



**STAFF REPORT**  
**ACTION ITEM**

Item # 13d

**SUBJECT:** RFP for Development and Management of a Wireless Telecommunications Facility

**DATE OF MEETING:** June 11, 2019

**STAFF CONTACTS:** Sally Hankins, Town Attorney  
Buster Nicholson, Director of Public Works  
Shannon Bohince, Director of Information Technology  
David Mekarski, Town Manager  
Kathy Elgin, Procurement Officer

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**SUMMARY and RECOMMENDATIONS:**

At its meeting on April 23, 2019, Town Council directed staff to develop an RFP by which the Town would seek proposals from companies to plan, develop, construct, and maintain a telecommunications tower at the Town's maintenance and water treatment facility property, located at 1001 S. 20<sup>th</sup> Street in Purcellville, Virginia. Town Council directed that the Town take the approach of issuing an RFP, in lieu of riding an existing contract entered into by Loudoun County in 2013, in order to receive more contemporary proposals, maximize competition, and allow the Town to lease or license the property for a term longer than 5 years. The purpose of the telecommunications tower is to (1) increase cellular coverage and capacity in the Town, and particularly in the southwest quadrant of Town, (2) allow for the installation of municipal equipment to improve municipal communications and functions, and (3) provide a source of revenue to the Town. The Council advised that the RFP should establish performance objectives to be achieved by the tower, without specifying a particular tower height.

Attached to this Staff Report is the draft RFP, for Council review and comment. The RFP will be issued once the RFP has been finalized by Town Council and all contract negotiations are complete at the Town's water tank.

**BACKGROUND:**

Also at its meeting on April 23, 2019, Town Council considered the merits of constructing a Town-owned telecommunications tower with public funds to be managed by Town Staff, but

decided against that approach given the high initial capital outlay, and the relatively long time period (est. 6.5 years) to recuperate those initial expenditures through tower revenues.

**ISSUES:**

The RFP, once finalized, will be issued with a draft License Agreement, so that offerors can review the proposed contract terms. The License Agreement is currently being drafted.

**CORRELATION TO STRATEGIC INITIATIVES:**

Practice Good Governance; Fund the Future

**BUDGET IMPACT:**

The cost to the Town includes staff time to prepare the RFP and negotiate with companies who submit proposals. Additionally, if needed, the Town could incur outside consulting expenses to evaluate the proposals that are submitted.

**MOTION:**

“I move that Town Council approve the RFP attached to the Staff Report dated June 11, 2019, and direct staff to post the RFP once all contracts with carriers at the Town’s water tower have been finalized.”

OR

“I move that Town Council direct staff to make the following changes to the RFP attached to the Staff Report dated June 11, 2019, and return to Council for action on the revised document:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_”

**ATTACHMENT:**

1. Draft RFP #IT-2019-10: Development and Management of a Wireless Telecommunications Facility

**DEVELOPMENT AND MANAGEMENT OF A  
WIRELESS TELECOMMUNICATIONS FACILITY**

**RFP NO. IT-2019-10**

ISSUE DATE: \_\_\_\_\_

DUE DATE \_\_\_\_\_, 10:00 AM

ADDRESS Town of Purcellville  
Attn: Procurement Specialist  
221 S. Nursery Ave.  
Purcellville, VA 20132

CONTACT INFORMATION Kathy Elgin, Procurement Officer  
[kelgin@purcellvilleva.gov](mailto:kelgin@purcellvilleva.gov)

ADDENDA DISCLAIMER: Please note that any addenda issued for this solicitation will be posted to the Town of Purcellville's Bid Board. To register for notice of solicitation's and addenda, go to <http://www.purcellvilleva.com/bids.aspx>.

**DEVELOPMENT AND MANAGEMENT OF A  
WIRELESS TELECOMMUNICATIONS FACILITY**

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## **DEVELOPMENT AND MANAGEMENT OF A WIRELESS TELECOMMUNICATIONS FACILITY**

- I. PURPOSE** - The objective of this Request for Proposal (RFP) is to obtain the services of a qualified licensed firm to provide Development and Management Services for a Wireless Telecommunications Facility in Purcellville, Virginia.

The Town requires the successful offeror (also referred to herein as “Contractor”) to enter into a non-exclusive agreement to develop, market, and manage a wireless telecommunications facility on a site owned by the Town. The Town seeks proposals from interested firms that can demonstrate capability to market, develop, sublicense, manage and maintain a telecommunications facility. The successful offeror shall enter into a ten-year License Agreement with the Town. License Agreement is at Attachment 1.

- II. BACKGROUND INFORMATION** - In order to increase cellular signal coverage and bandwidth, improve municipal communications, and maximize revenues, the Town is seeking the services of a qualified firm to: install a telecommunications facility, manage the facility over 10 years, and negotiate and manage third-party licenses (sublicenses) for the use of this telecommunications facility.

The selected offeror must demonstrate real estate expertise, financial stability, site development and project management proficiency with managing a telecommunications facility on government owned property. The sole compensation to the successful offeror will be the payments it negotiates and receives from third parties for the use of the telecommunications facility it constructs on Town property.

### **III. SCOPE OF SERVICES**

The Contractor shall provide all labor, materials and expenses to fully perform the following obligations, and shall perform all such obligations in compliance with all applicable regulations. The Contractor shall:

1. Perform soil study and site analysis of property located at 1001 S. 20<sup>th</sup> Street, Purcellville, Virginia (“Property”) in order to identify the recommended location for a telecommunications facility;
2. Analyze existing cell coverage throughout the Town and, in particular, the southwest quadrant of the Town;
3. Recommend a monopole cell tower height that will: (a) improve cell coverage and bandwidth in the Town and, in particular, the southwest quadrant of the Town, (b) accommodate municipal equipment to improve municipal communications; and (c) accommodate three to eight antenna arrays and associated equipment;
4. Recommend the preferred boundaries of the telecommunications facility site (“Site”) within the Property;
5. Market the Site to Approved Carriers. Provide a proposal to describe how the Town Site is to be marketed to Approved Carriers.

6. Design, engineer, and construct a new telecommunications facility, to include all associated expenses. This shall include a tower and foundation design for a telecommunications facility that can accommodate three to eight users. Prior to allowing any equipment on the tower, the Contractor shall require that plans depicting the equipment, certified by an engineer, be submitted to the Contractor for review. The Contractor shall cause such plans to be reviewed by an engineer who shall evaluate the submitted plans as well as the proposed cumulative load on the tower. The Contractor shall approve such equipment for location on the tower only if the Contractor's engineer first affirms in writing that the tower has adequate capacity to hold the proposed load, as well as the cumulative load of all the equipment proposed to be located on the tower. Prior to undertaking such an engineering review, the Contractor and his engineer shall obtain from the Town agreement as to the appropriate engineering standards to be used.
7. Prepare site construction package, to include a license exhibit, zoning and permitting drawings.
8. Prepare architectural/engineering design drawings and provide as-builts in both hard copy as well as electronic format.
9. Take all steps necessary to secure all necessary governmental approvals, including Federal Aviation Administration, abatement quotes, environmental studies, storm water management studies, building permits, site plan approvals, easements, and any other governmental approval required for the construction of a new telecommunications facility, provided, however, that if the parties agree that the telecommunications tower should be built to height that is taller than the maximum height allowed under the Zoning Ordinance, then the Town shall be responsible for seeking amendment to the Zoning Ordinance and shall conduct all required public hearings. Any such Zoning Ordinance modification is within the sole discretion of the Town Council; the Town does not guarantee that the maximum height allowed under the Zoning Ordinance will be increased.
10. Negotiate sub-license agreements for use of the telecommunications facility with third party Approved Carriers.
11. Provide Town with monthly rental and income reports for the Site managed by the Contractor; provide the Town with prompt updates for changes that occur at the telecommunications facility, including all new installations, upgrades, and equipment removals.
12. Establish formal evaluation and quality control procedures by which the Town can monitor each obligation of the Contractor under the License Agreement. The evaluation and quality control procedures must provide sufficient information to allow the Town to monitor the Contractor's progress and effectiveness, and shall include a summary of the Contractor's licenses and marketing efforts so that the Town can evaluate the effectiveness of the services provided on an annual basis. The Contractor shall submit the quality control report to the Town not later than June 1 of each contract year.
13. Pay any taxes due as a result of the telecommunications facility.
14. Allow the Town to utilize space on the tower and Site for its municipal equipment.

15. Compensate the Town an agreed percentage or fixed fee for each third-party license the Contractor negotiates for the telecommunications facility, as well as any license fee, or combination thereof.

**IV. CONTRACT TERMS AND CONDITIONS** - The proposed License Agreement between the successful offeror and the Town is at Attachment 1 of this RFP.

**V. EVALUATION OF PROPOSALS: SELECTION FACTORS** - The criteria set forth below will be used to evaluate proposals and select the successful offeror. Each proposal shall include statements describing how the following objectives will be met:

Objectives / Selection Criteria	Weight
1. Increased bandwidth or capacity	1. 30
2. Increased coverage area	2. 30
3. Space allotted on tower for municipal equipment	3. 15
4. Revenue to the Town is maximized	4. 25

The Town will develop a composite rating which indicates the collective ranking of the highest rated proposals in a descending order. The Town may then conduct interviews with only the top ranked offerors, usually the top two (2) or three (3) depending upon the number of proposals received. Negotiations shall be conducted with offerors so selected. The Town may request a Best and Final Offer, or make a recommendation for award/execution of the license.

**VI. PROPOSAL SUBMISSION FORMAT** – Each proposal shall describe the offeror’s qualifications and understanding of the work to be performed. Offerors shall address the submission elements listed below, in the order presented below. Failure to include any of the requested information may be cause for the proposal to be considered nonresponsive and rejected.

1. **Offeror Organization:**

This section of the proposal shall contain the following minimum information:

- (a) **General:** Location of the Offeror's headquarters; nearest offices; applicable phone and facsimile numbers; and any other pertinent information relative to the size and organizational structure of the company.
- (b) **Project Team:** An organizational chart and written description of the proposed Project Team, with the names and titles of the key individuals shown. Include a supporting narrative to describe the qualifications, education and experience of personnel to be assigned.
- (c) **Financial Data:** Pertinent data which demonstrates the Offeror's corporate capability to successfully perform. Shall include information on the financial stability of the firm; e.g., annual financial reports and statements, Dun and Bradstreet and/or other credit bureau ratings.
- (d) **Subcontractor Data:** Identify all subcontractors (including consultants, advisors and suppliers) to be used and describe specific responsibilities, qualifications, and

background experience of all key personnel. Include evidence of financial stability for each major subcontractor, consultant or advisor.

2. **Experience:**

- (a) Offeror: Describe the Offeror's prior related experience and expertise in providing equivalent management and development of wireless telecommunication base station facilities in similar size and scope to that specified. Responses must include the names, addresses, and phone numbers of contact persons; size and scope (magnitude and complexity) of that served; date of award and period of performance.
- (b) Offeror/Subcontractor Profiles: This section shall include recent data describing the current organization, date of incorporation, dollar volume, number of employees, home office location, and other company profile information. A profile must be completed for the primary vendor and any subcontractor that will be assigned to the project.
- (c) Offeror/Subcontractor References: A list of five (5) references for the Offeror and Subcontractor(s) for which each has provided Management of Wireless Telecommunication Base Station Facilities within the last three (3) years. References shall have been operating the systems for not less than three (3) months.

3. **Project Understanding:**

The Offeror shall provide a written narrative statement to demonstrate his or her understanding of developing, marketing, building, maintaining and managing a wireless telecommunications base station from a technical approach.

4. **Approach/Methodology:**

The Offeror shall provide a written narrative describing the approach/methodology to providing services. The Offeror shall present a description of the phases or segments, if any, into which the proposed program can logically be divided and performed, together with flow charts. The technical narrative should address separately each of the tasks described in the Scope of Work and responses should be keyed to appropriate paragraph numbers. This section should also contain a discussion of any changes proposed by the Offeror.

This section should include a description of the proposed approach for identifying the Site on the Property, obtaining approvals and permitting for construction, funding for construction, construction of the telecommunications facility, marketing of the telecommunications facility, leasing/licensing procedure, proposed License Agreement, etc. Anticipated significant difficulties and specific techniques to be used should also be addressed.

5. **Project Fees:**

Each Offeror's proposal shall contain a complete, itemized breakdown of all fees proposed to be paid to the Town. Offerors must provide a projection of anticipated quantities and average annual gross revenues for Sub-Licenses or licenses to 3rd parties of space on the telecommunications facility. Such fees may include base rent, land lease, and a percentage of revenue from licenses issued by the Offeror to third-parties, or any combination thereof.

## VII. INSTRUCTIONS FOR SUBMITTING PROPOSALS

1. Before submitting a proposal, read the ENTIRE solicitation including the License Agreement. Failure to read any part shall not relieve the Contractor of its contractual obligations. Technical and Price proposals must be submitted at the same time in separate sealed containers. Technical information provided shall not include price or cost data. The inclusion of price or cost data in the Technical proposal may be cause for the proposal being rejected. Include other information as requested or required. The proposal container must be completely and properly identified. The face of the container shall indicate the RFP number, time and date of acceptance, the title of the RFP, and whether it is the Technical or Price proposal. Proposals must be received by the Procurement Officer PRIOR to the hour specified as the due date. Proposals may either be mailed or hand delivered to Town of Purcellville, ATTN: Procurement Officer, 221 S. Nursery Ave., Purcellville, VA 20132. Faxed and e-mailed proposals will NOT be accepted.
2. **Questions and Inquiries** - Questions and inquiries, both verbal and written, will be accepted from any and all offerors. The Procurement Officer is the sole point of contact for this solicitation unless otherwise instructed herein. Unauthorized contact with other staff regarding the RFP may result in the disqualification of the offeror. Inquiries pertaining to the Request for Proposal must give the RFP number, title, and acceptance date. Material questions will be answered in writing with an Addendum provided however, that all questions are received at least ten (10) days in advance of the proposal due date. It is the responsibility of all offerors to ensure that they have received all addendums. Addendums can be downloaded from the Town's bid board found at [www.purcellvilleva.gov](http://www.purcellvilleva.gov). Addendums will be directly emailed to those Offerors that register on the Town's bid board.
3. **Proprietary Information** - Trade secrets or proprietary information submitted by an offeror in connection with this solicitation shall not be subject to disclosure under the Virginia Freedom of Information Act; however, **pursuant to Section 2.2-4342 of the Code of Virginia, the offeror must invoke the protections of this section prior to or upon submission of the data or other materials, and must clearly identify the data or other materials to be protected and state the reasons why protection is necessary. Failure to abide by this procedure may result in disclosure of the offeror's information.** Offerors shall not mark sections of their proposal as proprietary if they are to be part of the award of the contract and are of a "Material" nature.
4. **Authority to Bind Firm in Contract** - Proposals MUST give full firm name and address of offeror. Failure to manually sign proposal may disqualify it. Person signing proposal will show TITLE and AUTHORITY TO BIND THE FIRM IN A CONTRACT. Firm name and authorized signature must appear on proposal in the space provided on the pricing page.

5. **Preparation and Submission of Proposals**

- A. All proposals shall be signed in ink by the individual or authorized principals of the firm.
- B. All attachments to the RFP requiring execution by the firm are to be returned with the proposals.
- C. Technical and price proposals are to be returned and submitted in separate sealed containers. The face of the container shall indicate the RFP number, time and due date, and the title of the proposal.
- D. Each firm shall submit one original and three copies of their proposal to the Town's Division of Procurement as indicated on the cover sheet of this Request for Proposal. The original proposal shall be clearly marked.

6. **Withdrawal of Proposals**

- A. All proposals submitted shall be valid for a minimum period of ninety (90) calendar days following the date established for acceptance.
- B. Proposals may be withdrawn on written request from the offeror at the address shown in the solicitation prior to the time of acceptance.
- C. Negligence on the part of the offeror in preparing the proposal confers no right of withdrawal after the time fixed for the acceptance of the proposals.

7. **Town Furnished Support/Items** - The estimated level of support required from Town personnel for the completion of each task shall be itemized by position and man hours or man days.

The offeror shall indicate the necessary telephones, office space and materials the offeror requires. The Town may furnish these facilities if the Town considers them reasonable, necessary, and available for the Contractor to complete his task.

8. **Subcontractors** - Offerors shall include a list of all subcontractors with their proposal. Proposals shall also include a statement of the subcontractors' qualifications. The Town reserves the right to reject the successful offeror's selection of subcontractors for good cause. If a subcontractor is rejected the offeror may replace that subcontractor with another subcontractor subject to the approval of the Town. Any such replacement shall be at no additional expense to the Town nor shall it result in an extension of time without the Town's approval.

9. **References** - All offerors shall include with their proposals, a list of at least three current references for whom comparable work has been performed. This list shall include company name, person to contact, address, telephone number, fax number, e-mail address, and the nature of the work performed. Failure to include references may be cause for rejection of proposal as non-responsive. Offeror hereby releases listed references from all claims and liability for damages that may result from the information provided by the reference.

10. **Late Proposals** - LATE proposals will be returned to offeror UNOPENED, if RFP number, acceptance date and offeror's return address is shown on the container.

11. **Rights of Town** - The Town reserves the right to accept or reject all or any part of any proposal, waive informalities, and award the contract to the offeror that will, in the

judgment of the Town, best serves the interest of the Town. Informality shall mean a minor defect or variation of a proposal from the exact requirements of the Request for Proposal which does not affect the price, quality, quantity, or delivery schedule for the goods, services or construction being procured.

12. **Prohibition as Subcontractors** - No offeror who is permitted to withdraw a proposal shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn proposal was submitted.
13. **Proposed Changes to Scope of Services** - If there is any deviation from the Scope of Services, the appropriate line in the scope of services shall be lined-out or struck-through, and the substitution clearly indicated. The Town reserves the right to accept or reject any proposed change to the scope.
14. **Miscellaneous Requirements**
  - A. The Town will not be responsible for any expenses incurred by an offeror in preparing and submitting a proposal. All proposals shall provide a straight-forward, concise delineation of the offeror's capabilities to satisfy the requirements of this request. Emphasis should be on completeness and clarity of content.
  - B. Offerors who submit a proposal in response to this RFP may be required to make an oral presentation of their proposal. The Procurement Officer will schedule the time and location for this presentation.
  - C. Selected contents of the proposal submitted by the successful offeror and this RFP will become part of any contract awarded as a result of the Scope of Services contained herein. The successful offeror will be expected to sign a contract with the Town.
  - D. The Town reserves the right to reject any and all proposals received by reason of this request, or to negotiate separately in any manner necessary to serve the best interests of the Town. Offerors whose proposals are not accepted will be notified in writing.
15. **Notice of Award** - A Notice of Award will be posted on the Town's web site ([www.purcellvilleva.gov](http://www.purcellvilleva.gov)).
16. **Protest** - Offerors may refer to Sections 2.2-4357 through 2.2-4364 of the Code of Virginia to determine their remedies concerning this competitive process. Protests shall be submitted to the Director, Management and Financial Services.
17. **Debarment** - By submitting a proposal, the offeror is certifying that offeror is not currently debarred by the Town, or in a procurement involving federal funds, by the Federal Government.
18. **Proof of Authority to Transact Business in Virginia** - An offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 of the Code of Virginia shall include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law shall include in its bid or proposal a statement describing why the offeror is not required to be

so authorized. Any offeror described herein that fails to provide the required information shall not receive an award unless a waiver of this requirement and the administrative policies and procedures established to implement this section is granted by the Purchasing Agent or his designee. The SCC may be reached at (804) 371-9733 or at <http://www.scc.virginia.gov/default.aspx>.

19. **Cooperative Procurement** - As authorized in Section 2.2-4304 of the Code of Virginia, this procurement is being conducted on behalf of and may be used by public bodies, agencies, institutions and localities of the several states, territories of the United States, and the District of Columbia with the consent of the contractor.
20. **W-9 Form Required** - Each offeror shall submit a completed W-9 form with their proposal. In the event of contract award, this information is required in order to issue purchase orders and payments to your firm. A copy of this form can be downloaded from <http://www.irs.gov/pub/irs-pdf/fw9.pdf>.
21. **Insurance Coverage** - Offerors must comply with the Insurance requirements specified in the License Agreement.

**Development and Management of a Wireless Telecommunications Facility  
PROPOSAL SUBMISSION FORMS**

THE FIRM OF: \_\_\_\_\_

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

FEIN \_\_\_\_\_

Hereby agree to provide the requested services as defined in Request for Proposal No. IT-2019-10 for the price as stated in the price proposal.

Return the following with your proposal. If offeror fails to provide with their proposal, items should be provided within twenty-four (24) hours of proposal opening.

- 1. W-9 Form: \_\_\_\_\_
- 2. Certificate of Insurance: \_\_\_\_\_
- 3. References (on Town form): \_\_\_\_\_

Failure to provide the following items with your proposal shall be cause for rejection of proposal as non-responsive and/or non-responsible. It is the responsibility of the offeror to ensure that it has received all addenda.

- | ITEM:   | INCLUDED: (X) |
|---|---------------|
| 4. Addenda, if any:   | _____         |
| 5. Addenda, if any:   | _____         |
| 6. Proof of Authority to Transact Business<br>in Virginia Form: | _____         |

Person to contact regarding this proposal: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name of person authorized to bind the Firm (9.9): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*By signing and submitting a proposal, your firm acknowledges and agrees that it has read and understands the RFP documents and agrees to the Contract Terms and Conditions as contained herein.*

**REFERENCES**

Reference for: \_\_\_\_\_.

OFFERORS shall provide references on this form. References should be for similar clients as the Town. The Town may contact the references provided, and information from the references will be used as a part of the management skills evaluation.

1. Firm Name \_\_\_\_\_

Contact \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

2. Firm Name \_\_\_\_\_

Contact \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

3. Firm Name \_\_\_\_\_

Contact \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

4. Firm Name \_\_\_\_\_

Contact \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

5. Firm Name \_\_\_\_\_

Contact \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**RFP SUBMISSION FORM**

**SECTION I – COMPANY IDENTIFICATION AND OWNERSHIP DISCLOSURE**

Company \_\_\_\_\_  
Address \_\_\_\_\_  
Contact Person \_\_\_\_\_ Title \_\_\_\_\_  
Telephone No. \_\_\_\_\_ E-mail \_\_\_\_\_  
Organized under the laws of State of \_\_\_\_\_  
Principal place of business at \_\_\_\_\_

Listed below are the names and addresses of all persons having ownership of 3% or more in the company (attach more sheets if necessary):

Name \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_

**SECTION II – EMPLOYEES NOT TO BENEFIT**

I (we) hereby certify that if the contract is awarded to our company, partnership, or corporation, that no employee of the *Town of Purcellville*, or members of his/her immediate family, including spouse, parents or children has received or been promised, directly or indirectly, any financial benefit, by way of fee, commission, finder’s fee, political contribution or any similar form of remuneration on account of the act of awarding and/or executing this contract.

**SECTION III – CONFLICTS OF INTEREST**

This solicitation is subject to the provisions of Va. Code Ann. Section 2.1-639.2 et seq., the State and Local Government Conflict of Interests Act. The Offeror [ ] is [ ] is not aware of any information bearing on the existence of any potential organizational conflict of interest. If such a conflict exists, the offeror is prepared to sign a non-disclosure agreement.

**SECTION IV - PROPOSAL SIGNATURE**

My signature certifies that the proposal as submitted complies with all Terms and Conditions as set forth in RFP FN-2019-03. My signature also certifies that by submitting a proposal in response to this Request for Proposal, the Offeror represents that in the preparation and submission of this proposal, said Offeror did not, whether directly or indirectly, enter into any combination or arrangement with any person, firm or corporation or enter into any agreement, participate in any collusion, or otherwise take any action in the restraint of free, competitive bidding in violation of the Sherman Act (15 U.S.C. Section 1 et seq.) or Sections 59.1-9.1 through 59.1-9.17 or Sections 59.1-68.6 through 59.1-68.8 of the Code of Virginia.

I hereby certify that I am authorized to sign and bind the Offeror to the proposal submitted and any resulting agreement with the Town of Purcellville.

NAME OF OFFEROR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
NAME (print): \_\_\_\_\_ TITLE: \_\_\_\_\_  
NAME (signature): \_\_\_\_\_  
FED/TAX ID NO: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_ DATE: \_\_\_\_\_

**STATE CORPORATION COMMISSION IDENTIFICATION NUMBER**

All Offerors organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 shall include in the proposal the identification number issued to it by the State Corporation Commission. Any Offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include in the proposal a statement describing why the Offeror is not required to be so authorized. See Section 2.2-4311.2 of the Code of Virginia, as amended.

Any Offeror that fails to provide the information required by this Section shall not receive an award unless a waiver of this requirement and the administrative policies and procedures established to implement this section is granted by the chief executive of the Town.

- 1. Enter State Corporation Identification Number: \_\_\_\_\_
- 2. Attach Statement, if required:

**TRADE SECRETS OR PROPRIETARY INFORMATION**

Trade secrets or proprietary information submitted by an Offeror in connection with this procurement transaction shall not be subject to public disclosure under the Virginia Freedom of Information Act, provided, however, that the Offeror invokes the protection of Va. Code Section 2.2-4342 (F) prior to, or upon submission of the data or materials. Offeror must identify the data or materials to be protected and state the reasons why protection is necessary. Please mark one:

- No the proposal submitted does not contain any trade secrets and/or proprietary information.
- Yes, the proposal submitted does contain trade secrets and/or proprietary information.

If Yes is selected above, please clearly identify below the exact data and/or other materials to be protected and list all applicable pages of the proposal document containing such data and/or materials:

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The proprietary or trade secret material submitted must be CLEARLY IDENTIFIED by some distinct method such as highlighting or underlining within the body of the proposal document and must indicate only the specific words, paragraphs, pictures or figures that constitute trade secrets or proprietary information. The classification of an entire proposal document, line item prices and/or total proposal prices as proprietary or trade secrets is not acceptable and will result in rejection and return of the proposal.

State the reason(s) why protection is necessary:

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If the data and/or materials to be protected are not identified above and within the body of the proposal document and the reason(s) for protection are not provided, the Offeror will not have invoked the protection of Section 2.2-4342(F) of the Code of Virginia, as amended. Accordingly, effective upon award of the agreement, the proposal will be open and available for public inspection consistent with all applicable law.