

JOINT VENTURE PROPOSAL GUIDANCE

Bid Submission Requirements:

The Department will accept joint venture Proposals for public works projects that meet the following guidelines;

Joint venture entities may submit a proposal for a joint venture from qualified bidders for the project on a Bid Proposal issued to the joint venture (if registered as a contractor with the Department) or on a bid proposal issued by the Department to any one of the joint participants registered as a contractor with the Department.

Submit with your bid the *Joint Venture Certification* form signed in ink by an officer of each firm represented in the joint venture. Each signature is to be notarized. This replaces the Certification form provided in the Bid Proposal.

Submit with your bid the attached *Joint Venture Bid Bond* form in place of the Bid Bond form provided in the Bid Proposal if two or more firms are jointly providing the Bid Bond and the joint venture is not a legal entity at the time of Bid. Alternately, either one of the joint venture firms can provide the full amount of the Bid Bond.

Submit with your bid an *Opinion of Counsel* form for the purpose of providing assurance to the Department regarding the formation of the Proposer and, if applicable, its JV members and partners and its ability to execute and deliver the Contract if awarded. The opinion may be provided by in-house counsel or by an outside law firm.

Submit with your bid an express signed statement from each of the firms on letterhead as to their joint and several liability; and the participation percentage for each entity. Submit a signed copy of the JV agreement, or draft if not executed at the time of bid, or a Memorandum Of Understanding (MOU) stating the terms of such JV agreement.

Submit with your bid all other documents as described in the Bid Proposal;

The above referenced joint venture forms are attached.

If Awarded:

Provide a copy of the joint venture agreement clearly describing the responsibilities of each of the joint venture parties and details of the organizational structure and supporting organization/formation documents. The joint venture agreement must be signed, witnessed, sealed by each party of the joint venture, and both parties' signatures must be notarized.

An updated *Opinion of Counsel* form stating that the Contract has been validly executed.

A Performance and Payment Bond must be submitted, the form will be supplied by the Department.

All submittals must be approved by the Department in order for a joint venture award to be issued.

If other arrangements are required, approval from the Department prior to the Bid Date is mandatory.

Questions:

Please email questions to dot-ask@state.de.us

Please note that under Delaware state law, one or more of the Principal Participants of the Single Legal Entity with which the Department will contract for services must be licensed with the Delaware Division of Revenue prior to the award of any contract. A Single Legal Entity is a corporation, a Joint Venture (JV), a Limited Liability Corporation (LLC), or a Partnership.

JOINT VENTURE CERTIFICATION

Contract No. T201753109.01

Federal Aid Project No. DE-2017-001

The undersigned bidders, _____

whose addresses are _____

and telephone numbers are _____ hereby certifies the following:

I/We have carefully examined the location of the proposed work, the proposed plans and specifications, and will be bound, upon award of this contract by the Department of Transportation, to execute in accordance with such award, a contract with necessary surety bond, of which contract this proposal and said plans and specifications shall be a part, to provide all necessary machinery, tools, labor and other means of construction, and to do all the work and to furnish all the materials necessary to perform and complete the said contract within the time and as required in accordance with the requirements of the Department of Transportation, and at the unit prices for the various items as listed on the preceding pages.

Bidder's Certification Statement [US DOT Suspension and Debarment Regulation (49 CFR 29)]:

NOTICE: All contractors who hold prime contracts (Federal Aid) with DelDOT are advised that the prime contractor and subcontractors are required to submit to DelDOT a signed and notary attested copy of the B idder Certification Statement for each and every subcontract that will be utilized by the prime contractor. This Certification **m u s t** be filed with DelDOT prior to written approval being granted for each and every subcontractor. Copies of the Certification Form are available from the appropriate District Construction Office.

Under penalty of perjury under the laws of the United States, that I/We, or any person associated therewith in the capacity of (owner, partner, director, officer, principal, investigator, project director, manager, auditor, or any position involving the administration federal funds):

- a. am/are not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- b. have not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- c. do not have a proposed debarment pending; and,
- d. have not been indicted, convicted, or had a civil judgement rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted, indicate below to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions.

(Insert Exceptions)

DBE Program Assurance:

NOTICE: In accordance with 49 CFR Part 26 the undersigned, a legally authorized representative of the bidder listed below, must complete this assurance. By its signature affixed hereto, assures the Department that it will attain DBE participation as indicated:

Disadvantaged Business Enterprise _____ percent (blank to be filled in by bidder)

The foregoing quantities are considered to be approximate only and are given as the basis for comparison of bids. The Department of Transportation may increase or decrease the amount of any item or portion of the work as may be deemed necessary or expedient. Any such increase or decrease in the quantity for any item will not be regarded as a sufficient ground for an increase or decrease in the unit prices, nor in the time allowed for the completion of the work, except as provided in the contract.

Accompanying this proposal is a surety bond or a security of the bidder assigned to the Department of Transportation, for at least ten (10) percentum of total amount of the proposal, which deposit is to be forfeited as liquidated damages in case this proposal is accepted, and the undersigned shall fail to execute a contract with necessary bond, when required, for the performance of said contract with the Department of Transportation, under the conditions of this proposal, within twenty (20) days after date

of official notice of the award of the contract as provided in the requirement and specifications hereto attached; otherwise said deposit is to be returned to the undersigned.

I/We are licensed, or have initiated the license application as required by Section 2502, Chapter 25, Title 30, of the Delaware Code.

By submission of this proposal, each person signing on behalf of the bidder, certifies as to its own organization, under penalty of perjury, that to the best of each signer's knowledge and belief:

1. The prices in this proposal have been arrived at independently without collusion, consultation, communication, or Agreement with any other bidder or with any competitor for the purpose of restricting competition.
2. Unless required by law, the prices which have been quoted in this proposal have not been knowingly disclosed and will not knowingly be disclosed by the bidder, directly or indirectly, to any other bidder or competitor prior to the opening of proposals.
3. No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.

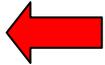
=====

I/We acknowledge receipt and incorporation of addenda to this proposal as follows:

No.	Date								
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

ACKNOWLEDGMENT OF RECEIPT OF ALL ADDENDA AND FINAL QUESTIONS AND ANSWERS REQUIRED.

MUST INSERT DATE OF FINAL QUESTIONS AND ANSWERS ON WEBSITE: _____



JOINT VENTURE PARTICIPANT CERTIFICATION:

JOINT VENTURE PARTICIPANT CERTIFICATION:

Sealed and dated this _____ day of _____ in the year of our Lord two thousand and (20_____).

Name of Joint Venturer Firm

By: _____
Authorized Signature

Title

Corporate Seal

Attest

=====

SWORN TO AND SUBSCRIBED BEFORE ME
this _____ day of _____, 20_____.

Notary

Notary Seal

Sealed and dated this _____ day of _____ in the year of our Lord two thousand and _____ (20_____).

Name of Joint Venturer Firm

By: _____
Authorized Signature

Title

Corporate Seal

Attest

=====

SWORN TO AND SUBSCRIBED BEFORE ME
this _____ day of _____, 20_____.

Notary

Notary Seal

JOINT VENTURE BID BOND

TO ACCOMPANY PROPOSAL
(Not necessary if security is used)

KNOW ALL MEN BY THESE PRESENTS That: _____
of _____
in the County of _____ and State of _____ as **Principal**, and
_____ of _____ in the County of _____
and State of _____ as **Surety**,
legally authorized to do business in the State of Delaware ("**State**"), are held and firmly unto the **State** in the sum of
_____ Dollars (\$ _____), or _____ percent not
to exceed _____ Dollars (\$ _____) of amount of bid on
Contract No. T201753109.01, to be paid to the **State** for the use and benefit of its Department of Transportation
("**DeIDOT**") for which payment well and truly to be made, we do bind ourselves, our and each of our heirs, executors,
administrators, and successors, jointly and severally for and in the whole firmly by these presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bounden **Principal** who has
submitted to the **DeIDOT** a certain proposal to enter into this contract for the furnishing of certain materiel and/or services
within the **State**, shall be awarded this Contract, and if said **Principal** shall well and truly enter into and execute this Contract
as may be required by the terms of this Contract and approved by the **DeIDOT**, this Contract to be entered into within twenty
days after the date of official notice of the award thereof in accordance with the terms of said proposal, then this obligation
shall be void or else to be and remain in full force and virtue.

Sealed with _____ seal and dated this _____ day of _____ in the year of our
Lord two thousand and _____ (20____).

SEALED, AND DELIVERED IN THE
presence of

Name of Joint Venturer

Corporate
Seal

By:

Authorized Signature

Attest _____

Title

SEALED, AND DELIVERED IN THE
presence of

Name of Joint Venturer

Corporate
Seal

By:

Authorized Signature

Attest _____

Title

Name of **Surety**

Witness: _____

By:

Title