

**OFFICE OF STATE AID ROAD CONSTRUCTION
MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

AFFIDAVIT
(To Be Executed in Duplicate)

State of Mississippi
County of _____

I, _____ (Name of person signing affidavit), individually, and in
my capacity as _____ (Title) of _____
(Name of Firm, Partnership, or Corporation) being duly sworn, on oath, do depose and say as follows:

That _____ (Name of Firm, Partnership, or Corporation),
Bidder on Project No. _____, in _____ County,
Mississippi, has not either directly or indirectly entered into any agreement, participated in any
collusion; or otherwise taken any action in restraint of free competitive bidding in connection with this
contract; nor have any of its officers, partners, employees, or principal owners.

Further, being duly sworn or under penalty of perjury under the laws of the United States and the State
of Mississippi, certifies that, except as noted below, the company or any person associated therewith
in the capacity of owner, partner, director, manager, auditor, or any position involving the
administration of federal funds:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Item (b) of this subsection; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Initial here " _____ " if exceptions are attached and made a part thereof. Any exceptions shall address to whom it applies, initiating agency and dates of such action.

The prospective participant shall provide immediate written notice to the Board of Supervisors and the State Aid Engineer at any time, prior to or after award, that it is known a certification was erroneous by reason of changed circumstances.

NOTE: Exceptions will not necessarily result in denial of award but will be considered in determining prospective participant responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

AFFIDAVIT (Continued)

The prospective participant further certifies that the certification requirements contained in Section XI of Form FHWA 1273, will be or have been included in all subcontracts, material supply agreements, purchase orders, etc. except those procurement contracts for goods or services that are expected to be less than the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304 (g) and 41 U.S.C. 253 (g) (currently \$100,000) which are excluded from the certification requirements.

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction.

The certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all subrecipient shall certify and disclose accordingly.

All of the foregoing and attachments (when indicated) are true and correct.

Signature: _____

Title: _____

(SEAL)

Sworn before me this _____ day of _____ 20__

My commission expires _____

Notary Public: _____

NOTE: FAILURE TO PROPERLY SIGN AND NOTARIZE THIS AFFIDAVIT WILL DISQUALIFY THE BID.