

**City of Rockford's ("City") Conflicts of Interest Policy for Engineering and Design-Related Services Funded by the US Department of Transportation's Federal Aid Highway Program ("FAHP")**

- (1) All bids or offers from responsive bidders or contractors to provide the City with Engineering and Design-Related Services ("Services") that will be paid for, in whole or in part, using US DOT FAHP funds (whether provided directly or passed through another agency) shall be accompanied by a disclosure of certain financial interests of the bidder, potential contractor, or contractor. Such disclosure will be used by the City to determine whether conflicts of interest may exist between the contractor and the City, state, or federal government. In addition, all potential subcontractors who may perform such Services shall also provide a disclosure of certain financial interests. Subcontractors' disclosure shall be obtained by the contractor and submitted to the City along with its disclosure.
- (2) The financial disclosure of each potential or successful bidder or contractor and its subcontractors shall be incorporated as a material term of the firm's contract with the City and shall become part of the municipality's publicly available contract or procurement file.
- (3) Each disclosure made subject to this policy shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder, contractor, potential contractor, or subcontractor.
- (4) The form of disclosure prescribed by the City (Form A) shall require firms to disclose the names, addresses, and dollar or proportionate share of ownership or other financial interest in the firm for persons who meet the following descriptions:
  - a. Any individual employed by the City, whether such employment is planned, current, or has occurred within the previous 2 years.
  - b. Any individual who is an immediate family member of a City employee, whether such employment is planned, current, or has occurred within the previous 2 years.
  - c. Any individual elected to or holding office for the federal government, state of Illinois, or City of Rockford currently or within the previous 2 years.
  - d. Any individual who is an immediate family member of someone elected to or holding elected office for the federal government, state of Illinois, or City of Rockford currently or within the previous 2 years.
  - e. Any individual holding an appointive office for the federal government, state of Illinois, or City of Rockford currently or in the previous 2 years whereby the office entitles the holder to compensation in excess of expenses incurred in the discharge of that office.
  - f. Any individual who is an immediate family member of someone holding an appointive office for the federal government, state of Illinois, or City of Rockford currently or in the previous 2 years.

- (5) For purposes of interpreting paragraph (4), “immediate family member” shall mean any of the following:
- a. Spouse, and parents thereof;
  - b. Children, and spouses thereof;
  - c. Parents, and spouses thereof;
  - d. Siblings, and spouses thereof;
  - e. Grandparents and grandchildren, and spouses thereof;
  - f. Domestic partner and parents thereof, including domestic partners of any individual in a. through e. of this definition; and
  - g. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- (6) The disclosures required by this policy are not intended to prohibit or prevent certain contracts. Rather, the disclosures are meant to fully and publicly make known to the City any potential conflicts so that it may adequately identify, evaluate, and address such conflicts based upon the particulars.
- (7) Inadvertent or accidental failure on the part of a bidder, potential contractor, or potential subcontractor to fully disclose certain financial interests shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the City if it deems it is in its best interests. Such failure may, at the discretion of the City, also be cause for barring the firm from future contracts, bids, offers, proposals, subcontracts, or relationships with the City for a period of up to 2 years.
- (8) Intentional, willful, or material failure on the part of a firm to disclose certain financial interests shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the City if it deems it in the best interest of the City. Such willful failure shall also result in debarment from future contracts, bids, offers, proposals, subcontracts, or relationships with the City for a period of not less than 2 years.
- (9) The bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by the City throughout the bidding process and during the term of any contract; when ownership or other financial interests change and require disclosure, the firm must do so under this policy.
- (10) The City may review a proposal, bid, or contract and issue a recommendation to reject a proposal or bid based on the existence of any real or potential conflict of interest.

## **Information and Instructions for City of Rockford Form A**

**A. The disclosures required on the City's *Form A: Potential Conflicts of Interest Disclosure* are material representations of fact that are relied upon by the City of Rockford.**

The City may void an offer or contract if it is later determined that the contractor or its subcontractor(s) rendered a false or erroneous disclosure. A contractor or subcontractor may be suspended or debarred from doing business with the City for failure to fully disclose its financial interests as required. If a false certification is made by a subcontractor, the contractor's submitted offer and the executed contract may be declared void if the contractor refuses to terminate the subcontract upon the City's request after a finding that the subcontractor's certification was false.

### **B. Financial Interests and Conflicts of Interest**

The City's *Conflicts of Interest Policy for Engineering and Design-Related Services Funded by the US Department of Transportation's Federal Aid Highway Program* ("Policy") provides that all bids or offers from bidders or contractors to provide Engineering and Design-Related Services ("Services") to the City of Rockford that will be paid for, in whole or in part, using US DOT FAHP funds (whether provided directly or passed through another agency) shall be accompanied by disclosure of certain financial interests of the bidder, potential contractor, or contractor to determine whether conflicts of interest may exist between the contractor and the City, state, or federal government. In addition, all potential subcontractors who may perform such Services must provide a disclosure of certain financial interests. Subcontractors' disclosure shall be obtained by the contractor and submitted to the City along with its disclosure (Form A).

Information disclosed on Form A will be maintained as public information, subject to release by request pursuant to the *Freedom of Information Act* and shall be incorporated as a material term of the contract, should it be awarded. Further, pursuant to the Policy, the City may review a proposal, bid, or contract and issue a recommendation to reject a proposal or bid based on the existence of any real or potential conflict of interest.

Firms are required to disclose the names, addresses, and dollar or proportionate share of ownership or financial interest for each of the of the individuals identified in paragraphs (4) and (5) of the City's Policy.

### **C. Disclosure Instructions**

*Form A: Financial Information & Potential Conflicts of Interest*

1. Contact Information
  - every contractor/subcontractor must complete this section
2. Disclosure of Potential Conflicts of Interest
  - every contractor must answer each question in this section

3. Disclosure of Ownership or Financial Interest

- If any of the questions in section 2. were answered “yes,” the firm must complete this section for each qualified individual who presents a potential conflict
- If all of the questions in section 2 were answered “no,” the firm may skip section 3. and proceed to section 4.

4. Certification

- If section 3 was required to be completed, the firm should certify in the top box titled APPLICABLE STATEMENT.
- If section 3 did not need to be completed, the firm should certify in the bottom box titled NOT APPLICABLE STATEMENT.

**CITY OF ROCKFORD**  
**Form A:**  
**Potential Conflicts of Interest Disclosure**

**1. CONTACT INFORMATION**

Firm Name: Click or tap here to enter text.	
Street Address: Click or tap here to enter text.	
City, State: Click or tap here to enter text.	Zip: Click or tap here to enter text.
Telephone: Click or tap here to enter text.	
Fax: Click or tap here to enter text.	
Email Address: Click or tap here to enter text.	

**2. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

Check “Yes” or “No” to indicate which, if any, of the following potential conflict of interest relationships apply. If the answer to any question is “Yes”, **please attach additional pages and describe the nature of the relationship.**

- a) Does your firm have an owner or person with financial interest in the business who is a City of Rockford employee, including any person who plans to become employed, is employed, or has been employed with the City within the previous 2 years?  
 Yes    No
- b) Does your firm have an owner or person with financial interest in the business who is an immediate family member\* of a City of Rockford employee (who plans to become employed, is employed, or has been employed with the City within the previous 2 years)?  
 Yes    No
- c) Does your firm have an owner or person with financial interest in the business who has been elected to or holds an office for the federal government, state of Illinois, or City of Rockford currently or within the previous 2 years?  
 Yes    No
- d) Does your firm have an owner or person with financial interest in the business who is an immediate family member\* of someone who has been elected to or holds an office for the federal government, state of Illinois, or City of Rockford currently or within the previous 2 years?  
 Yes    No

- e) Does your firm have an owner or person with financial interest in the business who holds an appointive office for the federal government, state of Illinois, or City of Rockford currently or in the previous 2 years whereby the office entitles the holder to compensation in excess of expenses incurred in the discharge of that office?  
 Yes  No
- f) Does your firm have an owner or person with financial interest in the business who is an immediate family member\* of someone appointed to office for the federal government, state of Illinois, or City of Rockford currently or in the previous 2 years (whereby the office entitles the holder to compensation in excess of expenses incurred in the discharge of that office)?  
 Yes  No

\* “immediate family member” means any of the following:

- a. Spouse, and parents thereof;
- b. Children, and spouses thereof;
- c. Parents, and spouses thereof;
- d. Siblings, and spouses thereof;
- e. Grandparents and grandchildren, and spouses thereof;
- f. Domestic partner and parents thereof, including domestic partners of any individual in a. through e. of this definition; and
- g. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

### 3. DISCLOSURE OF OWNERSHIP OR OTHER FINANCIAL INTEREST

(to be completed if any questions in Section 2 have been answered “yes”; if not, proceed to the NOT APPLICABLE box in Section 4, on the next page)

The individual named below has an ownership or other financial interest in the firm’s business and meets the qualifications described in one of more the City’s Policy paragraphs (4) and (5). **(Make copies of this form as necessary and attach a separate Form A for each individual meeting these qualifications.)**

Name of Individual: Click or tap here to enter text.	
Street Address: Click or tap here to enter text.	
City, State: Click or tap here to enter text.	Zip: Click or tap here to enter text.
Telephone: Click or tap here to enter text.	
Email: Click or tap here to enter text.	

**Type of ownership/distributable income share:**

Stock    Sole Proprietorship    Partnership    Other [Click or tap here to enter text.](#)

% or \$ value of ownership or other financial interest: [Click or tap here to enter text.](#)

**4. CERTIFICATION**

**APPLICABLE STATEMENT**

This Disclosure Form A is submitted on behalf of the firm named in Section 1 of this Form A. Under penalty of perjury, I certify the contents of this disclosure to be true and accurate to the best of my knowledge.

Completed by: \_\_\_\_\_      Date: [Click or tap to enter a date.](#)  
Signature of Individual or Authorized Officer

Name of Authorized Officer: [Click or tap here to enter text.](#)

Title of Authorized Officer: [Click or tap here to enter text.](#)

**NOT APPLICABLE STATEMENT**

Under penalty of perjury, I have completed Section 2 of this form and have determined that no individuals associated with this firm meet the criteria that would require the completion of Section 3 of this Form A.

Completed by: \_\_\_\_\_      Date: [Click or tap to enter a date.](#)  
Signature of Individual or Authorized Officer

Name of Authorized Officer: [Click or tap here to enter text.](#)

Title of Authorized Officer: [Click or tap here to enter text.](#)