

# **BIDDER'S QUESTIONNAIRE**

A New Questionnaire Must Be Filed Each Year  
A Separate Questionnaire Must Be Completed By Each Business Entity



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Legal name under which you wish to bid

EMAIL THIS QUESTIONNAIRE ALONG WITH FINANCIAL STATEMENTS TO:  
**CST\_PREQUALIFICATION@TXDOT.GOV**

OR MAIL TO:  
**TEXAS DEPARTMENT OF TRANSPORTATION  
ATTENTION: CST-PREQUALIFICATION  
200 E. RIVERSIDE DRIVE  
AUSTIN, TEXAS 78704**

PLEASE MARK THE ENVELOPE: "FINANCIAL FORMS"

## **General Instructions for Completion of BIDDER'S QUESTIONNAIRE**

The Bidder's Questionnaire is to be submitted to the Texas Department of Transportation by firms desiring to bid on the following categories of work: (1) construction and maintenance projects, which do not require the submission of audited financial statements, known as "waived" projects, and/or (2) "emergency" projects.

**Asset and financial information provided is considered confidential under the law and will not be voluntarily disclosed to other person(s).**

**This questionnaire is for "waived" or "emergency" projects only.**

**Construction projects** include traditional types of work as well as smaller dollar specialty work such as landscaping, installation of traffic signals, construction of rest areas, painting, etc.

**Maintenance projects** may include repairing guardrail, litter pickup, maintaining illumination, maintaining rest areas, mowing, repairing broken pavement, etc.

**Emergency projects** result from situations or conditions which pose an imminent threat to life or property of the traveling public or which substantially disrupt the orderly flow of traffic. These projects may require work which must begin instantaneously. These projects may include removal of hazardous material, clearing debris from the roadway, temporary traffic operations, and mowing to eliminate safety hazards when such work meets the requisites of an emergency. Refueling vehicles may be requested for evacuations. Emergency situations provide for an alternate procedure for the expedited award of contracts to meet conditions in which essential corrective or preventive action would be unreasonably hampered or delayed by compliance with other laws. Contractors wishing to be considered for emergency contracts must furnish a 24-hour phone number and an e-mail address.

**This questionnaire must be on file with this department at least 10 days before the date bids are to be opened.**

Eligibility to bid and bidding capacity of a firm are determined by past performance on projects, experience, expertise, financial condition, and equipment availability. In order to bid a project, a firm must have an available bidding capacity equal to or greater than the estimated cost of the project. A balance sheet to be used for increasing bidding capacity must be prepared by an independent certified public accounting firm and be less than 12 months old at the date of submission of the Bidder's Questionnaire. In addition, the Bidder's Questionnaire must be approved for at least one letting prior to its anniversary date. A firm providing financial information for increased bidding capacity may receive one of four levels of bidding capacity. Bidding capacity is the maximum dollar amount of a bidding proposal you may request and receive. This capacity is effective for 12 months from either the date of balance sheet if provided, or the date the Bidder's Questionnaire was received, if no balance sheet is provided. The engineer's estimate and available bidding capacity are the basis for issuing proposals. Available bidding capacity is the bidding capacity less any uncompleted awarded work with the department. Contractors submitting a balance sheet for obtaining increased bidding capacity must also submit a new Bidder's Questionnaire if the date of the balance sheet is after the date of the last Bidder's Questionnaire (e.g., questionnaire dated 1/31/13, new balance sheet dated 3/31/13).

The available levels of bidding capacity are as follows:

1. Bidding capacity of \$300,000.00 - This level is issued to firms whose principals have no prior experience and to firms not providing an acceptable balance sheet with their questionnaire. The firm must provide evidence acceptable to the department showing that it is a viable business.
2. Bidding capacity of \$500,000.00 - Along with this questionnaire, a classified balance sheet should be submitted which has been compiled and signed by an independent certified public accountant, prepared as of the last day of a recent month, reflecting current assets in excess of current liabilities (positive net working capital). The principals of this firm must have a total of at least one year of experience in construction and/or maintenance, having satisfactorily completed at least two projects in these fields. This list of projects should be furnished on page 9 of the questionnaire.
3. Bidding capacity of \$1,000,000.00 - Along with this questionnaire, a classified balance sheet should be submitted which has been compiled and signed by an independent certified public accountant, prepared as of the last day of a recent month, reflecting current assets in excess of current liabilities (positive net working capital). The principals of this firm must have a total of at least two years of experience in construction and/or maintenance, having satisfactorily completed four projects in these fields. This list of projects should be furnished on page 9 of the questionnaire.

4. Bidding capacity over \$1,000,000.00 - Same as in item 3 above, however, bidding capacity is increased by \$250,000.00 for each year of experience beyond two years. The maximum bidding capacity attainable with a compiled balance sheet is \$3,000,000.00. In reviewing experience for this purpose, only the experience of the principals of the business will be considered. This list of projects should be furnished on page 9 of the questionnaire.
5. Bidding Capacity over \$1,000,000.00 - This level can also be attained by submission of a full set of financial statements reviewed by an independent certified public accountant, prepared as of the last day of a month within the last 12 months, reflecting a positive net working capital position. This working capital amount is multiplied by a factor determined by the department. These financial statements should include a classified balance sheet, an income statement, a statement of cash flows, and a statement of retained earnings. The review should be conducted in accordance with professional standards as prescribed by the American Institute of Certified Public Accountants. In the event that working capital times the established factor does not equate to be over \$1,000,000.00, the firm will be granted a \$1,000,000.00 bidding capacity. The principals of this firm must have at least a total of three years of experience in construction and/or maintenance, and have completed at least six projects satisfactorily. This list of projects should be furnished on page 9 of the questionnaire. Audited financial statements prepared in accordance with generally accepted accounting principles may be submitted in lieu of reviewed financial statements if desired.

Bidders submitting a set of reviewed financial statements containing a positive working capital position will be granted the higher of the capacity computed in Item 5 above, or the capacity computed in Item 4, as if a compiled statement had been submitted.

**Please note that any financial statements submitted to the department for the purposes of qualification must be prepared by an independent certified public accounting firm in current good standing with the Texas State Board of Public Accountancy. This is a requirement if your firm is based or located in Texas. Current licenses for CPA firms may be verified online at <http://www.tsbpa.state.tx.us/php/fpl/frmllookup.php>. CPA firms located outside of Texas and preparing financial statements for firms or individuals located or based within Texas are required to be registered with the State Board.**

**The department reserves the right to make adjustments to a contractor's net working capital as deemed necessary as a result of analysis of the balance sheet submitted.**

For each level of bidding capacity, contractors must furnish a list of available equipment, either owned or available by renting, along with the source. This equipment should be of a construction or road maintenance nature. A detailed resume must also be furnished on the initial qualification, showing past work completed, including the size, scope, and customer of each job.

If the firm does not meet the experience criteria required for its particular financial position, it will be assigned the level which corresponds with its experience.

A firm having met all criteria in No. 2, 3, 4 or 5 above, except for a positive working capital, will be issued a Level 1 qualification (\$300,000.00).

Any firm that defaults by failing to complete a project or by demonstrating poor work performance may be subject to the sanctions in accordance with department procedures, unless the bid for the defaulted project contains an obvious error in one or more bid prices and the firm demonstrates to the satisfaction of the department that the project cannot be completed for the total bid amount of the project.

Any firm that defaults during the performance of a contract will be subject to the department's sanctioning procedures outlined in Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

Prior to the expiration of a contractor's questionnaire, a reminder letter will be sent to the contractor regarding prequalification renewal.

Upon expiration of the contractor's qualification period, the department will grant a grace period for the preparation of new financial statements to requalify. The contractor will be allowed to bid in lettings for the three month period subsequent to the anniversary date of the statement. The 10 day submission requirement must then be met in order to be considered for any letting following the grace period. This grace period is also granted to those contractors with no financial statements. For example, a contractor's Bidder's Questionnaire dated December 31, 2012, has reached its one-year anniversary date of December 31, 2013. The contractor would be allowed to bid through March 2014. A new Bidder's Questionnaire must be prepared and submitted 10 days prior to any April 2014 letting in order to be eligible for that letting.

Contractors must retrieve the new Bidder's Questionnaire from the department's website at [www.txdot.gov](http://www.txdot.gov). Enter 2066 in the search box, and then click "prequalification forms." Submit the completed form to the address listed on page 1.

The department may disallow certain items reflected as current assets in balance sheets submitted. **Regardless of the basis of accounting used, the current portion of debt (amounts falling due within 12 months of the balance sheet date) will be considered a reduction in working capital.** The department reserves the right to request a new statement at any time.

NOTE: Prequalified contractors (having submitted audited financial statements and the Confidential Questionnaire) are also eligible to bid on waived construction and maintenance projects as well as emergency projects, subject to available bidding capacity. Prequalified contractors need not submit the Bidder's Questionnaire.

In the event a group of firms or companies, which is owned by a common individual or a group of individuals and their immediate families, desire to qualify with the department, the firms must qualify based on statements prepared as of the same date. Those firms defined as affiliated firms in the following paragraph must also qualify as of the same balance sheet date.

For the purposes of the Bidder's Questionnaire, two or more firms are affiliated if:

- (i) the firms share common officers, directors, or stockholders;
- (ii) a family member of an officer, director, or stockholder of one firm serves in a similar capacity in another of the firms;
- (iii) an individual who has an interest in, or controls a part of, one firm either directly or indirectly also has an interest in, or controls a part of, another of the firms;
- (iv) the firms are so closely connected or associated that one of the firms, either directly or indirectly, controls or has the power to control another firm;
- (v) one firm controls or has the power to control another of the firms; or
- (vi) the firms are closely allied through an established course of dealings, including but not limited to the lending of financial assistance.

A family member is considered to be an individual's parent, parent's spouse, step-parent, step-parent's spouse, sibling, sibling's spouse, spouse, child, child's spouse, spouse's child, spouse's child's spouse, grandchild, grandparent, uncle, uncle's spouse, aunt, aunt's spouse, first cousin, or first cousin's spouse.

**Affiliates may not submit bids on the same project.** Should we receive bids on the same project from two or more firms who are affiliated according to one or more of the above definitions, each of the bids will be declared nonresponsive and neither will be considered.

The department requires consolidated financial statements in instances where Financial Accounting Standards Board Accounting Standards Codification (ASC) 810 requires consolidated financial statements. However, a subsidiary (or variable interest entity) may not qualify under the financial statements of its parent (reporting enterprise). The subsidiary (or VIE) must submit its own set of financial statements, or its accounts must be broken out as part of the financial statements of the parent (reporting enterprise). If the parent company or reporting enterprise is also qualified, the parent's bidding capacity will be reduced by an amount equal to the bidding capacity of the qualified subsidiary (or VIE). Combined financial statements will not be accepted unless accompanied by combining financial statements which show the qualifying company separately.

Financial statements should be presented in U.S. dollars at the current rate of exchange at the date of the balance sheet.

The acceptance of consolidated financial statements from a parent company in no way creates an exception to any Texas Department of Transportation specification prohibiting the brokering of contracts. In other words, the department will enter into contract only with the qualified company which placed the bid on the project and that company must complete at least the minimum amount of the contract itself as set forth in the applicable specifications.

The department requests the e-mail address and fax number of each contractor as an alternate method of notification. Should you wish for either of these to appear on our web site, please check the appropriate box. Otherwise, this information will not be published. Please insure the e-mail and fax accounts are monitored regularly.

Please notify this office immediately upon making any changes in the organizational structure of your business entity (i.e., conversion from an individual to a partnership) in order that bidding proposals may be issued to the correct entity, and that any outstanding contracts may be reassigned to the present name and form of your business.

## **SPECIAL NOTICE REGARDING THE USE OF ASSUMED NAMES**

If the contractor chooses to qualify under an assumed name, and is based in Texas, a certified copy of the Assumed Name Certificate as filed with the County Clerk in the county of residence must be provided with this questionnaire during the initial filing, and upon assumed name renewal. Additionally, if the firm is a corporation, limited partnership, registered limited liability partnership, or a limited liability company (within or outside of Texas), it must also provide proof of filing this assumed name with the Texas Secretary of State. Firms residing outside of Texas using an assumed name must also file an Assumed Name Certificate in the county of their registered or principal office in Texas, and furnish this department a certified copy of this certificate. If no office is maintained in Texas, this filing should be made with the Travis County Clerk's office in Austin, Texas. Excerpts from the Texas Assumed Business or Professional Name Act are shown below.

### **Assumed Business or Professional Name Act (From Business and Commerce Code - Title 5, Chapter 71)**

#### **SUBCHAPTER B. REQUIREMENTS APPLICABLE TO CERTAIN UNINCORPORATED PERSONS**

##### **Sec. 71.051. CERTIFICATE FOR CERTAIN UNINCORPORATED PERSONS.**

A person must file a certificate under this subchapter if the person regularly conducts business or renders a professional service in this state under an assumed name other than as a corporation, limited partnership, limited liability partnership, limited liability company, or foreign filing entity.

#### **SUBCHAPTER C. REQUIREMENTS APPLICABLE TO INCORPORATED BUSINESS OR PROFESSION AND CERTAIN OTHER ENTITIES**

##### **Sec. 71.101. CERTIFICATE FOR INCORPORATED BUSINESS OR PROFESSION, LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, OR FOREIGN FILING ENTITY.**

A corporation, limited partnership, limited liability partnership, limited liability company, or foreign filing entity must file a certificate under this subchapter if the entity: (1) regularly conducts business or renders professional services in this state under an assumed name; or (2) is required by law to use an assumed name in this state to conduct business or render professional services.

##### **Sec. 71.152. MATERIAL CHANGE IN INFORMATION; NEW CERTIFICATE.**

(a) Not later than the 60th day after an event occurs that causes the information in a certificate to become materially misleading, a registrant must file a new certificate complying with this chapter in the office in which the original or renewal certificate was filed.

(b) An event that causes the information in a certificate to become materially misleading includes: (1) a change in the name, identity, entity, form of business or professional organization, or location of a registrant; (2) for a proprietorship or sole practitioner, a change in ownership; or (3) for a partnership: (A) the admission of a new partner or joint venturer; or (B) the end of a general partner's or joint venturer's association with the partnership.

(c) A new certificate filed under this section is effective for a term not to exceed 10 years from the date the certificate is filed.

##### **Sec. 71.202. CRIMINAL PENALTY: GENERAL VIOLATION.**

(a) A person commits an offense if the person:

- (1) conducts business or renders a professional service in this state under an assumed name; and
- (2) intentionally violates this Chapter.

(b) An offense under this section is a Class A misdemeanor.

### **Company Names (From Business and Commerce Code - Title 2, Chapter 17)**

#### **SUBCHAPTER E. DECEPTIVE TRADE PRACTICES AND CONSUMER PROTECTION**

##### **Sec. 17.46. DECEPTIVE TRADE PRACTICES UNLAWFUL.**

(a) False, misleading, or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful and are subject to action by the consumer protection division under Sections 17.47, 17.58, 17.60, and 17.61 of this code.

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

- (25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

### Complete This Page in Detail

1. \_\_\_\_\_  
Legal name under which you wish to bid

- 2.  Individual                       Registered Limited Liability Partnership                       Limited Liability Company (LLC)
- General Partnership             Limited Partnership     Corporation

3. \_\_\_\_\_  
Post Office Box                                      City                                      State                      Zip Code                                      Telephone Number (required)

\_\_\_\_\_  
Street Address (required)                                      City                                      State                                      Zip Code

\_\_\_\_\_  
E-mail Address (required)                                      Fax Number

- Display e-mail address on TxDOT website                                       Display fax number on TxDOT website

4. The department will presume, unless otherwise advised, that the general partners of a partnership or officers of a corporation listed below (Item 9) are authorized to enter into contract in behalf of their firm. If they desire that additional persons be authorized to execute instruments on behalf of the firm, please furnish a Power of Attorney or Corporate Resolution which contains this authority.

5. If the contractor chooses to qualify under an assumed name, and is based in Texas, a certified copy of the Assumed Name Certificate as filed with the County Clerk in the county of residence must be provided with this questionnaire. Additionally, if the firm is a corporation, limited partnership, registered limited liability partnership, or a limited liability company (within or outside of Texas), it must also provide proof of filing this assumed name with the Texas Secretary of State. Firms residing outside of Texas using an assumed name must also file an Assumed Name Certificate in the county of their registered or principal office in Texas, and furnish this department a certified copy of this certificate. Excerpts from the Texas Assumed Business or Professional Name Certificate Act are shown on Page 5.

6. A Texas Attorney General's opinion permits a foreign corporation to become a qualified bidder with the department and be issued bidding documents prior to registering the corporation to do business in this state; however, the corporation must register to do business in Texas prior to the execution of a contract with the department. In this instance, the foreign corporation should ascertain the availability of its name in Texas and submit its Bidder's Questionnaire under that name. If the contractor has not yet registered the corporation, he/she must file a name registration with the Texas Secretary of State, and provide this department with evidence of such filing. This name registration must be renewed continually until the corporation becomes registered. In addition, it will be necessary that the department be furnished a copy of the corporation's Corporate Charter as filed in the state of incorporation in order that our records may be accurate.

7. Limited liability companies filing their *initial* Bidder's Questionnaire must furnish copies of their Articles of Organization or Certificate of Formation.

8. Provide your Texas Taxpayer I.D. No., if available. \_\_\_\_\_

9. If a corporation, please list the names and titles of all officers. If a limited liability company, list all managers of the LLC, if applicable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Dun & Bradstreet DUNS number, if available. \_\_\_\_\_  
Provide your firm's DUNS number as issued by Dun & Bradstreet. This number is used by the department for required reporting on Federal Aid projects. If you do not yet have one, you may obtain it at [www.dnb.com](http://www.dnb.com).

11. Give the name and address of each affiliated and/or subsidiary company. Please indicate any firms you are no longer affiliated with. (See definition of affiliated firms on Page 4.)

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12. Give the names of any affiliates or relatives currently debarred by the department. Please indicate your relationship to this person or firm.

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13. Please furnish a list of six larger items of equipment which you own or which are available by renting along with the source and complete address.

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14. Please furnish the names, addresses, and telephone numbers of three business references.

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15. By separate attachment, please furnish detailed resumes of construction or maintenance experience for the principals of your company. (*Initial qualification only*)

16. Have you been required to post a payment and performance bond in the last 12 months?  NO  YES

17. Give the name, percentage owned and detailed address of each individual or entity owning five percent (5%) or more of your business. List the Social Security Number of each individual.\*

*Social Security #*

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\* This data is gathered and maintained in order to assure contractors' eligibility of obtaining State contracts under Texas Family Code 231.006 (c), enforcing the collection of child support. Providing this data is mandatory for those individuals owning 25% or more of the business entity



## WORK CATEGORY INFORMATION SHEET

In an effort to identify the kind(s) of work you perform, please check one or more of the following blocks to indicate the categories of work your firm is involved with:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Asphalt (ACP, LRA, Seal Coats)</li> <li><input type="checkbox"/> Concrete Paving &amp; Incidentals</li> <li><input type="checkbox"/> Earthwork, Base &amp; Subbase</li> <li><input type="checkbox"/> Emergency Contracts*                     <ul style="list-style-type: none"> <li>Emergency Contact Individual**:</li> <li>Name: _____</li> <li>E-mail: _____</li> <li>Phone for 24-hour contact: _____</li> <li>**All fields are mandatory to be considered for emergency work.</li> </ul> </li> <li><input type="checkbox"/> Fencing</li> <li><input type="checkbox"/> Hauling</li> <li><input type="checkbox"/> Lighting &amp; Signal Maintenance</li> <li><input type="checkbox"/> Landscaping</li> <li><input type="checkbox"/> Major Structures</li> <li><input type="checkbox"/> Material Supplier</li> <li><input type="checkbox"/> Minor Structure/Misc. Concrete</li> <li><input type="checkbox"/> Painting &amp; Striping</li> <li><input type="checkbox"/> Rest Areas (Construction)</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Traffic Control Devices</li> <li><input type="checkbox"/> Other: _____</li> <li>_____</li> <li>_____</li> <li>_____</li> <li><input type="checkbox"/> Guardrail Repair</li> <li><input type="checkbox"/> Debris Clearing/Removal</li> <li><input type="checkbox"/> Mowing</li> <li><input type="checkbox"/> Litter Pickup &amp; Disposal</li> <li><input type="checkbox"/> Cleaning &amp; Sweeping Highways</li> <li><input type="checkbox"/> Building Construction</li> <li><input type="checkbox"/> Rest/Picnic Area Maintenance</li> <li><input type="checkbox"/> Hazardous Material</li> <li><input type="checkbox"/> Underwater Inspection</li> <li><input type="checkbox"/> Stream Channel Restoration</li> <li><input type="checkbox"/> Pavement Markers</li> </ul> |
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\*Note: If indicating your availability for emergency contracts, please insure that the above contact information remains updated with this office at all times. In the event of an emergency, we may be inquiring about your availability as well as a list of equipment available for the emergency.

**Check the Districts by city in which you are willing to work:**

**District Offices**

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Paris</li> <li><input type="checkbox"/> Fort Worth</li> <li><input type="checkbox"/> Wichita Falls</li> <li><input type="checkbox"/> Amarillo</li> <li><input type="checkbox"/> Lubbock</li> <li><input type="checkbox"/> Odessa</li> <li><input type="checkbox"/> San Angelo</li> <li><input type="checkbox"/> Abilene</li> <li><input type="checkbox"/> Waco</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Tyler</li> <li><input type="checkbox"/> Lufkin</li> <li><input type="checkbox"/> Houston</li> <li><input type="checkbox"/> Yoakum</li> <li><input type="checkbox"/> Austin</li> <li><input type="checkbox"/> San Antonio</li> <li><input type="checkbox"/> Corpus Christi</li> <li><input type="checkbox"/> Bryan</li> <li><input type="checkbox"/> Dallas</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Atlanta</li> <li><input type="checkbox"/> Beaumont</li> <li><input type="checkbox"/> Pharr</li> <li><input type="checkbox"/> Laredo</li> <li><input type="checkbox"/> Brownwood</li> <li><input type="checkbox"/> El Paso</li> <li><input type="checkbox"/> Childress</li> </ul> |
|---|---|--|
- ALL

## COMPLETED PROJECTS LIST

In order to be considered for a bidding capacity above \$300,000.00, this form must be completed and submitted along with a classified balance sheet prepared by a certified public accounting firm. Refer to “levels of bidding capacity,” levels 2 through 5. Please note this form does not substitute for the requirement of resumes in your initial filing.

	<b>COMPLETED PROJECT FOR</b>	<b>TYPE OF WORK</b> (Road Construction/Maintenance, etc...)	<b>BEGINNING DATE</b> (MONTH / YEAR)	<b>ENDING DATE</b> (MONTH / YEAR)
1.				
2.				
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20.				

Attach additional pages if needed. Additional pages must contain the headings shown above.

## **WORKERS COMPENSATION EXPERIENCE RATING**

Enclose each of your firm's National Council on Compensation Insurance (NCCI) Experience Modifier Rating letters for the last five years. **This information is required to complete your prequalification; but will not currently be used to determine bidding capacity.**

\_\_\_\_\_ We have enclosed the required five years of Worker's Compensation Experience Modifier Rating letters.

\_\_\_\_\_ We have enclosed fewer than five years of Worker's Compensation Experience Modifier Rating letters.

\_\_\_\_\_ We have not enclosed any Worker's Compensation Experience Modifier Rating letters.

Provide an explanation if five (5) years of rating letters are NOT enclosed:

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### **SPECIAL NOTICE REGARDING CERTIFICATION OF ABSENCE OF SUSPENSION, DEBARMENT, VOLUNTARY EXCLUSION, OR DETERMINATION OF INELIGIBILITY**

The U.S. Department of Transportation has adopted rules concerning nonprocurement debarment and suspension in accordance with the Office of Management and Budget (OMB) guidelines. Under these rules, the Federal Highway Administration will not be able to concur in the award of a contract for any federal aid project to any contractor that is currently suspended or debarred by any federal agency.

As a result of the above, the department has adopted rules concerning the issuance and submission of proposals that preclude issuing a bidding proposal for a federal aid project to a firm that is currently suspended or debarred by any agency of the federal government. To facilitate the department's compliance with this rule, it will be necessary for all qualified contractors to complete and file a Certification of Absence of Suspension, Debarment, Voluntary Exclusion, or Determination of Ineligibility with the Construction Division of this department. This certification is included on page 11 of this document. The certification will be incorporated in each bidder's respective file. To avoid delay in receiving bidding proposals for federal aid projects, bidders are encouraged to complete their certifications.

The State of \_\_\_\_\_

County of \_\_\_\_\_

**CERTIFICATION OF ABSENCE OF SUSPENSION, DEBARMENT,  
VOLUNTARY EXCLUSION, OR DETERMINATION OF INELIGIBILITY**

The undersigned bidder, under penalty of perjury under the laws of the United States or the State of Texas, certifies that, except as noted herein, the bidder's firm and all persons associated therewith in the capacity of owner, partner, stockholder, director, officer, principal investigator, project director, member, manager, auditor, or any position involving the administration of any part of the firm's operations:

1. are not currently suspended, debarred, or voluntarily excluded from or determined to be ineligible for bidding by any Federal agency;
2. have not been suspended, debarred, voluntarily excluded from or determined to be ineligible for bidding by any Federal agency within the past three years;
3. do not have a proposed debarment pending with any Federal agency, and
4. have not been indicted, convicted, or had a civil judgment rendered against it or any person indicated above by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

All exceptions to the above are recorded in the following space:

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The undersigned bidder understands that exceptions will not necessarily preclude the issuance of a bidding proposal or result in the denial of award of the contract for a Federally funded project. It is also understood that exceptions will be carefully reviewed by the department and by the Federal Highway Administration and may result in rejection of the bid proposal and suspension and debarment of the contractor pursuant to Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G, *Highway Improvement Contract Sanctions*, Rules Sections 9.101 through 9.111, and/or CFR, Title 2, Part 180, *Debarment and Suspension (Non-procurement)*.

For any exception noted, the following information explains to whom it applies, the initiating agency, and the dates of action.

The undersigned bidder understands that providing false information may result in criminal prosecution and/or administrative sanctions.

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The bidder certifies that all taxes, licenses, permits, fees, etc., as required by city, county, state or federal law relating to his/her business operations are current and unrestricted. In addition the undersigned authorizes the department to verify any and all information provided as determined necessary.

Further, under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this application is not ineligible to receive the specified grant, loan, or payment and acknowledges that any contract may be terminated and payment may be withheld if this certification is inaccurate.

\_\_\_\_\_  
Print Firm Name

\_\_\_\_\_  
Signature/Title

Before me, the undersigned authority, a Notary Public, on this day personally appeared \_\_\_\_\_ who, being by me duly sworn, upon oath says that he/she is qualified and authorized to make affidavit for and on behalf of \_\_\_\_\_ bidder, of \_\_\_\_\_ County, and is fully cognizant of the facts herein set out and affirms to the truth and accuracy of the certifications made herein by signing the document above.

Subscribed and sworn to before me by the said \_\_\_\_\_ Name  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for  
\_\_\_\_\_ County

NOTE: The Notary Public must be an individual other than an officer, partner, LLC member/manager, or an otherwise related party.

**The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under § 552.021 and 552.023 of the Texas Government Code, you also are entitled to receive and review the information. Under §559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect.**