**CONSTRUCTION CERTIFICATION / DISCLOSURE FORM GUIDELINES**

New Certification / Disclosure forms (v. 13.3 and 13.4) have been provided by the State in accordance with amendments to sections of the Illinois Procurement Code (30/ILCS/500) per Public Act 97-0895 (SB 2958). The Certification / Disclosure forms are now dual use forms, meaning both the General Contractor, as well as the Subcontractor, complete the same forms. The General Contractor must complete and submit the Certification / Disclosure forms **with the bid / offer** in order to be considered responsive.

Those known subcontractors whose annual contract value exceeds $50,000 shall SEPARATELY complete and submit the Certification/Disclosure forms to the General Contractor within **15 days (was previously 20)** of contract execution (generally the Notice to Proceed date), or after execution of the subcontract, whichever is later. The forms should all be submitted, even those left blank by the subcontractors. The General Contractor shall continue to submit the same in Adobe Acrobat®.pdf file formaton a Compact Disk (CD) to State Purchasing Officer (SPO) through the General Manager of Engineering. See the Tollway website for additional information and to obtain current forms.

In general, when prompted to “Click here to enter text”, insert the appropriate information.

**General Instructions for Completing the Standard Certification Forms (pages 1-12):**

**General Contractor Instructions:**

* Standard Business Terms and Conditions (page W-1): the General Contractor is to complete the top two lines of the first page with the relevant contract information.
* Disclosure of Business Operations with Iran (page W-6): the General Contractor is to complete the form.
* Attachment AA -- Evidence of Authorization To Do Or Transact Business in Illinois (page W-7): the General Contractor shall submit a copy of the Secretary of State Certificate of Good Standing.
* Attachment BB – Illinois Department of Human Rights Public Contract Number (page W-8): the General Contractor shall complete Attachment BB if he employs fifteen or more employees.
* Attachment CC – Solicitation of Contract Terms and Conditions Exceptions (page W-9): the General Contractor does NOT need to complete this form if contract exceptions are not being made. If an exception is being noted, the General Contractor will fill in the exception(s) and provide any new provision(s). The sentence at the bottom of the page should be completed by typing in the Illinois Tollway first, followed by your firm’s name. Under the Agreed columns – the first column is completed with your firm’s name information; the second column will be completed by the Tollway upon acceptance.
* Attachment DD – State Board of Elections Certificate (page W-10): the General Contractor is to register with the Illinois State Board of Elections and provide evidence of registration.
* Taxpayer Identification Number (page W-11): the General Contractor shall complete this page.
* Substance Abuse Prevention Program Certification (page W-12) – check the appropriate certification section.

**FINANCIAL DISCLOSURES Fill In the Blanks Guidance (pages W-13 thru W- 21):**

* First Page (Page W-13): This disclosure form must be completed and submitted for the General Contractor and each Subcontractor. When completing the form, the vendor will check the appropriate box and provide the information in the table on page 1.
	+ **Project Name:** Enter the Tollway project name and Contract Number. Leave the Illinois Procurement Bulletin Number blank unless the information is known.
	+ **Vendor Name (This is the disclosing Entity):**

***General Contractor:*** General Contractor’s name when completed by General Contractor.

***Subcontractor:*** Subcontractor’s name when completed by Subcontractor.

***Parent Entity:*** Parent Entity’s name when completed by Parent Entity.

* + **Doing Business As:** Completed when the Vendor is conducting business under a different name, otherwise, left blank.
	+ **Parent Entity (If the disclosing entity has a Parent Entity relationship):**

***General Contractor:*** Name of the Parent Entity of the General Contractor, when completed by the General Contractor.

***Subcontractor:*** Name of the Parent Entity of the Subcontractor, when completed by the Subcontractor.

***Parent Entity:*** Name of the Parent Entity of the Parent Entity when completed by the Parent Entity.

* + **Subcontractor:**

***General Contractor:*** Leave blank when completed by the General Contractor.

***Subcontractor:*** Name of the Subcontractor when completed by the Subcontractor.

***Parent Entity:*** Leave blank when completed by the Parent Entity.

* + **Instrument of Ownership or Beneficial Interest:** Consider the following options:
		- Sole Proprietorship
* Corporation (C-Corporation, S-Corporation, Professional Corporation, Service Corporation)
* Limited Liability Company Membership Agreement (Series LLC, Low Profit Limited Liability Company)
* Partnership Agreement (General Partnership, Limited Partnership, Limited Liability Partnership, Limited Liability Limited Partnership)
* Not-for-Profit Corporation
* Trust Agreement
* Other
* STEP 1 – SUPPORTING DOCUMENTATION SUBMITTAL (Page W-14): The answers must correspond with the type of ownership disclosed previously, as well as with the vendor’s Taxpayer Identification Number information.
* STEP 2 – DISCLOSURE OF FINANCIAL INTEREST OR BOARD OF DIRECTORS (Page W-15):
	+ Option A:
		- **Ownership Share - Table X** - vendors have the option of entering either percentages or the dollar value of ownership. If the percentage of ownership reported does not total 100%, please provide a written statement explaining the remaining percentage of ownership. If a dollar value is entered – it must be exact, not estimated or rounded.
		- Any individuals listed under Table X whose ownership share exceeds 5% must also be listed under Table Y.
		- **Distributive Income – Table Y -** If you selected Option 1.A., 2.A., 3.A., or 4.A. in Step 1, be aware that distributive income is defined as “any type of distribution of profits”. This includes reinvestment of profits into the company, as well as any bonus or other benefits (above annual salary) distributed that were funded, bought or paid for with profit earnings.
		- If no owner qualifies to be listed on either Table X or Table Y, a note to that affect is to be included on the form (no single owner with more than 5% ownership or distributive income or no single owner with an ownership value or distributive income dollar amount greater than $106,447.20.)
		- At the end of Step 2, Option A, be sure to certify that Ownership and Distributive Information was provided for all individuals or entities by marking the Yes box in the last two questions of the section (page W-16).
	+ Option B (Page W-16):
		- This section is to be completed for Not-for-Profits as chosen in Step 1, Option 5.
* STEP 3 – DISCLOSURE OF LOBYIST OR AGENT (Page W-17): This section must be completed. If the ”Yes” box is chosen, the information in the table shall be provided along with information on the related fee structure per the last statement of the section.
* STEP 4 – PROHIBITED CONFLICTS OF INTEREST (Page W-17):
	+ This set of questions must be completed for each person identified in Step 2 Option A. If the answer is “No” to questions 1 through 4 in Step 4, questions 5 & 6 in Step 4 should not be answered and are to be left blank.
	+ You may list more than one name in response to “Please provide the name of the person for which responses are provided” as long as all the answers are the same. Firms reporting numerous ownership shares may submit a spreadsheet attachment in a format that addresses the information required in the disclosure: list of names, ownership shares and answers to the questions.
* STEP 5 – POTENTIAL CONFLICTS OF INTEREST RELATING TO PERSONAL RELATIONSHIPS (Page W-18):
	+ This set of questions must be completed for each person identified in Step 2 Option A and for sole proprietors identified in Step 1, Option 6.
	+ You may list more than one name in response to “Please provide the name of the person for which responses are provided” as long as all the answers are the same. Firms reporting numerous ownership shares may submit a spreadsheet attachment in a format that addresses the information required in the disclosure: list of names, ownership shares and answers to the questions.
* STEP 6 – EXPLANATION OF AFFIRMATIVE RESPONSES (Page W-19): If you answered “Yes” in Step 3, Step 4, or Step 5, a detailed explanation including, but not limited to, the name, salary, State agency or university, and position title of each individual for which Yes was answered shall be provided.
* STEP 7 – POTENTIAL CONFLICTS OF INTEREST RELATING TO DEBARMENT & LEGAL PROCEEDINGS (Page W-19):
	+ These questions must be completed for each person identified in Step 2 Option A, Step 3, and for each entity and sole proprietor disclosed in Step 1.
	+ You may list more than one name in response to “Please provide the name of the person or entity for which responses are provided” as long as all the answers are the same.
* STEP 8 – DISCLOSURE OF CURRENT AND PENDING CONTRACTS (Page W-20):
	+ Value to be entered is the “total contract value” – not the remaining balance.
	+ An attachment may be submitted as long as the format provides the requested information.
	+ In response to the question “Please explain the procurement relationship.” answer Vendor if your firm currently has an active contract with the Tollway; answer Bidder or Offeror if your firm is seeking work.
* STEP 9 – SIGN THE DISCLOSURE (Page W-20):
	+ Enter the appropriate text in the “Name of Disclosing Entity:” field provided.
	+ Sign the form and provide the date.
	+ Provide the appropriate text in the “Printed Name”, “Title”, and “Phone Number” fields provided.
* Subcontractor Information/Delinquent Debt Review (page W-21): the General Contractor will continue to identify subcontractor(s) to the extent known at the time of the offer by completing and submitting the “Subcontractor Information/Delinquent Debt Review”. An attachment listing the known subcontractors is also acceptable.

**Subcontractor Instructions:**

* Standard Business Terms and Conditions (page W-1): Subcontractors will complete the top three lines of the first page with the relevant contract information.
* Disclosure of Business Operations with Iran (page W-7): the Subcontractors will complete this form.
* **Subcontractors are NOT required to complete the following forms:**
	+ Attachment AA – Evidence of Authorization To Do Or Transact Business in Illinois (page W-7): Attachment BB – Illinois Department of Human Rights Public Contract Number (page W-8)
	+ Attachment CC – Solicitation of Contract Terms and Conditions Exceptions (page W-9)
	+ Attachment DD – State Board of Elections Certificate (page W-10)
	+ Subcontractor Information/Delinquent Debt Review (page W-21)
* Taxpayer Identification Number (page W-11): Subcontractors shall complete this form and submit to the General Contractor.
* Substance Abuse Prevention Program Certification (page W-12):
* Financial Disclosures and Conflicts of Interest (pages W-13 through W-20): See the instructions above for the General Contractors as they also apply to subcontractors.