or Procurement Committee member, to seek to encourage any specific result in connection with this solicitation, whether directly or indirectly, regardless of the individual who initiated the selection period communication and regardless of whether oral, written or electronic, is prohibited until the time that the Aviation Authority Board makes an award. The Selection Period Communication Policy and Lobbying Activities Policy (Sections 180-01 and 180-03) will be made available upon request. The cone of silence does not apply to (i) oral communications at the Pre-Submittal Conference; (ii) oral communications during any presentation/demonstration/ interview at a publicly noticed committee meeting; (iii) oral communications during any duly noticed Board meeting; and (iv) communications made in accordance with the Aviation Authority's Appeal Policy.

**Convicted Vendors Lists.** Pursuant to Section 287.133(2)(a), Florida Statutes, Proposers who have been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide services for a public entity, may not be awarded a consultant contract and may not transact business with a public entity for services in excess of the threshold amount set forth in Section 287.017, Florida Statutes, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

**Scrutinized Company Certifications:** By submitting a SOQ or Bid, the Proposer certifies that: (a) (applicable to all agreements, regardless of value), it is not on the Scrutinized Companies that Boycott Israel List and is not engaged in a boycott of Israel, as defined in Florida Statutes § 287.135, as amended; and, (b) (applicable to agreements that may be \$1,000,000 or more), it is: (i) not on the Scrutinized Companies with Activities in Sudan List, or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List as defined in Florida Statutes § 287.135; and, (ii) not engaged in business operations in Cuba or Syria, as defined in Florida Statutes § 287.135, as amended.

**Discriminatory Vendor List.** By submitting a SOQ, Proposal or Bid, the Contractor represents that it is not precluded from submitting a bid or proposal under Section 287.134, which provides as follows: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity unless that entity or affiliate has been removed from the list pursuant to Florida law.

**E-Verify Requirements.** All Contractors/Consultants shall utilize the U.S. Department of Homeland Security's Employment Eligibility Verification System (E-Verify), in accordance with the terms governing the use of the system, to confirm the employment eligibility of persons employed by the Contractor/Consultant, during the term of the Contract, to perform employment duties within Florida. Prime Contractors/Consultants are required to include an express provision in its Subcontractor/ Subconsultant Agreements requiring the Subcontractors/ Subconsultants to do the same. Pursuant to Florida Statutes 448.095, all Subcontractors/Subconsultants must provide the Contractor/Consultant with an affidavit stating that the Subcontractor/Subconsultant does not employ, contract with, or

subcontract with an unauthorized alien. The Contractor/Consultant shall maintain a copy of such affidavit for the duration of the contract.

**Conflicts of Interest.** Proposers are notified that if they are selected to perform design or inspection services on an FDOT-funded project, they will be prohibited from performing other services on that project. In accordance with Florida Statutes 337.14(7), the entity performing design and construction engineering and inspection services may not be the same entity. By submitting a proposal, the Proposer certifies that no officer, employee or agent (and no spouse or child thereof) of the Aviation Authority has a financial interest in the proposal or the contract awarded under this solicitation and further certifies that it and its proposed team members have not participated in the preparation of this solicitation or design criteria documents.

**Code of Ethics and Business Conduct.** Proposers must comply with the Aviation Authority's Code of Ethics and Business Conduct Policy, which addresses conflicts of interest, acceptance of Outside Employment and/or Gratuities and divulgence of information. A copy of the Policy Section 204-01 is available upon request. Violation of this policy is sufficient cause for the denial of the right to bid on or to sell any materials, supplies, equipment, or services to the Aviation Authority for a period of time that is determined by the Chief Executive Officer.

**Civil Rights, Title VI Compliance.** The Aviation Authority, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this invitation, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, or national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.

## **GREATER ORLANDO AVIATION AUTHORITY**



## EXHIBIT A – REQUIRED FORMS

### CERTIFICATION OF OFFEROR/BIDDER REGARDING TAX DELINQUENCY AND FELONY CONVICTIONS

The applicant must complete the following two certification statements. The applicant must indicate its current status as it relates to tax delinquency and felony conviction by inserting a checkmark (☐) in the space following the applicable response. The applicant agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts.

#### Certifications

- 1) The applicant represents that it is (☐) is not (☐) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the Aviation Authority responsible for collecting the tax liability.
- 2) The applicant represents that it is (☐) is not (☐) a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months.

#### Note

If an applicant responds in the affirmative to either of the above representations, the applicant is ineligible to receive an award unless the Sponsor has received notification from the agency Suspension and Debarment Official (SDO) that the SDO has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The applicant therefore must provide information to the owner about its tax liability or conviction to the Owner, who will then notify the FAA Airports District Office, which will then notify the agency's SDO to facilitate completion of the required considerations before award decisions are made.

#### Term Definitions

**Felony Conviction:** Felony conviction means a conviction within the preceding twenty four (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. Code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 USC § 3559.

**Tax Delinquency:** A tax delinquency is any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the Aviation Authority responsible for collecting the tax liability.

### CERTIFICATION OF PROPOSER REGARDING DEBARMENT

By submitting a proposal under this solicitation, the Proposer certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency or the State of Florida from participation in this transaction.

### CERTIFICATION OF LOWER TIER CONTRACTORS REGARDING DEBARMENT

The successful Proposer, by administering each lower tier subcontract that exceeds \$25,000 as a "covered transaction", must verify each lower tier participant of a "covered transaction" under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful Proposer will accomplish this by:

- i. Checking the System for Award Management at website: <http://www.sam.gov>.

- ii. Collecting a certification statement similar to the Certification of Proposer Regarding Debarment, above.
- iii. Inserting a clause or condition in the covered transaction with the lower tier contract.

### **CERTIFICATION REGARDING LOBBYING**

The Proposer certifies by signing and submitting this proposal, 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 Bidder or Offeror, to any person for influencing or attempting to influence an officer or employee of an 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 Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and, (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients 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 a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **TRADE RESTRICTION CERTIFICATION**

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror -

- a. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (U.S.T.R.);
- b. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the U.S.T.R; and
- c. has not entered into any subcontract for any product to be used on the Federal on the project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001. The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed

circumstances. Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to an Offeror or subcontractor:

(1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R. or

(2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such U.S.T.R. list or

(3) who incorporates in the public works project any product of a foreign country on such U.S.T.R. list;

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by U.S.T.R, unless the Offeror has knowledge that the certification is erroneous. This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

Submitted by: \_\_\_\_\_ [Proposer Name]

\_\_\_\_\_ *signature*

\_\_\_\_\_ [Print Name and Title]