



**Bangor Area Comprehensive Transportation System (BACTS)
REQUEST FOR PROPOSALS
2043 Metropolitan Transportation Plan Update**

Proposals Are To Be Received At BACTS No Later Than

Date Due: Wednesday, July 13th, 2022

Time: 4:00 PM

Proposals must be received prior to the time and date for which they are due.

Late Proposals - Any proposal, portion of a proposal, or unrequested proposal revision received at BACTS after the time and date specified on the cover page of this RFP will not be accepted.

Communications In Reference To This RFP

Any communication in reference to this RFP shall be in writing by email and directed to the RFP Coordinator listed below.

All correspondence must reference the RFP# and Project name in the subject line.

Name: Sara Devlin

Title: Executive Director

Office: (207) 974-3111

E-Mail: sara.devlin@bactsmo.org

RFP#: BACTS-2202

Project Name: 2043 Metropolitan Transportation Plan Update

Request For Clarification / RFP Amendments

During the proposal preparation period, all requests for clarification and/or additional information must be submitted via e-mail to the RFP Coordinator referenced above by no later than 4:00 p.m. on Monday, June 20th. BACTS reserves the right to answer or not answer any question received. Late requests for clarification will not be accepted. When appropriate, responses to clarification requests will be emailed no later than close of business on Friday, June 24th.

PROPOSAL OVERVIEW

Introduction

The Bangor Area Comprehensive Transportation System (BACTS) is a Metropolitan Planning Organization (MPO) advancing and helping to carry out the transportation interests and responsibilities for the greater Bangor urbanized area. The BACTS region includes the municipalities of Bangor, Brewer, Penobscot Indian Island, Veazie, Bradley, Hampden, Hermon, Milford, Old Town, Orono, and Orrington. The total population of this region is approximately 75,000. This region supports many modes of transportation including a public bus system called the Community Connector which serves six of the above communities. As an MPO, BACTS works closely with and receives funding from MaineDOT, the Federal Transit Administration, and the Federal Highway Administration. BACTS is required to prepare several planning documents to maintain funding eligibility, one of which being the Metropolitan Transportation Plan (MTP) which outlines the region's visions, strategies, and priorities for all modes of transportation within the system. This document is required to be updated every 5 years with a planning horizon of 20+ years.

BACTS requests proposals for consultant services to design, execute, and manage a Metropolitan Transportation Plan update that guides the region's transportation policy and capital investments through 2043. Key objectives of this plan are to enhance economic vitality, safety, accessibility, reliability, and connectivity among and between all modes of transportation. We also aim to protect and enhance the natural environment and create efficient system management and operation. As programmed in our 2022-2023 UPWP, our MTP update is to be completed in Summer 2023. Our previous 2038 update can be found on our website [here](#), but we would like the consultant to re-envision the long range planning process, including the final plan document, to improve accessibility and public engagement, as well as outline a clear implementation strategy that can be used by various municipal departments in the region to execute goals. We expect the BACTS/Consultant relationship to be collaborative throughout this process, utilizing the resources and skills that staff have available for each task. Specific services requested through this RFP are defined by task in the Scope of Services section.

Legislative Requirements for MTP

MaineDOT requirements guide many aspects of this plan. The overarching goal of this process is to create a continuous, cooperative, and comprehensive regional vision and pathway forward. State and federal requirements for an MTP can be found at [National Archives Code of Federal Regulations: Title 23/Chapter 1/Subchapter E/Part 450/Subpart C](#) (particular focus on § 450.306 and § 450.324). The consultant is responsible for ensuring that all requirements are met.

Guiding Documents

This work, where applicable, must also use, align with, and conform to the following-

State and Federal Plans and Documents

- [Transit Asset Management Plan - MaineDOT](#)
- [Highway Safety Improvement Program - FHWA](#)
- [Public Transportation Agency Safety Plan - MaineDOT](#)
- MaineDOT's Family of Plans Update(to be completed in 2022)

BACTS Region Plans and Documents

- [Unified Planning Work Program \(UPWP\)](#)
- [Metropolitan Transportation Plan Priority Recommendations \(2021\)](#)
- [Project Prioritization and Selection Policy \(2021\)](#)

- [Performance Measures Summary \(2021\)](#)
- [Transit Asset Management Plan \(2021\)](#)
- [BACTS Public Participation Plan \(2021\)](#)
- [Public Transportation Agency Safety Plan \(2021\)](#)
- Vulnerability Assessment and Climate Action and Adaptation Plan (to be completed in 2023)
*The MTP will closely coordinate with this study and will incorporate its collected data as it becomes available
- [Transit Study \(2019\)](#)
- [Long Range Pedestrian and Bicycle Transportation Plan \(2019\)](#)
- [RLS Transit Structural Analysis Report \(2021\)](#)
- [Transit Retreat \(2020\)](#)

SCOPE OF WORK

Consultant Oversight

The consultant will primarily be overseen by BACTS staff, including the Executive Director and Planner. Additional oversight and coordination will come from the BACTS Policy Committee which is made up of City staff from the surrounding municipalities.

Framework for Public Outreach

Public participation is a major component of a successful MTP. In order to create a plan that encompasses the interests of our region we must prioritize participation throughout the process. We envision creating a Public Advisory Committee (PAC) that will act as a sounding board for the public engagement process and will be enlisted to provide feedback on decisions before engaging the broader public. To create the most thoughtful board possible, this committee must feature balanced representation across the region for various interest groups and particularly for vulnerable populations. Effective public outreach also requires the creation of rich visual aids that can be used on multiple platforms to educate and inform the public. We encourage proposers to expand on the public participation framework we have identified, including deliverables, schedule, and methods for identifying stakeholders for the PAC.

MTP Format

In the last few years, we have seen a trend of MTPs transitioning away from a static, printable document to a hybrid or completely web-based platform. We are open to exploring different options and would like the consultant to outline a hybrid format that meets the following priorities. Our main priorities for formatting include: meeting federal/state evaluatory needs, improving engagement, ADA compliance, and remaining accessible to populations without internet access.

Vulnerability Assessment and Climate Action and Adaptation Plan

BACTS and local municipalities are currently in the process of completing a Vulnerability Assessment and creating a Climate Action and Adaptation Plan (CAAP) for the BACTS region. The CAAP process will be running concurrently with the MTP. Due to the expected impacts of climate change on our transportation infrastructure and policy we would like this MTP to remain open, as much as possible, to data and policy suggestions forthcoming from the CAAP process.

Task Breakdown

Respondents are encouraged to incorporate, expand on, or adjust these tasks as necessary.

Task 1 - Project Launch

Create a brand identity for the 2043 MTP update that will be used on all subsequent products. Draft updates that BACTS can post to advertise the project. Identify and establish a group of broadly representing stakeholders to form a Public Advisory Committee and host the first meeting.

- Deliverables
 - Branding(in sharable format) - Name, logo, etc.
 - List of stakeholders in the region (to identify potential PAC members)
 - Host first PAC meeting
 - Draft updates for hybrid / web-based platform

Task 2 - Set Vision / Goals

Outline the major themes and priorities established in the guiding documents to begin scoping for vision and goals. Consolidate a unified vision for the future of transportation in the region through outreach to the PAC, the public, and the BACTS Policy Committee. Identify gaps in data that can be addressed in Task 3.

- Deliverables
 - Draft vision and goals chapter
 - Summarize PAC, public, and BACTS Policy Committee feedback
 - Draft updates for hybrid / web-based platform

Task 3 - Present Conditions and Projected Needs

Collect data based on the latest available estimates in order to assess and visualize trends and create forecasts. The Vulnerability Assessment portion of the CAAP process is set to be completed in Fall 2022, we expect the data collected during that project to be relevant to this task. BACTS has access to the GIS programs, Streetlight Data and MySidewalk, that the consultant may utilize however desired.

- Deliverables
 - Maps / Charts / Graphs - Products should be formatted in an easily shareable format (accessible in print and online)
 - Draft present conditions and projected needs chapter
 - Summarize PAC, public, and BACTS Policy Committee feedback
 - Draft updates for hybrid / web-based platform

Task 4 - Scenario Development

Use the forecasts created in Task 3 to create a number of growth scenarios that will inform regional policy and project prioritization decisions. Outline business as usual, conservative action, and drastic action scenarios.

- Deliverables
 - Visualizations and reports for each growth scenario
 - Draft scenario development chapter

Task 5 - Project Prioritization Criteria

Conduct public outreach to identify community priorities and incorporate these with municipality identified priorities. Evaluate system condition and performance based on internal and state / federal measures and targets. Project recommendations must be data driven and fiscally constrained. Develop an evaluation mechanism that considers these priorities, state / federal performance targets, and costs.

- Deliverables

- Summarize PAC and public feedback
- Reformat the [Performance Measures Summary \(2021\)](#) to be consistent with the rest of the MTP
- Develop evaluation criteria
- Draft project prioritization criteria chapter
- Draft updates for hybrid / web-based platform

Task 6 - Financial Assessment

Establish a rigorous financial assessment that identifies projected costs and funding sources. For each, include - trends (history and forecasts), a constrained plan, and an aspirational plan.

- Deliverables
 - Draft financial assessment
 - Draft updates for hybrid / web-based platform

Task 7 - Implementation Strategy

Detail short and long range strategies to achieve the vision that was identified in Task 2. Strategies should provide capacity realistic recommendations to the municipalities and organizations within the region. Strategies should also include, to the extent possible, the recommendations outlined in the Climate Action and Adaptation Plan. Create a project timeline with funding projections. Release the plan to the public, allowing for a 30 day public comment period. Additionally, prepare the Executive Summary, Introduction, and Plan Development Process chapters.

- Deliverables
 - Complete draft plan
 - Summarize PAC, public, and BACTS Policy Committee feedback
 - Draft updates for hybrid / web-based platform

Task 8 - Final Plan Development

Finalize strategies to reflect data and input from the PAC, public, and BACTS Policy Committee feedback.

- Deliverables
 - Complete final plan
 - Draft updates for hybrid / web-based platform

RFP SUBMISSION REQUIREMENTS

Contact Information

Provide the name, address, phone number, and e-mail address of Proposer in the proposal.

Qualifications

Identify the key staff your company will assign to fulfill the contract requirements (Contract Managers, contact people, or assigned technicians). Provide resumes describing the educational and work experiences for those key staff.

Experience

Describe the Proposer’s experience and capabilities providing similar services to those required. Identify at least Three (3) projects with whom your company has done business similar to that required in this RFP in the last five (5) years. Include points of contact (client’s company name, contact name, address, and telephone number), a brief description of the project, dates of the project and results.

Project Management - Costs, Schedule, & Communication

Provide a brief description of methods used by the firm to assure the study is completed on time and within budget. Also give a brief outline of your firm’s methods of schedule control and ability to handle projected workload. Discuss how your firm will conduct project coordination with BACTS. Describe how your firm will manage its role in this project and how it intends to maintain effective communication for the assignment.

References

Provide at least 3 work references including points of contact (person’s name, company name, address and telephone number), and a brief description of the projects with dates. If contacted, all references must verify that a high level of satisfaction was provided. BACTS will determine which, if any, references will be contacted. The results of any reference checks will be provided to the scoring committee and used when scoring the Technical Proposal.

Project Understanding

Please describe in detail your project understanding, including any observations of current conditions, needs and preliminary thoughts or recommendations for this study.

Schedule

Include a schedule outlining project deliverables and any other relevant milestones.

Signature Page

A signature page must be included with the Technical and Price Proposals stating that “I certify that all of the information contained in this Technical/Price Proposal to be true and accurate.

Acknowledgement of Amendments

The Proposer shall include reference to all amendments in their response to this RFP.

PROPOSAL RATING AND SELECTION PROCESS

Proposal Rating

Responses to the above submission requirements will be reviewed and rated using the scale provided below.

Rating Scale		
Inadequate	1	Incomplete or irrelevant; desired details/skills were not demonstrated
Poor	2	Meets only a few expectations; further detail/skill is required for a majority of requirements
Fair	3	Meets most but not all expectations; further detail/skill is desired for a few items
Good	4	Meets expectations; desired detail/skill is demonstrated for each item
Excellent	5	Exceeds expectations; expands on items to demonstrate extraordinary achievement, quality, skill, and creativity

Qualifications Based Selection (QBS) Process

The consultant will be selected in adherence to the State and Federal requirements. Further information can be found on MaineDOT’s consultant webpage, [here](#). Technical Proposals alone will be used to select the successful proposer. Once the successful proposer has been selected, the government estimate will be compared against the successful proposer’s Price Proposal and contract negotiations will begin.

STATE / FEDERAL RFP REQUIREMENTS

1. Packaging And Submitting Your Technical And Price Proposals

- A. RFP Number & Title - The Proposer's full business name and address, as well as the assigned RFP number and RFP title must be written on your Proposal Package.
- B. Technical Proposals - Technical Proposals may be submitted electronically in PDF format and sent via email.
- C. Price Proposal - The Price Proposal shall be provided in a **separately sealed envelope and may be delivered in person, by USPS or common carrier either by or postmarked by the proposal deadline in Section 1.** A Price Proposal form can be found on the Maine DOT website at: <https://www.maine.gov/mdot/cpo/doingbusiness/> (Click on Doing Business under Quick Links, Consultant Proposal Instructions PDF, Section B). Prices shall be outlined for all required items. Each proposal will be evaluated for all criteria, and then costs shall be evaluated independently. **NO MENTION OF PRICE SHALL BE INCLUDED IN OTHER SECTIONS OF THE PROPOSAL; OTHERWISE THAT PROPOSAL SHALL BE REJECTED.**
- D. Proposal Package Submittal: Proposal packages must be emailed / delivered to:
BACTS
Attn: Sara Devlin
sara.devlin@bactsmmpo.org
12 Acme Road, Suite 104
Brewer, ME 04412

2. General Information

- A. The contract resulting from this RFP will be governed by the most recent version of BACTS's Consultant General Conditions. A copy of the Consultant General Conditions is available on MaineDOT website: <https://www.maine.gov/mdot/cpo/doingbusiness/>
- B. This RFP does not commit BACTS to pay any costs incurred in submitting your proposal, making studies or designs for preparing the proposal or in procuring or sub-contracting for services or supplies related to the proposal.

3. Certified Disadvantaged Business Enterprise

- A. MaineDOT Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime consultant for this work. It is important the DBE consultants take advantage of this RFP to at least gain entry to the MaineDOT Prequalification List for transportation project related services. Non -DBE consultants shall ensure that DBEs have the maximum opportunity to participate in the performance of any project contract in accordance with MaineDOT current requirements for DBE utilization when utilizing subconsultants. Consultants certified by another state's transportation agency must be certified by MaineDOT.
- B. Current requirements may be found at the MaineDOT website, "Certified Disadvantaged and Women Business Enterprise" directory available at; <http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php>, or by contacting:

**Maine Department of Transportation
ATTN: Sherry Tompkins, Civil Rights Unit
Civil Rights Office
16 State House Station, Augusta, ME 04333
Tel#: 207-624-3066
Fax#: 207-624-3021**

4. Proposal Pricing

- A. Direct Labor. Please list all employees, including their classifications, who are expected to perform services on this project. Please provide a breakdown of each employee's salary rate including direct labor, indirect labor, and profit. Please show all calculations in detail, and include payroll records supporting these rates.
- B. Indirect Labor (Overhead). Please provide a copy of your latest audited corporate overhead rate report with supporting documentation.
- C. Profit. The percentage of profit is based on criteria specific to a project including degree of risk, relative difficulty of work, size of job, etc.
- D. Direct Expenses. Please provide a breakdown of direct expenses, including mileage, lodging, photocopying costs, etc. anticipated for this project. Direct expenses shall be reimbursed at cost, and travel expenses shall be reimbursed in accordance with the current per diem/mileage rates located at <http://www.maine.gov/osc/travel/addtltravelinfo.shtml> & <http://www.gsa.gov/portal/category/21287>
- E. Subconsultants. Please identify each effort to be subcontracted. List the selected sub-consultant's name, location, amount proposed and type of contract. Describe the cost or price estimates for each subcontract. Please note that there is no mark up allowed on subconsultant costs.

5. Contract Term, Type, and Payment Method

- A. The contract term shall be for a period of Fourteen(14) months, commencing upon approval of the contract documentation and BACTS letter of "Authorization to Proceed"
- B. The contract type utilized for this project shall be "Special Services", and the method of payment shall be fixed burdened hourly rate.

6. Confidentiality

- A. The information contained in proposals submitted for BACTS' consideration will be held in confidence until all reviews are concluded and the award notification has been made. At that time, the full content of the proposals becomes public record and is therefore available for public inspection upon request.
- B. According to State procurement law, the content of all proposals, correspondence, addenda, memoranda, working papers, or any other medium which discloses any aspect of the request for proposals process will be considered public information when the award decision is announced. This includes all proposals received in response to this RFP, both the selected proposal and the proposal(s) not selected, and includes information in those proposals which a Proposer may consider to be proprietary in nature.

7. FHWA-1273 Required Contract Provisions For Federal-Aid Contracts

- A. These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate

superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

- B. Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.
- C. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

8. Certification Regarding Use Of Contract Funds For Lobbying

- A. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:
 - a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal 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.
 - b. 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 Federal 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.
- B. 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 31 U.S.C. 1352. 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.
- C. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

9. Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion

- A. This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.
- B. Instructions for Certification – First Tier Participants:
 - a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.
 - b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the

- department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
- c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.
 - d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 - e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).
 - f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
 - g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
 - h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.
 - i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

- j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
- C. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:
- a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - I. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - II. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - III. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and
 - IV. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
 - b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- D. Instructions for Certification - Lower Tier Participants:
- a. (Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)
 - b. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.
 - c. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
 - d. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
 - e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered

Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

- f. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
 - g. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
 - h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.
 - i. 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 clause. The knowledge and information of participants is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - j. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- E. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:
- a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
 - b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
 - c. Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of BACTS.