

# **PART 1, SECTION 2: REQUIRED SUBMITTAL FORMS**

All Offerors, including, but not limited to, corporate entities, limited liability companies, joint ventures, or partnerships, that submit a Bid or Proposal in response to this solicitation must fill out all forms in their entirety, and, where applicable, all forms must be signed, notarized or sealed with the corporate seal, as required per each form's instructions.

If Offeror intends to be awarded a contract with the City, then Offeror must fill out all the forms listed in this solicitation document; otherwise, Offeror may be deemed non-responsive.

**Required Submittal (FORM 1)**  
**Illegal Immigration Reform and Enforcement Act Forms (Page 1 of 3)**

**INSTRUCTIONS TO OFFERORS:**

All Offerors **must** comply with the **Illegal Immigration Reform and Enforcement Act, O.C.G.A §13-10-90, et seq. (IIREA)**. IIREA was formerly known as the Georgia Security and Immigration Compliance Act or GSICA. Offerors must familiarize themselves with IIREA and are solely responsible for ensuring compliance. Offerors must not rely on these instructions for that purpose. The instructions are offered only as a convenience to assist Offerors in complying with the requirements of the City's procurement process and the terms of this solicitation document.

Offerors may submit the Contractor Affidavit to the City of Atlanta Department of Procurement ("DOP") not less than ten (10) days prior to the due date for responses to a Solicitation through the IIREA Preview Program.

1. The attached Contractor Affidavit (Form 1) must be filled out **COMPLETELY** and submitted with the bid/proposal.
2. The Contractor Affidavit must contain an active Federal Work Authorization User ID Number, also known as an E-Verify Company ID Number or E-Verify Number, and Date of Authorization (mm/dd/yyyy). **Please Note: The E-Verify Company ID Number is not a Tax ID Number, Social Security Number or formal contract number.**
3. An Employer Identification Number (EIN), also known as a federal tax identification number, is a number assigned by the Internal Revenue Service (IRS) to identify an employer. **An EIN is required to enroll in the E-Verify Program.** **Please Note: An EIN is different from a Social Security Number or Individual Taxpayer Identification Number.**
4. If the Offeror is a Joint Venture and the Joint Venture has an EIN, **one** Contractor Affidavit must be completed by the Joint Venture and it must include the E-Verify Company ID Number issued to the Joint Venture. Each business participating in the Joint Venture does **not** need to submit a separate Contractor Affidavit.
5. If the Offeror is a Joint Venture and the Joint Venture does not have an EIN, each business participating in the Joint Venture **must** complete and submit its own Contractor Affidavit. The Contractor Affidavit, for each joint venture member must include the participating business's E-Verify Company ID Number.
6. All Contractor Affidavits must be executed by an authorized representative of the entity named in the Affidavit.
7. **All Contractor Affidavits must be sworn, signed and dated in the physical presence of a notary public.**
8. All Contractor Affidavits must be submitted with bid/proposal package.
9. \*Subcontractor and sub-subcontractor affidavits are not required at the time of bid/proposal submission but will be required at contract signature or in accordance with the timelines set forth in IIREA.

**Required Submittal (FORM 1)**  
**Illegal Immigration Reform and Enforcement Act Forms (Page 2 of 3)**

**Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of the City of Atlanta has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
Federal Work Authorization User Identification Number (*Also known as E-Verify Company ID.*  
*Not Tax ID or SS Number*)

\_\_\_\_\_  
Date of Authorization (mm/dd/yyyy) (*Date the E-Verify Company ID was issued by the Federal E-Verify system*)

\_\_\_\_\_  
Name of Contractor (*Legal name of Offeror, not an abbreviated version*)

\_\_\_\_\_  
Name of Project/Solicitation

City of Atlanta

\_\_\_\_\_  
Name of Public Employer

**I hereby declare under penalty of perjury that the foregoing is true and correct.**

Executed on \_\_\_\_\_, \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

**Required Submittal (FORM 1)**  
**Illegal Immigration Reform and Enforcement Act Forms (Page 3 of 3)**

**Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)**

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with \_\_\_\_\_ (Name of Contractor) on behalf of the City of Atlanta has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. §13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A. §13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice that a sub-subcontractor has received an affidavit from any other contracted sub-subcontractor, the undersigned subcontractor must forward, within five business days of receipt, a copy of the notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
Federal Work Authorization User Identification Number (*Also known as E-Verify Company ID.*  
*Not Tax ID or SS Number*)

\_\_\_\_\_  
Date of Authorization (mm/dd/yyyy) (*Date the E-Verify Company ID was issued by the Federal E-Verify system*)

\_\_\_\_\_  
Name of Subcontractor (*Legal name of Contractor, not an abbreviated version*)

\_\_\_\_\_  
Name of Project/Solicitation

City of Atlanta

\_\_\_\_\_  
Name of Public Employer

**I hereby declare under penalty of perjury that the foregoing is true and correct.**

Executed on \_\_\_\_\_, \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 1 of 13)**

**FORM 2 MUST BE COMPLETED IN ITS ENTIRETY AND SIGNED AND NOTARIZED WHERE INDICATED. FAILURE TO SIGN OR NOTARIZE THIS FORM OR TO ANSWER ALL QUESTIONS IN FULL OR TO PROVIDE ALL REQUESTED ADDITIONAL DOCUMENTATION IN FULL MAY RESULT IN OFFEROR BEING DEEMED NON-RESPONSIVE**

***IN ADDITION, OFFEROR MAY BE DEEMED NON-RESPONSIBLE, IN ACCORDANCE WITH THE APPLICABLE LAW, BASED ON ITS REPRESENTATIONS WITHIN THE DISCLOSURE AND DECLARATION***

***DEFINITIONS FOR THE PURPOSES OF THIS DISCLOSURE AND DECLARATION:***

<p align="center"><b>“Contractor”</b></p>	<p>Any person or entity having a contract with the City of Atlanta (“City”).</p>
<p align="center"><b>“Affiliate”</b></p>	<p>Any legal entity that, directly or indirectly, through one of more intermediate legal entities, controls, is controlled by or is under common control with the Offeror or a member of Offeror.</p>
<p align="center"><b>“Offeror”</b></p>	<p>An Offeror is a business entity (as defined in City Code §2-1102) submitting a bid/proposal in response to the Solicitation.</p> <p>If the Offeror is a <b>sole proprietor</b> or an <b>individual</b>, then the sole proprietor or individual must complete and sign this Contractor Disclosure and Declaration Form.</p> <p>If the Offeror is a <b>corporation, limited partnership or limited liability company</b>, then an authorized representative of the corporation, limited partnership or limited liability company must complete and sign this Contractor Disclosure and Declaration Form.</p> <p>If the Offeror is a <b>general partnership</b>, recognized, then (1) an authorized representative of the general partnership must complete and sign this Contractor Disclosure and Declaration Form on behalf of the general partnership, <b>and</b> (2) each partner in the partnership, <i>on its own behalf</i>, must individually complete and sign a separate Contractor Disclosure and Declaration Form.</p> <p>If the Offeror is a <b>joint venture</b> (single entity comprised of more than one individual or organization), then an authorized representative of the joint venture must complete and sign this Contractor Disclosure and Declaration Form. <b><i>If, however, Offeror is a newly formed joint venture</i></b> (joint venture formed within the last three (3) years and made up of two (2) or more separate members), <b><i>then</i></b> (1) an authorized representative of the joint venture must complete and sign this Contractor Disclosure and Declaration Form on behalf of the joint venture <b><i>and</i></b> (2) each member of the joint venture, <i>on its own behalf</i>, must also individually complete and sign this Contractor Disclosure and Declaration Form.</p>

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 2 of 13)**

*Instructions: Provide the following information for the entity or individual completing this Statement (the "Individual/Entity").*

**A. Basic Information Regarding Offeror:**

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

Entity Submitting this Form: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Type of Entity:  
(Legal Description of Entity Business Structure)

- Corporation
- Limited Liability Company
- Limited Partnership/Limited Liability Partnership
- General Partnership
- Joint Venture

If a Joint Venture, include the date the JV was formed \_\_\_\_\_ (mm/dd/yyyy).

The date of formation could be different from the date the JV agreement is signed and notarized.

Other \_\_\_\_\_

Name/Title of Authorized Representative Signing this Form (the authorization for this representative should be stated in the JV Agreement): \_\_\_\_\_

Relationship of the Authorized Representative Completing this Form to the Offeror:

- Authorized Representative of Offeror
- Joint Venture Partner -Majority
- Joint Venture Partner -Minority
- Other \_\_\_\_\_  
(i.e., member, owner, or partner)

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 3 of 13)**

Contact Information of the Authorized  
Representative Completing this Form:

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

Phone Number(s): \_\_\_\_\_  
(Office)  
\_\_\_\_\_  
(Mobile)

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

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 4 of 13)**

If Offeror is a Joint Venture (“JV”), list each JV partner by its **full legal name** and indicate the percentage interest held in the Joint Venture:

<b>NAME:</b>	<b>Percentage (%)</b>
_____	_____
_____	_____
_____	_____
_____	_____

Provide the date the Joint Venture was established. \_\_\_\_\_

Identify Offeror’s state of incorporation or other business entity registration. \_\_\_\_\_

*If Offeror is a Joint Venture formed by written agreement, Offeror must provide each joint venture partner entities’ authorization to transact business or other state or municipal registration business in its state of incorporation.*

**Offeror must select one of the options below and submit accompanying documentation regardless of business formation type:**

Is the Offeror authorized to transact business in the state of Georgia?

- YES** (Attach Certificate of Authority to Transact Business in Georgia from Georgia Secretary of State.)
- NO** (If Offeror is incorporated or registered in a state other than Georgia, attach Certificate of Authority to transact business in home state. If the Offeror is a type of business for which the Georgia Secretary of State does not require registration, then the Offeror may provide a current business license issued by a Georgia County or Municipality.)

***Note: If Offeror is incorporated or registered in a state other than Georgia, Offeror must provide a certificate of authority to transact business in Georgia issued by the Georgia Secretary of State prior to the award of any contract.***



**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 5 of 13)**

**B. QUESTIONNAIRE**

**You are REQUIRED to answer YES or NO to each of the following questions. If you answer “YES” to any of the questions, you must provide on a separate page the details necessary to explain the nature and circumstances of each action, event, matter, relationship or practice involved, including but not limited to: names of persons or entities involved, status and/or outcome of each instance. You should number each response to the corresponding question. Please be advised that the Offeror may be ineligible for award if any of the below responses constitutes a conflict of interest, including those conflicts that cannot be avoided.**

**NOTE: An Offeror is any individual or business entity that submits a Bid/Proposal in response to a Solicitation. If you are completing Form 2 as a member of a newly formed Joint Venture (established for 3 years or less) or a partner in a General Partnership, each member to the Joint Venture or partner in the General Partnership must complete the questionnaire.**

1. Has the Offeror in the last five (5) years:
  - (a) directly or indirectly, had a business relationship with the City? YES  NO
  - (b) directly or indirectly, received revenues from the City? YES  NO
  - (c) directly or indirectly, received revenues from conducting business on City property or pursuant to any contract with the City? YES  NO
  
2. Does the Offeror employ or retain as an independent contractor(s) any current or former City of Atlanta employees? If yes, please provide name(s) of current or former employee(s)/independent contractor(s) and position(s) held with the City of Atlanta. YES  NO
  
3. Has any employee, agent, officer, or representative of Offeror (including any employee, agent, or representative of a Joint Venture member) who is or will be directly involved in the project, in the last five (5) years:
  - (a) directly or indirectly, had a business relationship with the City? YES  NO
  - (b) directly or indirectly, received revenues from the City? YES  NO
  - (c) directly or indirectly, received revenues from conducting business on City property or pursuant to any contract with the City? YES  NO
  
4. Had the Offeror or any agent, officer, director, or employee been terminated, suspended, or debarred (for cause or otherwise) from any work being performed for the City or any other Federal, State, or Local Government Entity? YES  NO
  
5. Has the Offeror provided employment or compensation to any third-party intermediary, agent, or lobbyist to directly or indirectly communicate with any City Official or employee, or municipal official or employee in connection with any transaction or investment involving your firm and the City? YES  NO
  
6. Has the Offeror, within the past five (5) years, been the subject of any civil or criminal proceedings in which there was a final adjudication adverse to Offeror which directly arose from activities conducted by Offeror? If yes, for each proceeding please provide the name of the court where the case was filed; the case or action number; the name(s) of the plaintiff(s) and defendant(s); a short description of the nature of the case; and the disposition of case. YES  NO

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 6 of 13)**

7. Has the Offeror had any Personal or Financial Relationships, as defined below, in the past five (5) years that may give rise to a conflict of interest? **Failure to disclose information may result in suspension or debarment by the City of Atlanta.**

a. Personal relationships: executives, board members and partners in firms submitting offers must disclose familial relationships with employees, officers and elected officials of the City of Atlanta. Familial relationships shall include spouse, domestic partner registered under City of Atlanta Code of Ordinances Section 94-133, mother, father, sister, brother, and natural or adopted children of an official or employee.

YES  NO

b. Financial relationships: any interest held with a City employee or official, or family members of a City employee or official, which may/did yield, directly or indirectly, a monetary or other material benefit to the Offeror or the Offeror's family members.

YES  NO

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 7 of 13)**

## C. REPRESENTATIONS

**NOTE: An Offeror is any individual or business entity that submits a Bid/Proposal in response to a Solicitation. If you are completing Form 2 as a partner in a General Partnership or as a member of a newly established Joint Venture (established 3 years or less), the representations made in Section C. REPRESENTATIONS are solely made on behalf of and reflect information as it pertains to the member of the Joint Venture or partner in the Partnership completing this Form.**

**1. Anti-Lobbying Provision.** All Offerors, including their agents, employees, officers, representatives, lobbyists, attorneys and proposed partner(s), subcontractor(s) or joint venture member(s), will refrain, under penalty of the Offeror's disqualification, from direct or indirect contact, for the purpose of influencing the selection or creating bias in the selection process, with any elected or appointed City officials, City agencies, employees, representatives or agents, evaluation committee members, or any person who may play a part in the selection process.

**2. Certification of Independent Price Determination/Non-Collusion.** Collusion and other anticompetitive practices among Offerors are prohibited by city, state and federal laws. All Offerors shall identify a person having authority to sign for the Offeror who, by execution of this Form, certifies, in writing, as follows:

"I certify that this bid/proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid or offer for the same supplies, labor, services, construction, materials or equipment to be furnished or professional or consultant services, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of city, state and federal law and can result in fines, prison sentences, and civil damages awards. By signing this document, I agree to abide by all conditions of this solicitation and offer and certify that I am authorized to sign for this Offeror."

**3. Certify Satisfaction of all Underlying Obligations. (If Applicable)** If a Contract is awarded through this solicitation, then such Offeror should know that before final payment is made to a Contractor by the City, the Contractor shall certify to the City in writing, in a form satisfactory to the City, that all subcontractors, materialmen suppliers and similar firms or persons involved in the City contract have been paid in full at the time of final payment to the Contractor by the City or will be paid in full utilizing the monies constituting final payment to the Contractor.

**4. Confidentiality.** Details of the proposals will not be discussed with other Offerors during the selection process. Offeror should be aware, however, that all proposals and information submitted therein may become subject to public inspection as provided by Georgia Law. Each Offeror should consider this possibility and, where trade secrets or other proprietary information may be involved, may choose to provide in lieu of such proprietary information, an explanation as to why such information is not provided in its proposal. However, the Offeror may be required to submit such required information before further consideration.

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 8 of 13)**

**5. Blackout Period.** The blackout period begins with the advertisement of the synopsis and shall remain in effect until execution of the contract or the solicitation is cancelled and will not be resolicited, whichever comes first. During the blackout period, all questions pertaining to this solicitation must be directed to the Department of Procurement's assigned Procurement Professional. Offeror or any representative, agent or other person acting on behalf of Offeror is prohibited from contacting any other City agency, employee, , representative, or elected or appointed official regarding questions about this solicitation.

**6. Equal Employment Opportunity (EEO) Provision.** All Offerors will be required to comply with sections 2-1200 and 2-1414 of the City of Atlanta Code of Ordinances, as follows: During the performance of the agreement, the Offeror agrees as follows:

- a. The Offeror shall not discriminate against any employee, or applicant for employment, because of race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or political affiliation. As used here, the words "shall not discriminate" shall mean and include without limitation the following:

Recruited, whether by advertising or other means; compensated, whether in the form of rates of pay, or other forms of compensation; selected for training, including apprenticeship; promoted; upgraded; demoted; downgraded; transferred; laid off; and terminated.

The Offeror agrees to and shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officers setting forth the provisions of the EEO clause.

- b. The Offeror shall, in all solicitations or advertisements for employees, placed by or on behalf of the Offeror, state that all qualified applicants will receive consideration for employment without regard to race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or political affiliation.
- c. The Offeror shall send to each labor union or representative of workers with which the Offeror may have a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' representative of the Offeror's commitments under the equal employment opportunity program of the City of Atlanta and under the Code of Ordinances and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The Offeror shall register all workers in the skilled trades who are below the journeyman level with the U.S. Bureau of Apprenticeship and Training.
- d. The Offeror shall furnish all information and reports required by the contract compliance officer pursuant to the Code of Ordinances, and shall permit access to the books, records, and accounts of the Offeror during normal business hours by the contract compliance officer for the purpose of investigation so as to ascertain compliance with the program.

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 9 of 13)**

- e. The Offeror shall take such action with respect to any subcontractor as the city may direct as a means of enforcing the provisions of paragraphs (a) through (h) herein, including penalties and sanctions for noncompliance; provided, however, that in the event the Offeror becomes involved in or is threatened with litigation as a result of such direction by the city, the city will enter into such litigation as is necessary to protect the interest of the city and to effectuate the equal employment opportunity program of the city; and, in the case of contracts receiving federal assistance, the Offeror or the city may request the United States to enter into such litigation to protect the interests of the United States.
  
- f. The Offeror and its subcontractors, if any, shall file compliance reports at reasonable times and intervals with the city in the form and to the extent prescribed by the contract compliance officer. Compliance reports filed at such times directed shall contain information as to employment practices, policies, programs and statistics of the Offeror and its subcontractors.
  
- g. The Offeror shall include the provisions of paragraphs (a) through (h) of this equal employment opportunity clause in every subcontract or purchase order so that such provisions will be binding upon each subcontractor or vendor.
  
- h. A finding, as hereinafter provided, that a refusal by the Offeror or subcontractor to comply with any portion of this program, as herein provided and described, may subject the offending party to any or all of the following penalties:
  - (1) Withholding from the Offeror in violation all future payments under the involved contract until it is determined that the Offeror or subcontractor is in compliance with the provisions of the contract;
  
  - (2) Refusal of all future bids or proposals for any contract with the City of Atlanta or any of its departments or divisions until such time as the Offeror or subcontractor demonstrates that there has been established and there shall be carried out all of the provisions of the program as provided in the Code of Ordinances;
  
  - (3) Cancellation of the public contract;
  
  - (4) In a case in which there is substantial or material violation of the compliance procedure herein set forth or as may be provided for by the contract, appropriate proceedings may be brought to enforce those provisions, including the enjoining, within applicable law, of Offerors, subcontractors or other organizations, individuals or groups who prevent or seek to prevent directly or indirectly compliance with the policy as herein provided.

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 10 of 13)**

**7. Prohibition on Kickbacks or Gratuities/Non-Gratuity.** The undersigned acknowledges the following prohibitions on kickbacks and gratuities. Please see City of Atlanta Procurement Code Section 2-1484 for further information:

- a. It is unethical for any person to offer, give or agree to give any employee or former employee (reference code section 2-1484) a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefor.
  - b. It is unethical for any employee or former employee to solicit, demand, accept or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefor.
  - c. It is also unethical for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime Contractor or higher tier subcontractor or any person associated therewith as an inducement for the award of a subcontract or order.
8. **Anti-Human Trafficking Provision.** Pursuant to O.C.G.A. §16-5-46, Offeror agrees that Offeror, its employees, directors, officers, owners, subcontractors, vendors, suppliers, agents, and affiliates shall not engage in Human Trafficking including, but not limited to: (a) using forced labor; (b) engaging in misleading or fraudulent recruitment practices; (c) charging recruitment fees; (d) destroying, concealing, confiscating, or otherwise denying employee access to the employee's identification documents, and (d) failing to provide an employment agreement (if required) in an employee's native tongue and prior to the employee's departure from his/her place of origin. Offeror agrees to cooperate fully with and provide reasonable access to any federal, state, or local agency or governmental authority conducting investigations into actual or alleged violations or inconsistent self-report activities or any other applicable law or regulation.

Any violation of the provisions contained herein, in whole or in whole or in part, may result in (a) suspension of services under an agreement with the city and/or any other existing agreements, current or future payments; (b) termination of an agreement with the City or any existing, pending, or future agreements with the City; (c) debarment, as defined by 48 CFR 9-406.2 and the City of Atlanta Code of Ordinances Sections 2-1623; and/or (d) any other claims, actions, remedies, judgements, fees, or costs as allowed in accordance with any applicable law, rule, regulation, and ordinance, now or hereafter in effect.

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 11 of 13)**

9. **Exceptions/Clarifications to Bid/Proposal.** Exceptions, clarifications, or conditions must be submitted by the Offeror in writing during the Addenda Question and Answer period. Failure to submit questions regarding exceptions, clarifications, or conditions during the Addenda Question and Answer period may deem your Bid/Proposal non-responsive.

**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 12 of 13)**

**Declaration**

Under penalty of perjury, I declare that I have examined this Disclosure and Declaration Form, including the Basic Information Regarding Offeror, the Questionnaire and Representations, as well as and all attachments to it, if applicable, and, to the best of my knowledge and belief all statements contained herein and in any attachments, if applicable, are true, correct and complete.

I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an offer for the same supplies, services, construction, or professional or consultant services, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of city, state and federal law and can result in fines, prison sentences, and civil damages awards. I agree to abide by all conditions of this solicitation and offer and certify that I am authorized to sign for this Offeror or, if applicable, that I am authorized to sign on behalf of this member of a newly formed joint venture or member of a general partnership.

**I hereby declare under penalty of perjury that the foregoing is true and correct.**

*Sign and date below if you are an authorized representative of a responding Offeror:*

Dated this \_\_ day of \_\_\_\_\_, 20\_\_

Printed Name of Offeror: \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

Printed Name of Authorized Representative: \_\_\_\_\_

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

Subscribed and sworn to or affirmed by \_\_\_\_\_ (name), as  
the \_\_\_\_\_ (title) of \_\_\_\_\_ (entity name)  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public of \_\_\_\_\_ (State)

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

*(This form must be signed and dated by the authorized representative in the physical presence of a notary public)*



**Required Submittal (FORM 2)**  
**Contractor Disclosure and Declaration Form (Page 13 of 13)**

FOR INTERNAL USE ONLY

**Project Name/Number:**

**Offeror:**

This is to acknowledge that this Contractor Disclosure and Declaration Form has been reviewed and appropriate actions have been taken in accordance with City of Atlanta Procurement Code Section 2-1214 and Department of Procurement procedures.

\_\_\_\_\_  
Print Name of Procurement Professional

\_\_\_\_\_  
Print Title of Procurement Professional

SIGNATURE

\_\_\_\_\_  
Print Name of Chief Procurement Officer

\_\_\_\_\_  
Signature of Chief Procurement Officer

\_\_\_\_\_  
Date

*Acknowledgment of Review by the City of Atlanta's Ethics Officer (Required when Offeror has disclosed a Personal or Financial Relationship with City of Atlanta personnel)*

\_\_\_\_\_  
Print Name of Ethics Officer

\_\_\_\_\_  
Signature of Ethics Officer

Date \_\_\_\_\_

**Required Submittal (FORM 3)**  
**Contractor Financial Disclosure (Page 1 of 6)**

**Instructions:** It is necessary for the City to evaluate, verify, and understand the Offeror's financial capacity and ability to undertake and perform the Services contemplated in this Solicitation. Therefore, the Offeror must provide accurate financial disclosures to the City as requested below. *Failure to answer all questions in full AND to provide all required documentation in full may result in the Offeror being deemed as Non-Responsive.*

An "Offeror" is a business entity (as defined in City Code § 2-1102) submitting a proposal in response to the Solicitation. Examples of a business include corporations, partnerships, individuals, sole proprietorships, joint ventures, or firms and their respective constituent members, partners and/or affiliates required to complete the Contractor Financial Disclosure Form 3.

"Financial Disclosure" includes all the following: **(1) Contractor's Financial Disclosure Form, (2) Offeror's Financial Statements, and (3) Offeror's Affidavit of Financial Responsibility.**

1. **Sole Proprietor or Individual**– When the Offeror is a sole proprietor or individual, financial disclosures for that individual must be provided.
2. **Business Corporation** – When the Offeror is a business corporation, nonprofit corporation, professional corporation or other corporate business entity recognized by the laws of the State of Georgia, financial disclosures for the business entity must be provided.
3. **Partnership** – When the Offeror is a partnership recognized by the laws of the State of Georgia, financial disclosures must be provided for each member of the partnership. However, if the partnership has been formed for three (3) or more years and has its own financial information, a financial disclosure form must also be submitted for the partnership in addition to those financial disclosures provided by each member of the partnership.
4. **Joint Venture** – Joint Ventures in existence for three or more years, must submit financial disclosures for the joint venture. However, newly formed joint ventures, formed within the last three (3) years, must provide financial disclosures for each member of the joint venture. **Each member of the joint venture must individually provide a full response to all questions and requests for documentation listed in this Form.** If the Offeror is a newly formed joint venture, formed within the last three (3) years with a single constituent member, the Offeror shall provide a financial disclosure form and provide all available financial information requested.
5. **Affiliate** - An Affiliate is any legal entity that, directly or indirectly through one of more intermediate legal entities, controls, is controlled by or is under common control with the Offeror or a member of Offeror. When the Offeror is an affiliate of another organization, financial disclosures must be submitted for either the affiliate or parent company so long as the affiliate's financials are provided in the supplemental documents.

*Failure to answer all questions in full AND provide all required documentation in full may result in the Offeror being deemed as Non-Responsive.*

**Required Submittal (FORM 3)**  
**Contractor Financial Disclosure (Page 2 of 6)**

**Part A: General Information:**

Offeror's Name: \_\_\_\_\_

Entity Submitting this Form: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Type of Entity: \_\_\_\_\_  
(Legal Description of Entity Business Structure)

Corporation  
 Partnership  
 Joint Venture  
 Other \_\_\_\_\_

Name/Title of Authorized Representative Signing this Form: \_\_\_\_\_  
\_\_\_\_\_

Relationship of the Authorized Representative  
Completing this Form to the Offeror:

Authorized Representative of Offeror  
 Joint Venture Partner -Majority  
 Joint Venture Partner -Minority  
 Other \_\_\_\_\_  
(i.e., member or owner)

Contact Information of the Authorized Representative  
Completing this Form:

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

Phone Number(s): \_\_\_\_\_  
\_\_\_\_\_

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

*Failure to answer all questions in full AND provide **all** required documentation **in full** may result in the Offeror being deemed as Non-Responsive.*

**Required Submittal (FORM 3)**  
**Contractor Financial Disclosure (Page 3 of 6)**

**Part B: Offeror's Affidavit of Financial Responsibility**

\*If you answer "Yes" to any of the questions listed below, please provide a detailed explanation along with supporting documentation relating to the proceedings and the current status of the matter.

1. In the past five (5) years, has the Offeror, or any Affiliate currently or previously associated with Offeror, been the debtor in a bankruptcy petition, whether closed or not closed, or is any bankruptcy proceeding pending? YES  NO

2. Has the Offeror, or any Affiliate currently or previously associated with Offeror, taken any actions with respect to insolvency, reorganization, receivership, moratorium or assignment for the benefit of creditor, or otherwise sought relief from creditors in the last five (5) years? YES  NO

3. Has the Offeror, or any Affiliate currently associated with Offeror, been the subject of or party to any litigation (whether resolved or pending), order, judgments, liens or pending suits in the last five (5) years? YES  NO

If the answer to Question 3 is "yes", please provide a copy of the final order, judgement, or lien and attach to this form. If the matter involves current or pending litigation, please provide the case number, court jurisdiction, and a detailed summary of the matter being litigated on a separate sheet of paper.

4. Has the Offeror or any Affiliate currently associated with Offeror, been delinquent on any local, state or federal taxes in the last five (5) years? YES  NO

5. Has the Offeror, or any Affiliate currently associated with Offeror, been the subject of or party to any litigation (whether resolved or pending), order, judgments, liens or pending suits in the last five (5) years? YES  NO

6. In the past five (5) years, has the Offeror, or any Affiliate currently associated with Offeror, been a party to litigation, arbitration or mediation on a matter specifically related to payment to subcontractors? YES  NO

7. Has there been a material adverse change in the Offeror's net current assets or otherwise in the Offeror's financial condition subsequent to the date of the financial statements provided? YES  NO

**Required Submittal (FORM 3)**  
**Contractor Financial Disclosure (Page 4 of 6)**

**Part C: Financial Information**

The Offeror, and its members and/or owners, if applicable, should demonstrate its financial capability and stability by selecting and providing documentation from one of the following three groups of requests (see below).

**1. Circle the selected group, (A), (B) or (C) and provide the supporting documentation with the Proposal.**

(A) Financial statements for the three (3) most recent consecutive fiscal years, **audited** by a Certified Public Accountant, including:

1. Income Statement
2. Balance Sheet, and
3. Statement of Cash Flows

(B) Financial statements for three (3) most recent consecutive fiscal years, **reviewed** by a Certified Public Accountant, including:

1. Income Statement
2. Balance Sheet

(C) **Self-Prepared, unaudited, or compiled** financial statements for the three (3) most recent consecutive fiscal years, including:

1. Income Statement
2. Balance Sheet, and
3. Two (2) bank or other institutional lenders' references

***\*Tax Returns will not be accepted in lieu of financial statements.***

*Failure to answer all questions in full AND provide **all** required documentation **in full** may result in the Offeror being deemed as Non-Responsive.*

**Required Submittal (FORM 3)**  
**Contractor Financial Disclosure (Page 5 of 6)**

2. Fill in the blanks below to provide a summary of all of the Offeror's assets and liabilities for the three (3) most recent years (calculated from the date of the end of the fiscal year).

ALL FIGURES BELOW MUST BE REPRESENTED IN U.S. CURRENCY (\$).

	Year: 2016 (Thousands)	Year: 2017 (Thousands)	Year: 2018 (Thousands)
<b>Current Assets</b>	\$ _____	\$ _____	\$ _____
<b>Property &amp; Equipment</b>	\$ _____	\$ _____	\$ _____
<b>Total Assets</b>	\$ _____	\$ _____	\$ _____
<b>Current Liabilities</b>	\$ _____	\$ _____	\$ _____
<b>Working Capital</b>	\$ _____	\$ _____	\$ _____
<b>Total Liabilities</b>	\$ _____	\$ _____	\$ _____
<b>Interest Charges</b>	\$ _____	\$ _____	\$ _____
<b>Net Worth</b>	\$ _____	\$ _____	\$ _____
<b>Sales/Revenue</b>	\$ _____	\$ _____	\$ _____
<b>Net Income</b>	\$ _____	\$ _____	\$ _____

*Failure to answer all questions in full AND provide **all** required documentation **in full** may result in the Offeror being deemed as Non-Responsive.*

**Required Submittal (FORM 3)**  
**Contractor Financial Disclosure (Page 6 of 6)**

**Declaration**

Under penalty of perjury, I declare that I have examined this Financial Disclosure form and all applicable attachment(s), and to the best of my knowledge and belief all statements contained in it are true, correct, and complete.

Whether you are an individual executing this form or you are an authorized representative of an entity executing this form, the person signing below must sign or affirm in the presence of a Notary Public. The Notary Public's signature and seal must be provided, together with the date of the notarial act.

*Sign here if you are an authorized representative of a responding Offeror:*

**Printed Name of Offeror:** \_\_\_\_\_

**Printed Name of Authorized Representative:** \_\_\_\_\_

**Signature of Authorized Representative:** \_\_\_\_\_

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

**Date:** \_\_\_\_\_, 20\_\_\_\_

Subscribed and sworn to or affirmed by \_\_\_\_\_ (name), as the \_\_\_\_\_ (title) of  
\_\_\_\_\_ (entity name) this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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*(This form must be signed and dated by the authorized representative in the physical presence of a notary public.)*

**Required Submittal (FORM 4)**  
**Acknowledgment of Insurance and Bonding Requirements**

I, \_\_\_\_\_, on behalf of \_\_\_\_\_, Offeror, acknowledge that if selected as the successful Offeror for **PROJECT NAME/SOLICITATION** \_\_\_\_\_; \_\_\_\_\_, Offeror shall comply completely and promptly with all insurance requirements contained in the Agreement attached to this Solicitation and appendices thereto, pertaining to insurance.

Offeror understands that it is expected to share these requirements with potential sureties and insurance brokers, agents, underwriters, etc. prior to any award of an Agreement and to take all necessary steps to ensure compliance with the applicable requirements without delay. Offeror understands, acknowledges and agrees that any failure to fully comply with these requirements within ten (10) days of the date Offeror receives a final Agreement document from the City may result in the forfeiture of the Bid guarantee submitted with this Bid and/or the disqualification of Offeror from further consideration for the Agreement.

By executing this Acknowledgement of Insurance Requirements, I represent that the Offeror understands and agrees to comply unconditionally with all requirements related to insurance contained in the Agreement attached to this Solicitation. Further, by signing below, I represent that I am authorized to make the representations contained herein on behalf of Offeror.

*Sign and date below if you are an authorized representative of a responding Offeror:*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Printed Name of Offeror:** \_\_\_\_\_

**Signature of Authorized Representative:** \_\_\_\_\_

**Printed Name of Authorized Representative:** \_\_\_\_\_

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

Subscribed and sworn to or affirmed by \_\_\_\_\_ (name), as the  
\_\_\_\_\_ (title) of \_\_\_\_\_ (entity name) this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

**Notary Public of \_\_\_\_\_ (state)**

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

*(This form must be signed and dated by the authorized representative in the physical presence of a notary public.)*



**Required Submittal (FORM 5)**  
**Acknowledgment of Addenda**

Offeror must sign and notarize this form and submit with his/her bid.

This is to acknowledge receipt of the **Addenda** listed below for **PROJECT NAME/SOLICITATION**-\_\_\_\_\_;. Offeror's Authorized Representative must place his/her initials next to each Addendum received by the Offeror. If there are more than four (4) Addenda, add the additional Addendum numbers to this sheet and initial accordingly. It is not necessary to attach a separate Acknowledgement for each Addendum.

- Addendum 1. \_\_\_\_\_;
- Addendum 2. \_\_\_\_\_;
- Addendum 3. \_\_\_\_\_; and
- Addendum 4. \_\_\_\_\_.

*Sign and date below if you are an authorized representative of a responding Offeror:*

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Printed Name of Offeror: \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

Printed Name of Authorized Representative: \_\_\_\_\_

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

Subscribed and sworn to or affirmed by \_\_\_\_\_ (name), as the  
\_\_\_\_\_ (title) of \_\_\_\_\_ (entity name) this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of \_\_\_\_\_ (state)  
My commission expires: \_\_\_\_\_

*(This form must be signed and dated by the authorized representative in the physical presence of a notary public)*

**Required Submittal (FORM 6)**  
**Offeror Contact Directory**

**Project Name:** \_\_\_\_\_

<b>NAME</b>	<b>POSITION/TITLE</b>	<b>MAILING ADDRESS</b>	<b>OFFICE PHONE</b>	<b>CELL PHONE</b>	<b>EMAIL ADDRESS AND FAX NUMBER</b>

The purpose of the Offeror Contact Directory is to provide the City with a centralized, easily identified source of important contacts and other information regarding each of the business entities constituting an Offeror. This Offeror Contact Directory should include the names, positions/titles, firms, mailing addresses, phone and fax numbers and e-mail addresses for at least two (2) individuals, one primary the other(s) secondary, authorized to represent the firm for purposes of this solicitation.

**Required Submittal (FORM 7)**  
**Reference List**

Each Offeror must provide a list of at least three (3) references for **PROJECT NAME/SOLICITATION** \_\_\_\_\_; \_\_\_\_\_ using the below-reference format. The references provided must be able to attest to an Offeror's performance ability and credibility in a particular industry or trade. If Offer is a newly established Joint Venture (3 years or less), the members of the Joint Venture may collectively provide at least three (3) references.

Reference provided for: \_\_\_\_\_

Reference:	Name:	_____
	Address:	_____
	City, State, Zip:	_____
	Phone:	_____
	E-Mail:	_____

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

Contact Person:	_____
Direct Telephone:	_____
Date(s) of Project:	_____
	_____

Description of Services:

Total Amount of Contract Including Change Orders:

Offeror's Role and Responsibilities:

Current Completion Status:

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*(Use the Same Format to Provide the Additional References)*

**Required Submittal "Unless a Proponent Elects to Submit an Alternative Form of Payment"**

**(FORM 8)**

**Proposal Guarantee (Page 1 of 2)**

KNOW ALL MEN BY THESE PRESENTS, THAT WE \_\_\_\_\_

\_\_\_\_\_ hereinafter called the PRINCIPAL (OFFEROR), and \_\_\_\_\_ hereinafter called the SURETY, a corporation chartered and existing under the laws of the State of \_\_\_\_\_, and duly authorized to transact Surety business in the State of Georgia, are held and firmly bound unto the City of Atlanta, Georgia (OBLIGEE), in the penal sum of either: [i] \_\_\_\_\_ Dollars and Cents (\$ \_\_\_\_\_); or

[ii] 5% of PRINCIPAL'S (OFFEROR'S) Total Proposal Amount for **PROJECT NAME/SOLICITATION** \_\_\_\_\_, \_\_\_\_\_, good and lawful money of the United States of America, to be paid upon demand of the OBLIGEE, to which payment well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally and firmly by these presents.

WHEREAS the PRINCIPAL has submitted to the OBLIGEE, for **PROJECT NAME/SOLICITATION** \_\_\_\_\_; \_\_\_\_\_, a Proposal;

WHEREAS the PRINCIPAL desires to file this Bond in accordance with law, in lieu of a certified Offeror's check otherwise required to accompany this Proposal;

NOW THEREFORE: The conditions of this obligation are such that if the Proposal is accepted, the PRINCIPAL shall within ten (10) calendar days after receipt of the Contract from the OBLIGEE, execute the Contract in accordance with the Proposal and upon the terms, conditions and prices set forth therein, in the form and manner required by the OBLIGEE, and shall execute sufficient and satisfactory Performance and Payment Bonds payable to the OBLIGEE, each in the amount of one hundred percent (100%) of the total Contract price in form and with security satisfactory to said OBLIGEE. PRINCIPAL'S execution of the Contract and sufficient and satisfactory Performance and Payment Bonds, within ten (10) calendar days after receipt of the Contract, shall void this obligation; otherwise, this obligation remains in full force and virtue in law. The SURETY shall, upon failure of the PRINCIPAL to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the OBLIGEE, upon demand, the amount hereof in good and lawful money of the United States of America, not as a penalty but as liquidated damages.

In the event suit is brought upon this Bond by the OBLIGEE and judgment is recovered, the SURETY shall pay all costs incurred by the OBLIGEE in such suit, including attorney's fees to be fixed by the Court.

**PLEASE NOTE: If this Form 3 is executed by an Attorney-in-Fact, then Surety must attach a copy of a duly executed Power-of-Attorney evidencing such authority in addition to correctly completing this Form 3.**

**Required Submittal “Unless a Proponent Elects to Submit an Alternative Form of Payment”**  
**(FORM 8)**

**Proposal Guarantee (Page 2 of 2)**

This Proposal Guarantee is for the Penal Sum of either:

[i] \_\_\_\_\_ Dollars and Cents  
(\$ \_\_\_\_\_); or

[ii] 5% of PRINCIPAL’S/OFFEROR Total Proposal Amount for **PROJECT NAME/SOLICITATION** \_\_\_\_\_, \_\_\_\_\_.

The money payable on this Bond shall be paid to the OBLIGEE, for the failure of the Offeror to execute a CONTRACT within ten (10) days after receipt of the Contract form and at the same time furnish a Payment Bond and Performance Bond.

IN TESTIMONY THEREOF, the PRINCIPAL and SURETY have caused these presents to be duly signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Corporate Offeror:**  
**[Insert Corporate Name]**

**Signature (Authorized Representative):** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

\_\_\_\_\_  
**Corporate Secretary/Assistant Secretary**  
**(Seal)**

**Non-Corporate Offeror:**

**Signature (Authorized Representative):** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

\_\_\_\_\_  
**Notary Public (Seal)**

**My Commission Expires:** \_\_\_\_\_

**SURETY:**

**Signature:** \_\_\_\_\_

**Attorney-in-Fact:** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_

**Required Submittal (FORM 9)**



**Prohibited Sources' (Contractors & Vendors) Ethics Pledge**

To assure public confidence, I am committed to promoting the integrity of City of Atlanta government.

1. I will avoid situations involving city officials and employees that may give the perception of an impropriety. When uncertain about the right thing to do, I will ask the Ethics Office for advice.
2. I will not offer money or a personal gift, meal, ticket, travel, entertainment, or other thing of value to city officials or employees unless the gift falls within one of the 11 exceptions to the ban on gratuities per City of Atlanta Code Section 2-801.
3. I will disclose any matter in which I have a financial or personal interest as defined in concerning any City of Atlanta bid, proposal, contract, or subcontract, and disclose if my immediate family, employer, prospective employer, a related business entity, has financial or personal interests with the City. I agree to file a Conflict of Interest Disclosure Report concerning any decision in which I have a conflict of interest.
4. I will file any conflict of interest or disclosure forms when appropriate.

I \_\_\_\_\_ (print name) acknowledge that I have received and read this pledge and agree to abide by the applicable provisions of the City's Code of Ethics. I understand that the most current copy of the code is at the Ethics Office website and that I can seek advice from the Ethics Office on how to avoid a conflict of interest and comply with the Code of Ethics.

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Project Name

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Signature

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Date