

## **DISTRICT CONTRACTOR CONFLICT-OF-INTEREST DECLARATION**

This declaration applies to all bidders, proposers, consultants and contractors, and each of their subcontractors or subconsultants ("Contractors"), seeking to do business or doing business with the San Francisco Bay Area Rapid Transit District ("District"). This declaration is a requirement of a Solicitation as well as existing contracts on an ongoing basis when a Contractor detects or learns that an identified, perceived, or potential conflict-of-interest exists per the [\*District Contractor Code of Conduct\*](#). This declaration is submitted by all Contractors on behalf of their firm and all subcontractors/team members. Definitions of key terms are included on the last page of this declaration.

| <b>SECTION 1: DECLARATION DETAILS</b>     |                           |        |                           |
|---|---------------------------|--------|---------------------------|
| SOLICITATION/AGREEMENT/CONTRACT NO.:      | Click here to enter text. |        |                           |
| BART CONTRACT ADMINISTRATOR:              | Click here to enter text. |        |                           |
| TITLE OF SOLICITATION/AGREEMENT/CONTRACT: | Click here to enter text. |        |                           |
| CONTRACTOR (DBA):                         | Click here to enter text. |        |                           |
| CONTRACTOR CONTACT NAME:                  | Click here to enter text. |        |                           |
| PHONE:                                    | Click here to enter text. | EMAIL: | Click here to enter text. |

The Contractor, or designee of the Contractor, hereby certifies and declares that it has reviewed the [\*District Contractor Code of Conduct\*](#), its requirements, and the below criteria:

1. Contractor acknowledges that it has an obligation to promptly disclose any of the following potential conflicts of interest which become known to the management of the Contractor. Contractor shall promptly report, in writing on this *District Contractor Conflict of Interest Declaration* form, the fact of the Contractor's interest or connection, and the nature of it, to BART's Internal Audit division and the District's Ethics Officer at [conflictofinterest@bart.gov](mailto:conflictofinterest@bart.gov), who will inform the Director of Procurement for the District, or in the case of property development projects to the Director of Transit Oriented Development for the District. Contractor recognizes that a reportable interest or connection, which applies also to consultants and subcontractors, includes but is not limited to the following:
  - A. **Business Investments or Interests:** Any financial interest held by a District Official in the Contractor (examples include, but are not limited to, an investment or ownership interest in Contractor, or income received in the past twelve (12) months from Contractor).
  - B. **Personal Relationship:** Any financial or Close Personal Relationship between any officers or employees of the Contractor and a District Official.
  - C. **Prior Employment:** Employment in the past five (5) years or sixty (60) months of a District Official by Contractor.
  - D. **Family or Relative Employment:** Present employment by Contractor of an Immediate Family member of a District Official.
  - E. **Offers of Employment:** Any pending offer, or promised offer, made either directly or indirectly, of any future employment or business opportunity with Contractor to any District Official, or member of the District Official's Immediate Family, business associates of the District Official, or any other person with whom a District Official has a Close Personal Relationship.

F. **Gifts or Favors:** Offer or presentation of Gifts to a District Official or an Immediate Family Member of a District Official.

G. **Campaign Contributions:** Any campaign contributions to a Board member or candidate for the Board, whether monetary or in-kind, exceeding the limits outlined in the [San Francisco Bay Area Rapid District Rules of the Board of Directors](#).

H. **Other:** Any other interest in or connection with the Contractor by a District Official that might tend to subject the District to criticism on the basis that such interest or connection would impair the District's objectivity in awarding or administering a Solicitation or existing contract.

If Contractor has indicated that an identified, perceived, or potential conflict of interest does exist, then provide all information in the table below. If no identified, perceived, or potential conflict-of-interest has been identified, then enter "None" under Nature of Conflict.

| BART CONFLICT OF INTEREST DECLARATION |   |                               |                         |                   |  |
|---------------------------------------|---|-------------------------------|-------------------------|-------------------|--|
| Conflict Type (see A-H above)         | Name of Current or Former District Official | Relationship (reason or type) | Related BART Department | Job Title         | Nature of Conflict                               |
| SAMPLE: D                             | John Doe                                    | Spouse                        | Budget                  | Financial Analyst | Contractor employee is related to BART employee. |
|                                       |   |                               |                         |                   |  |
|                                       |   |                               |                         |                   |  |
|                                       |   |                               |                         |                   |  |

(Make copies of this table as needed to list additional employees)

2. Contractor fully acknowledges that any violations of District rules, codes and regulations or applicable statutory provisions may subject the Contractor (including its subcontractors) to remedies set forth in the [District Contractor Code of Conduct](#) and/or expose the Contractor to civil or criminal penalties.

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Contractor Representative's Signature

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Date

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Contractor Representative's Name and Title (Print)

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Receiving District Personnel's Signature

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Date

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Receiving District Personnel's Name and Title (Print)

## DEFINITIONS

**CLOSE PERSONAL RELATIONSHIP** - Any relationship other than kinship, spousal or spousal equivalent that establishes a significant personal or financial bond between an individual and such other individual that could impair an individual's ability to act fairly and independently. Examples include, but are not limited to, a household co-habitant or a personal friend.

**DISTRICT OFFICIAL** - Any Board member, officer, or employee of the District, or any other person who is serving on a District selection committee for the review of bids or proposals.

**GIFT** – The provision of anything of value, whether tangible or intangible, that provides a personal benefit, when full consideration is not provided for the value of the benefit received. Examples of Gifts include, but are not limited to, tangible items, discounts, event tickets, travel, accommodations, meals, entertainment, and cash.

**IMMEDIATE FAMILY** - Father, mother, spouse, child, parent, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, step relatives in the same relationship and domestic partner and civil unions recognized under State law.

**SOLICITATION** – A Request for Proposals (RFP), Request for Qualifications (RFQ), Invitation For Bid (IFB), Statement Of Qualifications (SOQ), or other District procurement solicitation.