

# Exhibit I

SECTION 00 45 00

## PROPOSER CERTIFICATIONS

---

TO BE EXECUTED BY ALL PROPOSERS AND SUBMITTED WITH PROPOSAL

The undersigned Proposer certifies to the PERALTA COMMUNITY COLLEGE DISTRICT ("District"), as is set forth in paragraphs 1 through 14 below all under the penalty of perjury that:

**1. CERTIFICATE OF NON-DISCRIMINATION.**

There will be no discrimination in employment with regard to race, color, religion, gender, sexual orientation, or national origin; that all federal, state, and local laws, regulations, directives, and executive orders regarding non-discrimination in employment will be complied with; and that the principle of equal opportunity in employment will be demonstrated positively and aggressively.

**2. STATEMENT OF CONVICTIONS.**

No final, unappealable finding of contempt of court by a Federal Court has been issued against Proposer within the past two years because of failure to comply with an order of a Federal Court or to comply with an order of the National Labor Relations Board.

**3. PREVIOUS DISQUALIFICATIONS.**

Neither the below indicated Proposer nor any of its officers or employees with a proprietary interest in such Proposer has ever been disqualified, removed or otherwise prevented from proposing on, or completing a Federal, State, or local government project because of a violation of law or a safety regulation except as indicated on the separate sheet attached hereto entitled "Previous Disqualifications." If such exceptions are attached, please explain the circumstances.

**4. CERTIFICATION OF WORKER'S COMPENSATION INSURANCE.**

Proposer is aware of the provisions of Labor Code § 3700 which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Proposer will comply with such provisions before commencing the performance of the Work of this Contract.

**5. CERTIFICATION OF PREVAILING WAGE RATES AND RECORDS.**

Proposer is aware of the provisions of Labor Code § 1773, which requires the payment of prevailing wages on public projects. Also, that the Design Builder and all of its Subcontractors shall comply with Labor Code § 1776, regarding wage records, and with Labor Code § 1777.5, regarding the employment and training of apprentices. It is the Design Builder's responsibility to ensure compliance by any and all subcontractors performing work under this Contract.

## **6. CERTIFICATION OF APPRENTICESHIP PROGRAM PARTICIPATION**

Proposer is a party to an agreement with a registered apprenticeship program approved by the California Apprenticeship Council that has graduated apprentices in each of the preceding five years (provided that this graduation requirement shall not apply to programs providing apprenticeship training for any craft that has been deemed by the Department of Labor and the Department of Industrial Relations to be an apprenticeable craft, and that attached hereto is a copy of that agreement, which is true and correct and in full force and effect.

## **7. CERTIFICATION OF ACCEPTABLE SAFETY RECORD.**

Proposer's experience modification rate for the most recent five-year period is an average of 1.25 or less, and its average Total Recordable Injury/Illness rate and average lost work rate for the most recent five-year period does not exceed the applicable statistical standards for its business category or if the Proposer is a party to an alternative dispute resolution system as provided for in Labor Code § 3201.5.

## **8. CERTIFICATION REGARDING MATERIAL CHANGES.**

**[Please check and/or complete one of the following]**

\_\_\_\_\_ All information Proposer submitted to District in connection with the Pre-Qualification process, including without limitation its Pre-Qualification Questionnaire, and any modifications, amendments or supplements thereto remains true and correct in all material respects as of the date of submitting its Proposal. All financial information Proposer submitted to District in connection with the Pre-Qualification process remains an accurate representation of the financial strength of Proposer and its core Subcontractors and subconsultants.

\_\_\_\_\_ Except as identified on a separate document submitted with Proposer's Proposal entitled "Material Changes to Proposer's Pre-Qualification submittal" all information Proposer submitted to District in connection with the Pre-Qualification process, including without limitation its Pre-Qualification Questionnaire, and any modifications, amendments or supplements thereto remains true and correct in all material respects as of the date of submitting its Proposal. Except as identified and described in the Material Changes to Proposer's Pre-Qualification submittal, all financial information Proposer submitted to District in connection with the Pre-Qualification process remains an accurate representation of the financial strength of Proposer and its core Subcontractors and subconsultants.

## **9. CERTIFICATION REGARDING USE AND OWNERSHIP OF INFORMATION.**

All rights to information developed, disclosed or provided in the undersigned's Proposal and the attendant submissions are the property of District, unless Proposer makes specific reference to data that is considered proprietary. To the extent the undersigned Proposer claims any copyright, patent or other property right in any portion of its Proposal, submission of a Proposal constitutes Proposer's express (a) grant and assignment of a perpetual, transferable (in whole or in part), non-exclusive, royalty-free license to District for all such portions, and (b) agreement that District may use any such intellectual property without charge for any lawful purpose in connection with the Project or other District project, including without limitation to the creation of derivative works and issuance of sublicenses.

## **10. CERTIFICATION REGARDING LABOR CODE SECTION 6300.**

Proposer does not have serious or willful violations of Part 1 (commencing with § 6300) of Division 5 of the Labor Code, during the past five-year period or Proposer is taking appropriate corrective action to prevent further violations of Part 1 of Division 5 of the Labor Code;

## **11. CERTIFICATION REGARDING HAZARDOUS MATERIALS**

- 11.1 Proposer hereby certifies that no Asbestos, or Asbestos-Containing Materials, polychlorinated biphenyl (PCB), or any material listed by the federal or state Environmental Protection Agency or federal or state health agencies as a hazardous material, or any other material defined as being hazardous under federal or state laws, rules, or regulations ("New Hazardous Material"), shall be furnished, installed, or incorporated in any way into the Project or in any tools, devices, clothing, or equipment used to affect any portion of Proposer's work on the Project.
- 11.2 Proposer further certifies that it has instructed its employees with respect to the above-mentioned standards, hazards, risks, and liabilities.
- 11.3 Asbestos and/or asbestos-containing material shall be defined as all items containing but not limited to chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite. Any or all material containing greater than one-tenth of one percent (.1%) asbestos shall be defined as asbestos-containing material.
- 11.4 Any disputes involving the question of whether or not material is New Hazardous Material shall be settled by electron microscopy or other appropriate and recognized testing procedure, at the District's determination. The costs of any such tests shall be paid by Proposer if the material is found to be New Hazardous Material.
- 11.5 All Work or materials found to be New Hazardous Material or Work or material installed with equipment containing "New Hazardous Material" will be immediately rejected and this Work will be removed at Design Builder's expense at no additional cost to the District.

## **12. FALSE CLAIMS ACT CERTIFICATION**

Design Builder certifies under penalty of perjury under the laws of the State of California that any and all applications for payment will represent the true and correct statement of the work performed and the materials and supplies purchased. Design Builder understands that it is a violation of the False Claims Act (Government Code § 12650, et. seq.) to knowingly present or cause to be presented a false claim for payment or approval.

Proposer: \_\_\_\_\_  
[Name of Proposer]

By: \_\_\_\_\_  
[Signature]

Name: \_\_\_\_\_  
[Printed Name]

Its: \_\_\_\_\_  
[Title]

Dated: \_\_\_\_\_

END OF SECTION