**COLORADO DEPARTMENT OF TRANSPORTATION**

**CONTRACTORS PERFORMANCE CAPABILITY STATEMENT**

Project #

|  |
| --- |
| 1. List names of partnerships or joint ventures 🛆 none |
| 1. List decreases in the contractors fiscal or workmanship qualifications compared to the last prequalification statement submitted to CDOT. (Attach additional sheets if necessary.)
	1. Key personnel changes 🛆 none
	2. Key equipment changes 🛆 none
	3. Fiscal capability changes (legal actions, etc.) 🛆 none
	4. Other changes that may effect the contractors ability to perform work. 🛆 none
 |
| I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS, THAT THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE |
| Contractor's firm or company name | By | Date |
| Title |
| 2nd Contractor's firm or company name (if joint venture) | By | Date |
| Title |

**COLORADO DEPARTMENT OF TRANSPORTATION**

**ASSIGNMENT OF ANTITRUST CLAIMS**

PROJECT NO.

|  |
| --- |
| Contractor and Colorado Department of Transportation (CDOT) recognize that in actual economic practice antitrust violations ultimately impact on CDOT. Therefore, for good cause and as consideration for executing this contract and for receiving payments hereunder:1. Contractor hereby irrevocably assigns to CDOT any and all claims it may now have or which may hereafter accrue to it under federal or state antitrust laws in connection with the particular project, goods or services purchased or acquired by CDOT pursuant to this contract.
2. Contractor hereby expressly agrees:
	1. That, upon becoming aware that a third party has commenced a civil action asserting on Contractor's behalf an antitrust claim which has been assigned to CDOT hereunder, Contractor shall immediately advise in writing:
		1. Such third party that the antitrust claim has been assigned to CDOT, and
		2. CDOT that such civil action is pending and of the date on which, in accordance with subparagraph
			1. (1) above, Contractor notified such third party that the antitrust claim had been assigned to CDOT;
			2. To take no action which will in any way diminish the value of the claims or rights assigned or dedicated to CDOT hereunder; and
			3. Promptly to pay over to CDOT its proper share of any payment under an antitrust claim brought on Contractor's behalf by any third party and which claim has been assigned to CDOT hereunder.
3. Further, Contractor agrees that in the event it hires one or more subcontractors to perform any of its duties under the contract, Contractor shall require that each such subcontractor:
	1. Irrevocably assign to CDOT (as a third party beneficiary) any and all claims that such subcontractor may have or which may thereafter accrue to the subcontractor under federal or state antitrust laws in connec- tion with any goods or services provided by the subcontractor in carrying out the subcontractor's obliga- tions to Contractor;
	2. Upon becoming aware that a third party has commenced a civil action on the subcontractor's behalf asserting an antitrust claim which has been assigned to CDOT hereunder, shall immediately advise in writing:
		1. Such third party that the antitrust claim has been assigned to CDOT, and
		2. Contractor and CDOT that such civil action is pending and of the date on which, in accordance with subparagraph b. (1) above, the subcontractor notified such third party that the antitrust claim had been assigned to CDOT;
	3. Take no action which will in any way diminish the value of the claims or rights assigned or dedicated to CDOT hereunder; and
	4. Promptly pay over to CDOT its proper share of any payment under an antitrust claim brought on the subcontractor's behalf by any third party and which claim has been assigned or dedicated to CDOT pursuant hereto.

I, acting in my capacity as officer of a bidder (bidders if a joint venture) do agree to the above assignment of antitrust claims. |
| Contractor's firm or company name | By | Date |
| Title |
| 2nd contractor's firm or company name. (If joint venture.) | By | Date |
| Title |

|  |
| --- |
| COLORADO DEPARTMENT OF TRANSPORTATION |
| **COMMITMENT CONFIRMATION** |
| **SECTION 1.** This section must be completed by the Contractor. |
| Project: |  | Project Code: |  |
| Bidder/Contractor: |  | Phone: |  |
| Contact: |  | Email: |  |
| DBE Firm Name: |  | DBE Phone: |  |
| DBE Address: |  | DBE Email: |  |
| **Commitment Details** |
| Category | Work to be Performed | DBE Work Code(s) | Commitment Amount | Eligible Participation |
| Construction |  |  |  |  |
| Trucking |  |  |  |  |
| Supplies |  |  |  |  |
| Services |  |  |  |  |
| Total |  |  |
| This section must be signed by an individual with the power to contractually bind the Bidder/Contractor. You declare under penalty ofperjury in the second degree and any other applicable state or federal laws that the statements made in this document are complete, true and accurate to the best of your knowledge. |
|  |  |  |  |
| Bidder/Contractor Representative | Title | Signature | Date |
| **SECTION 2.** This section must be completed by the DBE. (Attach additional pages if necessary). |
| This document is not a contract with the Bidder/Contractor; it is an acknowledgement of the obligation that the Bidder/Contractor is making to CDOT. The amounts listed above may be less than the subcontractor or purchase order amount, but can never be more, and shall not reflect any mark up by the Bidder/Contractor. **All questions must be answered.** |
| Are you contracting directly with the Bidder/Contractor or with one of its subcontractors? If with a subcontractor, provide the firm name. |  |
| Will you be purchasing supplies or materials or leasing or renting equipment from the Bidder/Contractor or its subcontractors? If so, explain. |  |
| Do you intend to subcontract any portion of the work listed above? If yes, state to which firms, what work and the approximate amount. Include trucking subcontractors and owner-operators. |  |
| Will you be providing trucking services on this project? If so, state how many of your own trucks and employees you will have on this project. |  |
| Who within your firm will be supervising and responsible for your firm’s work on this project? |  |
| Will you be acting as a broker on this project? If so, state what you will be brokering and your approximate brokerage fee. |  |
| Will you be acting as a supplier on this project? If so, please state what you will be supplying and whether you will manufacture the items. |  |

|  |
| --- |
| This section must be signed by an individual with the power to contractually bind the DBE. You declare under penalty of perjury in the second degree and any other applicable state or federal laws that the statements made in this document are complete, true and to the best of your knowledge. You attest that you are eligible to participate as a DBE on this contract for the work listed above and have the capacity to perform the work as stated. |
|  |  |  |  |
| DBE Representative | Title | Signature | Date |
| *See the DBE Standard Special provision for additional information on completing and submitting this form.* |
| ***Pre-award CDOT projects:*** Submit this form to the CDOT Civil Rights and Business Resource Center via fax to (303)757-9019. All originals must be sent to: CDOT Civil Rights and Business Resource Center, 4201 E. Arkansas Ave. Room 150, Denver, CO 80222. |
| ***Pre-award local agency projects:*** Submit this form to the local agency. All originals must be sent to: CDOT Civil Rights and Business Resource Center, 4201 E. Arkansas Ave. Room 150, Denver, CO 80222. |

|  |
| --- |
| COLORADO DEPARTMENT OF TRANSPORTATION |
| **GOOD FAITH EFFORT REPORT** |
| **Section 1. Contractor and Project Information** |
| Bidder: |  | Project: |  |
| Address: |  | Project Code: |  |
| Contact Name: |  | Proposal Amount: |  |
| Contact Phone: |  | Contract Goal Percentage: |  |
| Contact Email: |  | Contract Goal Dollar Value: |  |
| **Section 2. Efforts to Achieve DBE Participation.** Attach a narrative that answers the questions below and complete Page 2 (Subcontractor Quote Summary). Provide any supporting documentation which demonstrates your good faith efforts. |
| a. Describe your overall plan or approach to meeting the contract goal. Include how much and what work you intend to self-perform; how much and what work you intend to subcontract; what work areas were identified as subcontracting opportunities for DBEs; and the approximate number of DBEs per area. |
| b. Describe your efforts to obtain DBE participation (i.e. how you attempted to execute your plan or approach to meeting the contract goal). Include direct outreach (state the DBE solicited, date(s) and method of phone, email or fax); indirect outreach such as events, publications, and/or communication with minority and other organizations that you conducted to reach DBEs (state date(s), location and audience); other efforts you made to assist DBEs in competing for or obtaining contracts (accepting quotes from DBEs that may be higher than other subcontractors, modifications to contract scopes, unbundling, mentoring, etc.); and obstacles you encountered in assisting or contracting with DBEs. Cost alone shall not be a reason to reject a DBE and will be considered in the evaluation of Page 2. |
| c. If the eligible participation submitted on the Form 1414 was miscalculated, determined to be invalid, or otherwise did not meet the contract goal, provide your justification for such deficiencies and the remedies you have taken or intend to take to avoid the issue in the future. If you have obtained any additional commitments since submission of the bid, attach the Form 1415(s) and the reason why such commitments were not obtained prior to the proposal due date. |
| **Section 3. Affidavit of Good Faith Efforts.** The Bidder must show that it took all necessary and reasonable steps to achieve the DBE contract goal which by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if not fully successful. 49 CFR Part 26, Appendix A sets forth examples and guidance for good faith efforts. The contractor is not limited to the examples provided in 49 CFR Part 26, Appendix A and may provide any documentation that demonstrates good faith efforts to obtain DBE participation on this contract. |
| If, at any time, CDOT has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, CDOT may initiate suspension or debarment proceedings against the person or firm under 49 CFR Part 29, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice or Office of the Inspector General for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal program. |
| By signing below, the Bidder hereby affirms that it has made good faith efforts and has documented all such efforts in this form and the attached supporting documentation. |
| I, , am the of . |
| Representative Name Title Company |
| I have the authority to make this affidavit for and on behalf of my company. All information provided herein and attached as evidence of my company’s good faith efforts is true and accurate to the best of my belief. |
|  |
| Signature Date |
| **Notarization: Must be completed by a licensed notary.** |
| County of State of  |  |
| Subscribed and sworn before me this day of  | SEAL |
| Notary Signature  |  |
| Notary Address  |  |
|  |  |  |
| ***CDOT projects:*** Submit this form and all supporting documentation to the CDOT Civil Rights and Business Resource Center via fax to (303)757- 9019. All originals must be sent to: CDOT Civil Rights and Business Resource Center, 4201 E. Arkansas Ave. Room 150, Denver, CO 80222. |
| ***Local agency projects:*** Submit this form and all supporting documentation to the local agency. All originals must be sent to: CDOT Civil Rights and Business Resource Center, 4201 E. Arkansas Ave. Room 150, Denver, CO 80222. |

|  |
| --- |
| **Subcontractor Quote Summary** (Attach additional pages if necessary.) |
| Subcontractor | DBE (Y/N) | Work Type(s) | Quote Amount | Selected (Y/N) | Reason |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |