

Additional Representations, Certifications, and Other Statements of Bidders

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1. Certification of Independent Price Determination

(a) The bidder certifies that:

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on this certification form is considered to be a certification that the signatory:

(1) is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a) (1) to (a) (3) above; or

(2) has been authorized to act as agent for the bidding organization to certify that none of the principals of the bidding organization have not and will not participate in any action contrary to subparagraphs(a) (1) through (a) (3) above.

(c) Non-collusive certification

(1) Each bidder certifies, by signature of this certification, that he/she has not colluded with any other person, firm, or corporation in regard to any bid submittal in response to this solicitation.

2. Organizational Conflicts of Interest Certification

By signature to this certification, the bidder certifies that to the best of its knowledge, belief, and except as otherwise disclosed in writing, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

(a) Result in an unfair competitive advantage to the bidder; or

(b) Impair the bidder's objectivity in performing the contract work.

3. Clean Air and Water Certification (applicable to contracts exceeding \$100,000)

The bidder certifies that:

(a) Any facility to be used in the performance of this contract is, is not, listed on the Environmental Protection Agency List of Violating Facilities;

(b) The bidder will immediately notify the City of Sioux Falls Community Development Department Project Specialist, before award, of the receipt of any communication from the administrator, or a designee of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and

(c) The bidder will include a certification substantially the same as this certification. Include this paragraph(c), in every nonexempt subcontract.

4. Certification of Non-segregated Facilities (applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to Form G, entitled *Equal Opportunity Clause for Federally Assisted Contracts*.

(b) "Segregated facilities," as used in the provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants or other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and

housing facilities provided for employees that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and

are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

(1) Obtain identical certifications from the proposed subcontractors;

(2) Retain a copy of the certifications in its files and provide the original to the Sioux Falls Community Development Department Project Specialist; and

(3) Forward this certification to the proposed subcontractors.

Notice to Prospective Subcontractors of the Requirements of this Certification:

This certification must be submitted before the award of a subcontract, which is not exempt from the provisions of the Equal Employment Opportunity Clause of the prime contract.

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

The bidder hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

(Signature)

(Date)

(Typed or Printed Name)

(Title)

(Company Name)

(Company Address)