




## EXHIBIT A: PROPOSAL CONFIRMATION & COVER SHEET

All fields must be completed where applicable. **Failure to complete this form will result in the proposal being rejected as non-responsive.**

Business Name: Van Ness Feldman LLP		
Type of Business <input type="checkbox"/> Sole Proprietorship <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Corporation (State of Incorporation ____ ) <input type="checkbox"/> LLC		
Physical Business Address (Must NOT be a PO Box)  1191 Second Avenue Suite 1800		
City  Seattle	State  Washington	Zip Code  98101
Business Telephone # 206-623-9372	Business Fax # 206-623-4986	Business Email  raa@vnf.com
WA State UBI <sup>1</sup> # 601 205 853	Federal EIN# 52-1154904	

### OFFICIAL AUTHORIZED TO SIGN FOR PROPOSER

<i>"I declare under penalty of perjury under the laws of the State of Washington that the proposal submitted is genuine. This proposal is not false or made on behalf of any person who has an interest in the award. No other firm has been solicited to put a false proposal, adjust their price lists, or coerced any other company to refrain from proposing. I guarantee that my firm has not attempted to secure an advantage over any other proposer through collusion. All statements and information contained in the submitted proposal are true, correct, and based on the requested scope of Work. All employees and agents of the proposer are skilled and experienced in the required Work. In the event that the Project or any aspect of the project is found to be non-compliant, I understand my company will be held responsible to remedy all deficiencies at no additional cost. I understand that my firm will be required to perform under the terms and conditions outlined in the solicitation and proposal, if accepted. I acknowledge that WTA may not negotiate additional terms to the potential contract once the Notice of Intent to Award is issued and that we may be held to the contract and performance terms and conditions outlined in the RFP. My signature below assures WTA that the firm acknowledges and will comply with this solicitation."</i>	
<b><u>Signature of Authorized Officer/Agent</u></b> 	<b><u>Date</u></b>  3-4-22
<b><u>Print Name &amp; Title</u></b>  Richard Agnew, Partner	<i>The individual named herein is duly authorized to obligate the firm to a contract.</i>

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

<sup>1</sup> Bellingham Municipal Code 6.05.025

<sup>2</sup> RCW Chapter 18.27

## **NAME AND PRINCIPAL PLACE OF BUSINESS OF PROPOSER**

Van Ness Feldman LLP  
1191 Second Avenue  
Suite 1800  
Seattle, WA 98101

1050 Thomas Jefferson Street, NW  
Washington, DC 20007

## **DESCRIPTION OF PROPOSER**

Van Ness Feldman LLP (VNF or firm) is a public policy advocacy and analysis group located in Washington, DC and Seattle, Washington to provide clients with substantive, bipartisan representation before Congress and the Administration. The vision of the firm at our founding remains the dominant mission of our firm today—to provide substantive representation to clients interested in federal policy development, primarily in the fields of energy, the environment, natural resources, and transportation. Throughout the years, our areas of substantive focus have expanded to include health care, tax policy and federal funding. Today, the firm has more than 100 professionals in Washington, DC, Seattle, the San Francisco Bay Area, and Denver. Even with that size, we remain dedicated to representing the federal legislative and regulatory needs of public agencies in Washington state.

For the purposes of this proposal the contact person is:

Richard Agnew  
Partner  
Van Ness Feldman LLP  
1191 Second Avenue  
Suite 1800  
Seattle, WA 98101  
raa@vnf.com  
202-298-1815

The firm's lawyers and public policy professionals serve a diverse clientele, many of which are state or local governmental entities, such as Whatcom Transportation Authority (WTA). In addition, we represent a wide variety of municipalities, electricity generators and electric utilities, renewable energy project developers, hydroelectric projects, clean coal interests, pipelines, real estate investors and developers, financial institutions, investment funds, healthcare service

providers, Alaska Native and Native American organizations, federal lands concessionaires, trade associations, and various national policy coalitions.

The firm is recognized as a leader nationwide for our Government Relations practice by *Chambers USA*, *the Legal 500*, and as a Tier 1 practice by *U.S. News and World Report's Best Lawyers* rankings. In addition, Van Ness Feldman is regarded by *Chambers USA* and *the Legal 500* as a leader in Washington, DC and across the nation for its energy, transportation, and environmental practices. *Chambers* describes the firm as having a "... combination of regulatory, environmental, strategic and legislative expertise;" that is "...particularly praised for its advice on emerging trends;" and "...benefits from a central position in legislative and public policy debates among politicians and regulators."

Should it be necessary, Van Ness Feldman is willing to meet both virtually and/or in person depending on local health regulations.

## **QUALIFICATIONS OF PERSONNEL**

VNF's policy professionals and lawyers are a bipartisan array of former senior Congressional staffers with hands-on experience in transportation, energy and environmental policy, budget, and appropriations, , agriculture, tax, and healthcare matters. In addition, many of our colleagues formerly served as senior officials at the Environmental Protection Agency (EPA), Department of the Interior, Department of Energy, Department of Transportation, the Council on Environmental Quality, and the White House. By combining this individual federal expertise with a collaborative approach, we provide clients with a complete and sophisticated suite of services.

Building on their past government service, our professionals work with Members of Congress, Congressional authorizing and appropriations committees, the Administration and federal agencies, state and local agencies, coalitions, and trade associations to identify policy issues and opportunities, develop creative solutions, and promote specific policy or program goals. We secure federal funding for our clients through the annual federal appropriations process, help clients engage effectively on key legislative and regulatory issues, and work with clients to successfully navigate the changing agendas of Congress and the Administration. We understand the rules and decision-making processes of Congress and the Executive Branch, how to identify and reach key policymakers, and how to position our clients to succeed in the federal policy arena.

VNF adheres to the concept of firm representation, whereby the collective talents, expertise and contacts of the firm are available and fully utilized to maximize the quality of our representation to each client. For purposes of this representation, WTA would have access to the full resources of all members of the firm in assisting in achieving its objectives. Sean Taylor and Jenna Peth would serve as the primary leads and the day-to-day experts on legislative issues and strategies in

Washington, DC. While all of our professionals would be at WTA's disposal, we will not substitute the individual team members listed below without WTA's prior approval.

Brief biographies about the proposed team members are below. Complete resumes can be found at <https://www.VNFolutions.com/about.aspx>

## CORE TEAM



***Sean Taylor, Senior Director, Governmental Issues:*** Sean has over a decade of experience representing municipalities and local governments on water infrastructure, agriculture, transportation, federal regulations, public lands issues, and a variety of appropriations matters. Sean began his career in the U.S. Senate working for Senator Connie Mack of Florida and Senator Judd Gregg of New Hampshire, before serving as a Natural Resources Policy Analyst to Governor Jeb Bush of Florida. As Governor Bush's lead staffer in Washington, DC, Sean gained considerable experience developing regional and national coalitions to help mold national energy legislation, influence ocean policy, and expand aquatic ecosystem restoration, and land & water conservation programs for the state. Sean has spent the last 12 years representing cities and agencies throughout the Western United States on a variety of federal policy issues. He holds a bachelor's degree from Florida Atlantic University.



***Jenna Peth, Legislative Assistant:*** Jenna Peth is a public policy professional providing strategic advice and representation on federal legislative, executive, and regulatory issues. She focuses on matters relating to federal energy, environmental, natural resources, transportation, and municipal policy. She provides clients with a comprehensive view of major issues and activities on Capitol Hill and the Executive Branch through the coverage of Congressional hearings and briefings in the energy, natural resources, municipal, and environment sectors. Jenna has experience representing several of the firm's coalition clients, including serving as the Director of Coalition Services for the Carbon Utilization Research Council (CURC). On behalf of CURC, she assists with the development of policy and strategy that supports the deployment of carbon capture, utilization, and storage (CCUS) technologies. A native of Anacortes, Jenna holds a B.A. in political science from Western Washington University.

## RESOURCE TEAM



***Richard Agnew, Partner:*** Rick Agnew represents a variety of clients before Congress and federal agencies, particularly on matters relating to federal laws and permits governing energy projects, environmental matters, and the uses of natural resources. As Chief Republican Counsel for the Committee on Interior and Insular Affairs (now the Committee on Natural Resources) of the U.S.

House of Representatives, Rick served as committee counsel and staff supervisor in a wide array of federal issues, involving natural resources, Native Americans, and energy production and use. He also was involved in the effort to revitalize Pennsylvania Avenue and Union Station in Washington, DC, and has worked with the City and Port of Bellingham to assist in the initial stages of waterfront redevelopment. Today, Rick uses that experience to help firm clients secure funding or permit authorizations for energy and transportation projects as well as the redevelopment of communities after significant natural disasters or other economic loss.



**Tracy Tolk, Principal:** Tracy is a forceful advocate for clients in need of effective communications with the federal government on public policy matters in the climate change, clean technology, transportation, alternative energy deployment, cybersecurity, energy efficiency, Native American affairs, and natural resources development areas. She understands the needs

and language of both businesspeople and decision-makers inside the beltway and is experienced at finding creative solutions and for building lasting relationships across party lines. As a seasoned veteran of Capitol Hill, she brings clients the benefit of many connections and strong bipartisan relationships on the Hill and with federal agencies, thereby advancing clients' goals and protecting their interests. Prior to coming to the firm, Tracy's rich political background included serving as a senior advisor to former Congressmen Jay Inslee (D-WA), now Governor of Washington State, and Jim Davis (D-FL). During her tenure on Capitol Hill, she managed all energy, environment, and transportation policy issues for the Congressmen who were assigned to the Energy and Commerce and Natural Resources Committees as well as the Select Committee on Energy Independence and Global Warming.

## **UNDERSTANDING AND APPROACH**

VNF is respected as a bipartisan group of skilled, substantive professionals that have significant experience working with Members of Congress on both sides of the aisle and with both Democratic and Republican Administrations. Our connections with decision makers involved in crafting and executing policy decisions does not change with elections; rather, our relationships are based on the rare commodity of substantive expertise with congressional staff, political appointees, and career staff within the Administration. The political balance and diversity of experience found within the firm's ranks brings considerable perspective, insight, and strategic connections to the partnership between the firm and our clients.

If selected, the firm will offer WTA creative and practical solutions and strategies to challenging issues and opportunities. Our practice will focus on creating effective public policy—helping the WTA untangle complex problems and engage in creative solutions in complicated realms. With our professionals' extensive government service experience and the collaborative approach to our public policy practice, we have a depth of perspective that anticipates policy trends and would

provide WTA an efficient teaming approach that consistently delivers results on a cost-effective basis.

We offer WTA our unique combination of substantive knowledge in all of the areas listed in the Request for Proposals, as well as the tenured federal policy experience of our lawyers and public policy professionals. As the Administration and Congress focus on reexamining current regulations, changing the tax structure and improving infrastructure, our professionals understand the critical importance of providing WTA with real-time guidance on these issues as they occur.

**Funding Advocacy Efforts.** The Infrastructure Investment and Jobs Act (IIJA) provides the largest federal investment since the New Deal in the nation's roads, bridges, water, and energy systems. The funding new law provided represents the largest investment in an unprecedented commitment to developing the tools to curb carbon emissions and strengthen infrastructure to increase resiliency against the current global challenge of climate change and other threats to our health, safety, and the economy.

Recognizing that agencies will be tasked with implementing new and/or expanding existing programs to award federal funds to eligible infrastructure projects, our team can assist Sonoma Water with engaging the agencies federal government as they it develops the parameters of these grant programs, to and ensure projects will meet the program criteria for a funding award, and to ensure solicitations are designed to support clients' infrastructure projects.

Our professionals have had significant success in assisting clients through these processes, assisting clients in the development of grant applications, and negotiating awards in both Democratic and Republican Administrations. We, and stand ready to assist WTA with navigating the funding opportunities the IIJA provides. Examples of our funding successes include:

- **City of Bellingham/Port of Bellingham Waterfront Restoration Project.** Working with and on behalf of the City and Port of Bellingham, Washington, VNF secured \$9.8 million of support for the redevelopment of 140 acres of waterfront property formerly occupied by a pulp and paper mill.
- **Sacramento Municipal Utility District.** VNF assisted Sacramento Municipal Utility District (CA) in its negotiations with DOE to implement a \$127.5 million Smart Grid Investment Grant to install a comprehensive regional smart grid system from transmission to the customer. The project included 600,000 smart meters, dynamic pricing, 100 electric vehicle charging stations and 50,000 demand response controls, including programmable smart thermostats and home energy management systems.

- **Sonoma County Water Agency.** As part of its representation of the Sonoma County Water Agency (CA), the firm was successful in working with policymakers and interested stakeholders to establish the Pacific Coastal Salmon Recovery Fund, which funds local projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a state as at-risk to be listed. Congress has provided funding every year since the inception of the fund in fiscal year 2000 totaling \$1.46 billion.
- **Cascade Water Alliance.** In an effort to convert a hydroelectric facility to municipal water supply, VNF worked on behalf of Cascade Water Alliance (WA) to secure annual funding through the Army Corps budget. We worked closely with the Washington State delegation to include language in the annual appropriations legislation directing the Army Corps to fund the initial study, and subsequent construction of the project, while avoiding threats to the funding under recent Continuing Resolutions to fund the federal government by Congress. The project received full funding to complete its study in fiscal year 2017 and is currently funded in both House and Senate Energy and Water Appropriations bills for fiscal year 2018 at \$33 million to begin construction.

To support WTA's priorities and goals, VNF would:

- Identify potential federal funding opportunities that match WTA's funding needs and priorities.
- Secure funding for WTA projects and programs through the federal appropriations process, including completing and submitting appropriation request forms.
- Work with WTA officials in the identification and application of grants offered by federal agencies and provide follow-up support on competitive applications.
- Secure letters of support from community leaders and key stakeholders.
- Advise on presentation (organization, content, formatting, etc.) of legislative materials.
- Assist in drafting materials and correspondence.
- Monitor and facilitate the progress of funding and grant applications through appropriate federal agencies on behalf of WTA, when requested.
- Develop and maintain strong working relationships between WTA and Washington state congressional delegation, key congressional committees, federal agencies, and the Executive Branch.
- Develop and implement a successful advocacy strategy for , including coordinating trips to Washington, DC, to meet with legislators and federal agency officials.
- Coordinate appointments or meetings between WTA Officials, other designated individuals, Congressional leaders and staff, and Administration officials.



**Federal Initiatives.** Our team has been involved in a wide range of legislative debates, including securing appropriations for projects large and small throughout the country; infrastructure projects through highway and water resources development bills; environmental cleanups and brownfields redevelopment; and important economic development issues related to local commerce, industry, and tourism.

Our professionals are intimately familiar with federal appropriations and funding, and the underlying authorizations, having in many cases participated in the development of these statutes and processes while working in the federal government. In addition to securing direct appropriations and assisting clients in advancing their interests in the legislative funding process, our team also has experience in working with competitive grants, loan guarantees, and tax incentives. Our team will monitor and identify funding opportunities relevant to WTA throughout the Congressional budget and appropriations process, and across the Executive Branch for the full range of federal funding opportunities that could support WTA's priorities.

**Competitive Grants.** Our team has aided numerous clients in identifying competitive grants, shaping funding opportunities, submitting grant applications, and complying with federal regulations post award. As noted, our team works closely with Members of Congress to fund programs through competitive awards.

A few examples of this work include:

- Securing federal funding for water and wastewater projects through the Army Corps.
- Securing federal transportation grants for the cities.
- Securing TIGER grants through the Department of Transportation.
- Securing Community Development Block Grants on an array of local project initiatives
- Securing several restoration grants from the Pacific Coast Salmon Recovery Fund.
- Experience with EPA grants and funding mechanisms.
- Securing grant funding through the Bureau of Reclamation WaterSmart program.
- Assisting communities with Conservation Innovation Grant applications through the Department of Agriculture.
- Securing project authorizations and federal funding through the Title XVI program at the Bureau of Reclamation.
- Experience with DHS First Responder grants.
- Federal Transit Administration competitive grant awards through the Ferry program to a transit agency.
- Securing Department of Energy competitive funding for a solar energy project developer through the competitive Sunshot Program.
- Working on renewable energy projects through the Department of Defense.



- Aiding with biofuel projects through the Energy Title of the Farm Bill at the Department of Agriculture.
- Assisting a company in securing Department of Defense funding for a renewable energy project.
- Guiding the National Renewable Energy Lab in securing Department of Defense funding for renewable energy project development.

**Daily Presence.** The VNF team is prepared to be WTA's daily presence in Washington, DC, on Capitol Hill, and throughout the Executive Branch, communicating with, working with, and being a resource at every opportunity. We anticipate regular, if not daily, communication with representatives to ensure the prioritization of, and progress on, WTA's federal priorities. We will manage and monitor relevant activities throughout the Legislative and Executive Branches consistent with your agenda. We will work together with you to advocate priorities on Capitol Hill and in the various agency and departmental processes through in-person meetings, submissions, written letters, and visits to WTA.

**Legislative Monitoring and Guidance Efforts.** VNF has nationally recognized expertise providing strategic policy guidance and legislative advocacy services to clients on a wide array of issues. Our team's broad exposure to the workings of Congress and the Executive Branch will enable the firm to closely monitor activities of interest to WTA. We will provide copies of press releases, member statements, bills, amendments, committee reports and analyses, regulations, and other information that is pertinent to your interests.

We will seek to capture content generated by WTA to share with the Washington state Congressional Delegation and key federal contacts, and we will provide writing and editorial support to WTA in drafting background and position papers, testimony, correspondence, and legislative language, as necessary. Furthermore, the firm can provide the following services to meet the goals set forth by WTA:

- Identify federal legislation of interest to WTA, monitor action on these initiatives, and advocate for the WTA's interests when appropriate.
- Communicate WTA's interests to the appropriate elected representatives and staff, key Committee members, federal agencies, and other individuals.
- Provide full witness preparation services, including development of briefing papers and talking points when WTA officials are requested to testify before a Congressional committee or meet with legislative staff.
- Work with appropriate federal agencies and officials to resolve issues on the WTA's behalf.
- Provide grass roots advocacy guidance in an effort to build broad local and regional support for the WTA's priorities.

Through our extensive roots in government and public service, the firm is proud to have strong relationships with Congress and numerous Executive Branch departments and agencies that directly address the issues of importance to WTA, including key members of the Washington Congressional delegation, as well as the Departments of Transportation, Energy, Commerce, Energy, and Interior.

**Communications/Deliverables.** VNF will provide WTA written updates including monthly and quarterly status reports, and an annual summary, detailing developments on significant issues and actions taken to address WTA interests and the issues that are likely to emerge in the coming year. In addition, we will monitor relevant activities pertinent to any legislation, rules, or regulations and other Federal policies or programs that may affect WTA and its customers, either directly or indirectly, and provide in-person briefings as needed and helpful to WTA.

#### **REQUIRED DOCUMENTS & ACKNOWLEDGEMENT OF ADDENDA**

Per the instructions in the RFP, attached to this proposal are the following Exhibits:

Exhibit A – Proposal Confirmation and Cover Sheet

Exhibit B – Vendor Info & Reference Form

Exhibit C – Price Proposal

Exhibit D – Conflict of Interest

Exhibit E – Debarment and Compliance Statement

Exhibit F – Certification on Lobbying

We acknowledge that we have received all addenda associated with this solicitation.

#### **CONCLUSION**

Thank you for the opportunity to present our federal legislative capabilities to Whatcom Transportation Authority. Should you have questions about the information contained in this proposal, please do not hesitate to contact us. We look forward to discussing the ways in which we can assist WTA in Washington, DC.



## EXHIBIT B: PROPOSER INFORMATION AND REFERENCES

Provide ALL of the requested information about your organization. **Failure to provide ALL requested information will result in rejection of the submission as non-responsive.**

PRIMARY CONTACT • Name • Title • Phone • Email	Richard Agnew Partner 202-298-1815 raa@vnf.com
EMPLOYMENT SECURITY DEPARTMENT #	000681731003
WA STATE EXCISE TAX #	601 205 853
YEARS IN INDUSTRY	45
ANNUAL REVENUES*	<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 million <input type="checkbox"/> \$1 – 2 million <input type="checkbox"/> \$2 – 5 million <input type="checkbox"/> \$5 – 10 million <input checked="" type="checkbox"/> More than \$10 million
MBE/DBE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No DBE Registration#  _____	SBA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No SBA Registration#  _____
STAFF SIZE List staff numbers & positions who will be assigned to this contract	160 firm wide; 4 for this potential contract: Richard Agnew, Partner Sean Taylor, Senior Director Tracy Tolk, Principal Jenna Peth, Legislative Assistant
CUSTOMER LIST (3-5 additional customers besides references)	Port of Seattle City of Tacoma Cascade Water Alliance
NAIC NUMBERS (naics.org for more info)	541110, 541990

*\* WTA reserves the right to request financial statements from proposers to demonstrate financial responsibility. Failure to provide requested documentation will result in the proposal being rejected as non-responsive and not responsible*

Please list a total of three (3) RECENT customers using the following format for which you have performed service similar to what the WTA is seeking in this RFP. Proposers are advised to ensure the accuracy of the information provided. For example, ensure the email address and telephone numbers are correct and current. WTA will not evaluate the reference if the information provided is incorrect.

Name  
Address  
Contact Name, Phone number, Email address



Length of service  
Type of Agency  
Scope of Project

Client Name, Contact and Dates of Work Performed	Nature of Work	VNF Contact
<b>Metropolitan Water District of Southern California</b> Dee Zinke Deputy General Manager, External Affairs 700 North Alameda Street Los Angeles, CA 90012-2944 Phone: (213) 217-6139 E-mail: <a href="mailto:dzinke@mwdh2o.com">dzinke@mwdh2o.com</a> (2016-present)	Policy advocacy before Congress, Department of the Interior, White House Council on Environmental Quality, Environmental Protection Agency, Bureau of Reclamation, and Army Corps of Engineers	Sean Taylor
<b>Snohomish County PUD</b> Kim Johnston Director of Government Relations & External Affairs 2320 California Street PO Box 1107 Everett, WA 98206-1107 Phone: (425) 783-8473 E-mail: <a href="mailto:KDJohnston@snopud.com">KDJohnston@snopud.com</a> (2000-present)	Policy advocacy to influence federal regulations before Congress, Department of Energy, Environmental Protection Agency and counsel on federal funding initiatives	Richard Agnew, Tracy Tolk and Jenna Peth
<b>City of Federal Way, Washington</b> Steve McNey Intergovernmental Relations & Public Affairs Officer 33325 8th Ave. S. Federal Way, WA 98003 Phone: (253) 835-2411 E-mail: <a href="mailto:Steve.McNey@cityoffederalway.com">Steve.McNey@cityoffederalway.com</a> (2020-present)	Policy advocacy before Congress, Department of Transportation, and other federal executive agencies	Richard Agnew, Jenna Peth



## **EXHIBIT C: PRICE PROPOSAL**

The submitted pricing must include all of the costs required to perform the Scope of Work outlined in Part 2 of RFP 2022-001. Proposal includes all costs for performing the contract including, but not limited to labor, materials, overhead, profit, taxes, and any other reimbursable fees.

Travel reimbursement is outlined in RFP Part 5, Section B.

Provide a firm fixed monthly fee for the first three (3) years of the contract.

<b>Description</b>	<b>Monthly Fee</b>	<b>Multiplier</b>	<b>Extended Annual Price</b>
Fixed Monthly Fee – Years 1 - 3	\$ 5,000	12	\$ 60,000

The Extended Annual Price will be in effect for the first (3) years of the contract.

As part of the contract renewal, WTA may consider a rate adjustment, either increasing or decreasing the monthly fee, if requested by the Consultant in writing 30 days prior to the contract anniversary date. The process for requesting a Price Adjustment is outlined in the RFP, Part 5, Section F “Price Adjustments”.



## EXHIBIT D: CONFLICT OF INTEREST STATEMENT

STATE OF }  
COUNTY OF } ss.

The undersigned, being first duly sworn, on oath, states on behalf of the Proposer

### 1. Conflict of Interest

The Proposer, by entering submitting this proposal to Whatcom Transportation Authority (WTA) to perform or provide work, services or guarantees, ensures that it has no direct or indirect financial or proprietary interest in the forthcoming award of contract as outlined in the Request for Proposal Documents. Proposer shall not acquire any such interest, which conflicts in any manner or degree with the services required to be performed under a Contract. Proposer shall not employ any person or agent having such interest on any WTA specific work. In the event that the Proposer or its agents, employees or representatives finds such a conflict of interest, it shall immediately disclose such interest to WTA and take action immediately to eliminate the conflict or to withdraw from this contract, as WTA may require. Should WTA discover a disclosable conflict post award, it will be grounds for immediate contract termination under the terms of the contract.

### 2. Contingent Fees and Gratuities

The awarded Proposer, by entering into a contract with WTA to perform or provide services or materials for WTA has thereby guaranteed, and by this affidavit does again promise and assure:

That no person or selling company except bona fide employees or designated agents or representatives of the Proposer has been employed or retained to solicit or secure this contract with an agreement or understanding that a commission, percentage, brokerage, or contingent fee would be paid; and

That no gratuities, in the form of entertainment, gifts or otherwise, were offered or given by the Proposer or any of its agents, employees or representatives, to any official, member or employee of WTA or other governmental agency with a view toward securing this contract or securing favorable treatment with respect to the awarding or amending, or the making of any determination with respect to the performance of this contract.

Date: 3/4/22 Signature: [Signature]

\*\*\*\*\*

On this 4th day of March, 2022, before me appeared AGNEW, Richard, to me personally known, who being duly sworn, did execute the foregoing affidavit, and did state that he/she was properly authorized by the JANIS to execute the affidavit and did so as his/her free act and deed.

SEAL:

Moninder K. Juty residing at Federal way.

Expiration of Commission: 03-23-25.







## EXHIBIT E: DEBARMENT AND COMPLIANCE STATEMENT

By submitting a signed proposal, each Proposer is assuring WTA of the following:

1. The Proposer is not on the current list of Washington State debarment lists.
2. The Proposer is registered with SAM.gov and is not restricted or prohibited from proposing or doing business with a government agency.
3. The Proposer agrees to adhere to ADA requirements.
4. The Proposer will work to promote employment and opportunity among Disadvantaged Business Enterprises (DBE) as well as small and women/minority owned businesses. The Proposer, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Proposer shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the Proposer to carry out these requirements is a material breach of any contract, which may result in the termination of any contract or such other remedy as the recipient deems appropriate.
5. The Proposer certifies that he/she/it does not maintain or provide for his/her/its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained.
6. That the Proposer assures that the he/she/it is fully licensed, bonded, and insured. A copy of the successful Proposer's certificate of insurance and a W9 will be required prior to the issuance of a Notice to Proceed or a Purchase order. Business licenses and/or professional certifications will be used to establish Proposer responsibility as part of the evaluation process.

Date: 3/4/22

Signature:

A handwritten signature in blue ink, appearing to read 'Richard Agnew', is written over a horizontal line.

Richard Agnew, Partner, Van Ness Feldman LLP





Whatcom  
Transportation  
Authority

## EXHIBIT F: CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Richard Agnew , hereby certify on behalf of  
(Name of authorized Official)

Van Ness Feldman LLP that:  
(Vendor/Contractor)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of congress, an officer or employee of Congress, or an employee of a Member of congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this 4th day of March, 2022

A handwritten signature in blue ink, appearing to read 'Richard Agnew', is written over a horizontal line.

By:

Richard Agnew, Partner Van Ness Feldman  
LLP