

EXHIBIT "E"

CERTIFICATIONS

Contractor shall comply with and provide signed originals of the following certifications. The signed, original certifications shall, altogether, constitute Exhibit E:

- A. Equal Employment Opportunity Certification
- B. Public Contract Code Section 10285.1 Statement
- C. Public Contract Code Section 10162 Questionnaire
- D. Public Contract Code Section 10232 Statement
- E. Noncollusion Affidavit
- F. Debarment & Suspension Certification
- G. Copeland "Anti-Kickback" Act Certification
- H. Byrd Anti-Lobbying Amendment Certification
- I. Davis-Bacon Act Certification
- J. Contract Work Hours and Safety Standards Act Certification
- K. Clean Air Act and the Federal Water Pollution Control Act Certifications

EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

_____, hereby certifies that (s)he has _____, has not _____, participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246 as amended, and that, where required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed Contractors only in connection with contracts and sub-contracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and Contractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

PUBLIC CONTRACT CODE

Public Contract Code Section 10285.1 Statement

In accordance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the Contractor hereby declares under penalty of perjury under the laws of the State of California that the Contractor has ____, has not ____ been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or Federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "Contractor" is understood to have the same definition as "bidder" here and is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

Note: The bidder must place a check mark after "has" or "has not" in one of the blank spaces provided. The above Statement is part of the Proposal. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

SIGNATURE

Public Contract Code Section 10162 Questionnaire

In accordance with Public Contract Code Section 10162, the Contractor shall complete, under penalty of perjury, the following questionnaire:

Has the Contractor, any officer of the Contractor, or any employee of the Contractor who has a proprietary interest in the Contractor, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes _____ No _____

SIGNATURE

If the answer is yes, explain the circumstances in the following space:

Public Contract Code 10232 Statement

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

Note: The above Statement and Questionnaire are part of the Proposal.
Contractors are cautioned that making a false certification may subject the certifier to criminal prosecution.

SIGNATURE

Noncollusion Affidavit
(Title 23 United States Code Section 112 and
Public Contract Code Section 7106)

TO THE COUNCIL

In accordance with Title 23 United States Code Section 112 and Public Contract Code 7106 the Contractor declares that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the Contractor has not directly or indirectly induced or solicited any other Contractor to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Contractor or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Contractor has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Contractor or any other Contractor, or to fix any overhead, profit, or cost element of the bid price, or of that of any other Contractor, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the Contractor has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Note: The above Noncollusion Affidavit is part of the Proposal.
Contractors are cautioned that making a false certification may subject
the certifier to criminal prosecution.

SIGNATURE

DEBARMENT AND SUSPENSION CERTIFICATION

TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

The Contractor, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3-years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgement rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3-years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

The above certification is part of the Proposal.

SIGNATURE

COPELAND "ANTI-KICKBACK" ACT CERTIFICATION

Contractor certifies that (s)he shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). Contractor certifies that Contractor and any subrecipient shall not induce, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which (s)he is otherwise entitled. Contractor shall report all suspected or reported violations to the Council.

SIGNATURE

BYRD ANTI-LOBBYING AMENDMENT CERTIFICATION

Contractor certifies that (s)he has not and will not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Consultant shall disclose of any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

SIGNATURE

DAVIS-BACON ACT CERTIFICATION

Contractor certifies that (s)he shall comply with the Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction") for any construction contracts awarded to Contractor (and subcontractors) of more than \$2,000. Contractors shall pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, Contractor shall be required to pay wages not less than once a week. Compliance with these Davis-Bacon Act requirements shall be required to be included in any of Contractor's subcontracts for this project of more than \$2,000. Contractor shall report all suspected or reported violations to the Council.

SIGNATURE

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT CERTIFICATION

Contractor certifies that (s)he shall comply with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1.5 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

SIGNATURE

**CERTIFICATIONS ON CLEAN AIR ACT AND
FEDERAL WATER POLLUTION CONTROL ACT**

Contractor certifies that (s)he shall comply with both the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended. Specifically Contractor shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Council and the Regional Office of the Environmental Protection Agency (EPA).

SIGNATURE