



CONTRACTOR CONFLICT OF INTEREST GUIDANCE

This guidance is intended to assist contractors in recognizing, preventing, and disclosing actual potential, or perceived conflicts of interest that may arise when conducting business with MARTA. It should be used as a reference throughout the procurement process and contract lifecycle to support transparency, ethical conduct, fair competition, and the integrity of MARTA's contracting process. Contractors are expected to promptly disclose circumstances that may present a conflict of interest so that MARTA can evaluate the matter and determine whether additional action, mitigation, or other measures are required.

In accordance with MARTA's Code of Ethics, all contractors working on MARTA projects are expected to uphold the highest standards of integrity and impartiality. To protect the fairness of MARTA's procurement process and avoid any appearance of impropriety, certain firms may be deemed conflicted out of performing services. These restrictions apply when prior involvement, relationships, or access to non-public information could create an actual or perceived conflict of interest. The following examples illustrate scenarios where such conflicts arise, ensuring compliance with MARTA's ethical principles and safeguarding the transparency and credibility of our contracting practices. This is meant to be used as a guide, all final decisions of conflicts of interest shall be determined through MARTA's Department of Legal Services. MARTA encourages all vendors, consultants and contractors to proactively engage on all actual or perceived conflicts as early as possible.

Scenario 1

Is a company precluded from bidding on subsequent phases of the same project, such as final design or construction management, when they did the preliminary planning under MARTA's General Planning Consultant Contract or performed the 30% design under a separate MARTA contract?

Answer: No, the company will not be precluded. MARTA will evaluate potential conflicts of interest on a case-by-case basis, however, generally performing preliminary planning or the 30% design does not preclude a company.

Example: ABC Corporation is a contractor under MARTA's General Planning Consultant Contract. MARTA issued a Work Order to ABC Corporation to perform the preliminary design work for MARTA's rail expansion into Clayton County. Several months after the expiration of the Work Order, MARTA issued a solicitation for the final design services of its rail expansion



into Clayton County, ABC Corporation is not precluded from competing to be awarded this work.

Scenario 2

If a company assisted MARTA with drafting a scope of work or a solicitation, are they precluded from bidding on the work?

Answer: Yes, any company which assists MARTA with drafting a scope of work or a solicitation is precluded from bidding on that work. This is to ensure fairness and avoid any perception of bias or undue influence as the company had access to non-public information which could have provided the company with an unfair competitive advantage.

Example: MARTA contracted ABC Corporation to draft and develop specifications for the procurement of MARTA's communications-based train control system. ABC Corporation is precluded from proposing on the procurement as either a prime or sub-contractor as it has intimate knowledge of MARTA's requirements and ABC Corporation was provided an unfair competitive advantage over other companies who are competing for the work.

Scenario 3

If a company served in an advisory capacity to MARTA during the development of an RFP is the company prohibited from submitting a proposal under that RFP?

Answer: Yes, a company that serves in an advisory capacity to MARTA during the development of an RFP, including reviewing specifications, evaluation criteria, or scoring methodologies is prohibited from submitting a proposal under that RFP.

Example: ABC Corporation was contracted by MARTA to perform construction management services under MARTA's Indefinite Quantity Construction Contract (IQCC) and assist MARTA with the award of the IQCC contract. When the RFP is issued for the IQCC services, ABC Corporation is precluded from performing work as either a subcontractor or prime contractor as it served in an advisory capacity to MARTA and had intimate knowledge of confidential cost estimates or evaluation criteria weights which creates an unfair competitive advantage.

Scenario 4

If a company performed National Environmental Policy Act (NEPA) work, are they precluded from bidding on subsequent phases of the same project, such as final design or construction management?



Answer: Yes, a company that performs NEPA work cannot perform the final design or construction management.

Example: ABC Corporation is a contractor under MARTA's General Planning Consultant Contract. MARTA issued a Work Order to ABC Corporation to perform the preliminary design work for MARTA's rail expansion into Clayton County, which included the NEPA analysis. Several months after the expiration of the Work Order, MARTA issued a solicitation for the final design services of its rail expansion into Clayton County, ABC Corporation is precluded from proposing on the procurement as either a prime or sub-contractor as it had performed the NEPA analysis.

Scenario 5

Is the company that is awarded MARTA's CPMO contract precluded from seeking additional work from MARTA in the RFPs it issues?

Answer: Yes, MARTA's CPMO consultant is precluded from seeking work from MARTA on any other RFPs or AEs MARTA issues during its contract.

Example: ABC Corporation was awarded the RFP as MARTA's CPMO consultant in 2025 for a term of five years. Any solicitations MARTA issues during the course of the term of the contract with ABC Corporation, ABC Corporation is precluded from proposing on those solicitations as ABC Corporation is responsible for providing services that augment MARTA staff and report directly to the Authority as the CPMO consultant. As the CPMO consultant is treated almost like an extension of MARTA, MARTA entering into a contract with the CPMO consultant would essentially be the equivalent of MARTA entering into a contract with a current employee which is prohibited under MARTA's Code of Ethics.



Compliance Checklist for contractors

Before submitting a proposal to MARTA, confirm the following:

- Your firm did not assist MARTA in preparing RFP documents, specifications, scope of work, budget documents, evaluation criteria, or procurement strategies;
- Your firm does not possess any non-public information that could provide an unfair advantage;
- Your firm did not perform any NEPA work on the project;
- Your firm is not engaged as MARTA's CPMO consultant or a subcontractor under that contract.
- Any potential conflicts of interest that your firm has or may have been disclosed during the RFP process and/or to MARTA's Department of Legal Services.

MARTA is committed to maintaining a transparent and equitable procurement process. By adhering to these guidelines and MARTA's Code of Ethics, contractors help ensure that all projects are executed with integrity, fairness, and public trust.