

ETHICS DECLARATION

This form must be completed separately by all bidders and proposers, including all Prime Contractors and Subcontractors. The information provided by bidders and proposers is necessary for the Los Angeles County Metropolitan Transportation Authority (LACMTA) to make decisions under state law and LACMTA code.

Failure to complete the form in its entirety may result in significant delays and potential disqualification from the procurement. Bidders and proposers must review the "Ethics Guidance for Proposers" reference page attached to this Declaration.

Your company, including all entities identified below (collectively, "Declarant Company") must answer the questions below. The term "employee(s)" shall be defined as employees, officers, partners, owners, or directors of Declarant Company.

An affirmative response to any questions will not automatically cause disqualification. However, failure to answer questions in good faith or providing materially false answers may subject a bidder or proposer to disqualification from the procurement. **Please note that LACMTA conducts reviews of the accuracy of disclosed information.**

Contact the Ethics Department with any questions related to this Declaration.

Complete each section below. State "none" if applicable. By leaving any parts blank in Sections A or B, Declarant Company is stating that its response is "none".

A. COMPANY INFORMATION

(1) Declarant Company Name: _____

a. Proposing or Bidding as ☐ Prime Contractor or ☐ Subcontractor

b. Variations and acronyms of Declarant Company's name used within the prior 12 months: _____

- (2) Identify only the Parent(s), Subsidiaries and Related Business Entities that Declarant Company has controlled or directed, or been controlled or directed by, and the Related Business Entities that have a common controlling owner with Declarant Company. "Controlled or directed" means shared ownership or 50% or greater ownership. "Controlling owner" means 50% or greater interest as a shareholder or as a general partner.
- a. Parent(s): ☐ None
- b. Subsidiaries: ☐ None
- c. Related Business Entities: ☐ None
- (3) Identify Declarant Company's majority shareholder or majority owner and any other entities majority-owned by that person. (unless those entities act independently in their contribution-making decisions). ☐ None
- (4) Identify any individuals, including employees and agents (individuals representing the company), that have communicated or will communicate with a LACMTA Board Member or LACMTA employee regarding the award of this contractor project, including any individuals, employees and agents that have sought or will seek to influence the award of this contract or project. ☐ None
- (5) Identify any lobbyists and lobbying firms acting on behalf of Declarant Company that have lobbied a LACMTA Board Member or LACMTA employee on this contract or project. ☐ None

B. CAMPAIGN AND POLITICAL ACTIVITY

(1) Has Declarant Company solicited or directed its employees or agents to make campaign contributions, whether through fundraising events, communications, or any other means, to LACMTA Board Members? _____

a. If so, provide details of each occurrence, including the date.

(2) Identify any entities, including any Political Action Committees (PAC), or individuals, including employees and agents (individuals representing the company, *e.g.*, lobbyists), who make decisions for Declarant Company on any campaign contributions provided to elected officials. ☐ None

a. If disclosing a PAC, identify any individuals who make decisions on behalf of Declarant Company's PAC if the PAC is directed and controlled by the same individual, or a majority of the same individuals, that direct and control Declarant Company. ☐ None

b. For individuals named in this section, identify any other entities whose contributions they direct or control. ☐ None

(3) Disclose all campaign contributions made by the entities and individuals identified in Sections A and B to LACMTA Board Members within the past twelve months. Include the name of the contributor, the name of the recipient, the amount of the contribution, and the date the contribution was made. ☐ None

C. EMPLOYEE AND COMPANY INFORMATION

If you answer "yes" to any question below, provide a detailed explanation of the facts and circumstances on a separate page.

- (1) In the past 12 months, has Declarant Company hired a former LACMTA Board Member or staff to a LACMTA Board Member? _____
- (2) Has Declarant Company hired a former LACMTA employee that was employed by LACMTA in the past 12 months? _____
 - a. If so, provide the employee's name, date of hire, titles, and duties at Declarant Company and LACMTA.
 - b. If so, does Declarant Company anticipate the former LACMTA employee will work on this contract? _____
- (3) Is any Declarant Company employee related to, or does the employee have a close personal relationship with, a LACMTA Board Member or LACMTA employee? _____
- (4) In the past 12 months, has any Declarant Company employee given any gifts to a LACMTA Board Member or LACMTA employee? _____
- (5) In the past 12 months, has Declarant Company employed as a lobbyist any former LACMTA Board Member or former LACMTA employee? _____

D. ORGANIZATIONAL CONFLICTS OF INTEREST

Organizational Conflict of Interest (OCI) rules prescribe ethical standards of conduct applicable to persons and entities entering into contracts with LACMTA and applies to subcontractors/subconsultants as well as prime contractors/consultants.

Determinations of OCIs are intended to promote full and open competition, integrity, transparency and fairness in LACMTA procurements and contracts, prevent bidders and proposers from obtaining or appearing to obtain an unfair competitive advantage with respect to LACMTA procurements and contracts, ensure consultants and contractors provide services to LACMTA in an impartial and objective manner, provide guidance to make informed decisions while conducting business with LACMTA, and to protect the validity of agency contracts, interests, and confidential information concerning procurements.

OCI determinations are fact dependent. Typically, they arise in one of the following circumstances:

1. When a contractor or subcontractor's (contractor) previous work product, whether completed on behalf of LACMTA or another public or private entity, has been relied upon or significantly influenced the specifications or statement of work for the upcoming project or contract; or
2. When a contractor's previous work product, whether completed on behalf of LACMTA or another public or private entity, offered an opportunity for the contractor to make or influence findings with the intent of bidding on or participating in subsequent projects based on those findings; or
3. Whenever a contractor would be in a position to evaluate their own previous work product, whether it was completed on behalf of LACMTA or another public or private entity; or
4. When prior responsibilities in service of LACMTA or another public or private entity yields access to confidential information which puts the contractor at a significant competitive advantage over any other potential bidders or proposers, and the confidential information is not otherwise available and cannot be made available to other potential bidders or proposers.

Particular attention should be paid to any prior or current contractual requirements involving the rendering of advice, consultation, evaluation services, or similar activities that lay direct groundwork for decisions on the subject procurement.

When submitting a bid or proposal on a LACMTA contract, all bidders and proposers shall conduct a review of current affiliations and require all team members (subcontractors) to identify potential, real, or perceived OCIs relative to the anticipated procurement on the OCI disclosure form, provided below. The responsibility to recognize, disclose and propose methods to avoid, neutralize, or mitigate OCI rests with the bidder or proposer. Failure to disclose or misrepresent relevant information may result in LACMTA precluding a bidder or proposer from participation in the procurement or pursue such other remedies as may be permitted by law.

ORGANIZATIONAL CONFLICT OF INTEREST DISCLOSURE

OCI Form Instructions:

Bidders or proposers must complete this form.

Bidders or proposers planning to utilize one or more subcontractors/subconsultants must ensure that those entities complete this form.

Submittal of this form certifies that:

The Declarant Company's disclosures are complete and accurate.

The following page is a disclosure of any work your firm is performing or has previously performed related to this procurement including, if applicable, work performed on consultancy contracts relative to this procurement.

Please complete as a separate attachment for each contract or task order your firm performed work under related to this procurement.



- A. Describe all work performed as a prime contractor and/or subcontractor or subconsultant, including: (1) Identify the contract number and name; (2) Dates that work was performed or, if currently underway, date work started and its expected duration; (3) A description of the services provided; (4) If necessary, a description of proposed alternatives/mitigation measures.

Identify contract name and contract number:

Work performed as: Prime ☐ Subcontractor ☐

Period of Performance: From To

- B. Description of Services Provided:

- C. In the event that real or apparent organizational conflicts exist, please provide a description of proposed alternatives/mitigation measures:

E. DECLARATION

By signing this Ethics Declaration, Declarant Company attests that: (1) Declarant Company has read, understands, and shall abide by LACMTA's Contractor Code of Conduct at all times during its relationship with LACMTA; (2) Declarant Company's consultants and subcontractors have read or will promptly read and abide by LACMTA's Contractor Code of Conduct.

There are_____additional pages attached to this Ethics Declaration.

I,_____ (Authorized Representative), on behalf of
_____ (Declarant Company), at which I am employed as
_____ (Title), declare that after having made or caused to be made a reasonably diligent investigation regarding the Declarant Company, the foregoing responses, and the explanation on the attached sheet(s), if any, are correct to the best of my knowledge and belief.

Further, I understand that failure to answer the questions in good faith or providing materially false answers may subject Declarant Company to consequences, including disqualification of its Bid/Proposal.

Signature

Date

ETHICS GUIDANCE FOR PROPOSERS

Contribution Restrictions

During a “pending proceeding” and for 12 months following a vote on a contract award, bidders and proposers are prohibited from making contributions over \$500 and agents/lobbyists who communicate with LACMTA concerning a contract are prohibited from making any contribution (\$0) to LACMTA Board Members. Outside of the pending proceeding phase and 12 month post-award phase, contributions over \$500 from contract parties, participants, or agents/lobbyists may result in the Board Member being disqualified from voting on the contract award. (Cal. Gov. Code § 84308).

Procurement Communications Blackout

Beginning when a procurement’s solicitation documentation is issued and continuing until LACMTA staff makes a public recommendation for award, bidders and proposers, and their agents, shall not contact by any means any 1) LACMTA Board Member or their staff; or 2) LACMTA staff other than those authorized to represent LACMTA concerning the procurement. Any contact shall be grounds for the disqualification of the proposer. (Public Utilities Code § 130685; Contractor Code of Conduct).

Gift Restrictions

Bidders and proposers, and their lobbyists, may not offer, give, or promise to offer or give, directly or indirectly, any gift to a LACMTA Board Member or employee. Furthermore, bidders and proposers, and their lobbyists, may not offer, give, or promise to offer or give, directly or indirectly, any gift to a LACMTA Board Member until 12 months after the contract award date. (Public Utilities Code § 130660(a); Contractor Code of Conduct).

Lobbying

Any bidder or proposer not in compliance with LACMTA’s lobbyist registration code, may not be eligible for a contract award. (Public Utilities Code § 130051.18; Contractor Code of Conduct).

Please consult the Contractor Code of Conduct for a full review of all applicable codes and laws, available at <https://www.metro.net/about/ethics/>.

Revised 1/30/25