

RFP ATTACHMENT 1

For an Energy Service Company for the
Energy Performance Contract
UT Health Science Center
SBC No. 540/013-05-2016

CERTIFICATION STATEMENT

Proposer Legal Entity Name: _____

Proposer Federal Taxpayer Identification Number: _____

Proposer Tennessee Contractor License Information:

License Number: _____ License Classification applicable to project: _____

License expiration date: _____ License Limit: \$ _____

In regard to the project identified in the header above the Proposer does hereby affirm and expressly declare confirmation, certification, and assurance of the following:

1. This proposal constitutes (a) a commitment to provide all services as defined in the RFP Pro Forma Master Contract (MC) and attached Scope of Services for the total contract period and (b) confirmation that the Proposer shall comply with all of the provisions in this Request for Proposal and shall accept all terms and conditions set out in the MC.
2. The information detailed in the proposal submitted herewith in response to the subject RFP is accurate.
3. The proposal submitted herewith in response to the subject RFP shall remain valid for at least 120 days subsequent to the date of the Cost Proposal opening and thereafter in accordance with any contract pursuant to the RFP.
4. As applicable to this proposed MC, the Proposer shall comply with:
 - a) the laws of the State of Tennessee;
 - b) Title VI of the federal Civil Rights Act of 1964;
 - c) Title IX of the federal Education Amendments Act of 1972;
 - d) the Equal Employment Opportunity Act and the regulations issued there under by the federal government;
 - e) the Americans with Disabilities Act of 1990 and the regulations issued there under by the federal government;
 - f) the condition that the submitted proposal was independently arrived at, without collusion, under penalty of perjury; and,
 - g) the condition that no amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Proposer in connection with the Procurement under this RFP.

5. The Respondent affirms the following statement, as required by the Iran Divestment Act Tenn. Code Ann. § 12-12-111. "By submission of this response, each Respondent and each person signing on behalf of any Respondent certifies, and in the case of a joint response each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Respondent is not on the list created pursuant to § 12-12-106."

6. The Proposer shall include a Security Deposit in the amount of Two Hundred Fifty Thousand Dollars (\$250,000), guaranteeing that the selected Proposer will execute the contract(s) with the State under the terms and conditions of their proposal and the RFP.

The Proposal Security Deposit shall be made payable to The University of Tennessee in one of the following forms:

- a) Certified or cashier's check

- b) Irrevocable letter of credit as defined by T.C.A. 12-4-201
- c) Proposal bond issued by security company licensed to do business in Tennessee by Tennessee Department of Commerce and Insurance and shall have certified and current power of attorney in fact attached.

6. The Proposer shall include proof of insurance in accordance with the requirements of the RFP
- a) Letter of Evidence of Professional Liability
 - b) Letter of Evidence of insurability for contractor insurance as required for Construction Phase work

7. The Proposer shall include a letter from at least one financial institution that has previously financed an EPC project of at least two million dollars (\$2,000,000), performed by this Proposer.

8. The Proposer shall include documentation as follows:
- a) For public corporations, include a complete set of audited financial statements for the Proposer for the last three years, including the Balance Sheet, the Income Statement, the Statement of Cash Flow, complete Notes to Financial Statement, and the Auditor's Report.
 - b) For nonpublic corporations provide items as mentioned in 8a above or the following:
 - a. Common size Balance Sheets and Income Statements for the Proposer for the last three years, prepared in accordance with generally accepted accounting principles.
 - b. For the last three years, the following ratios for the Proposer, calculated according to generally accepted accounting principles: Quick; Current; Sales/Working Capital; and Debt/Worth.

9. The Proposal shall include a letter of evidence of bondability for the requirements of the Construction Phase work.

10. The Proposer's status, as required by the State Building Commission Policy and Procedures, is:

(True or False) _____ The Bidder and/or any of the Bidder's employees, agents, independent contractors and/or proposed Subcontractors have been convicted of, pled guilty to, or pled nolo contendere to any contract crime involving a public contract.

(Yes or No) _____ The Bidder is a "Certified Diversity or Disadvantaged Business Enterprise," Women Owned, Minority Owned, or Small Business, per TCA. § 12-3-801-808. If "Yes", then indicate the applicable status and name the Certifying Agency below.

Status: _____

Certifying Agency: _____

11. The Proposer acknowledges receipt of Addendum:

Addendum number and date: _____

Addendum number and date: _____

Addendum number and date: _____

SIGNATURE AND DATE: _____

Printed Name and Title: _____

END OF CERTIFICATION STATEMENT