



# STATE OF NEVADA

## Preference Bidding Certification

Nevada Public Works Preference Bidding Program  
Chapter 338 of Nevada Revised Statutes

Contract No.: \_\_\_\_\_ (the "Project")

### UNIFORM AFFIDAVIT OF CERTIFICATION

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS AFFIDAVIT IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION OR REVOCATION OF A PRIOR CERTIFICATION OR TO BE BARRED FROM BIDDING ON PUBLIC WORKS PROJECTS FOR A PERIOD OF FIVE YEARS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

The Undersigned, being first duly sworn, deposes and says:

I, \_\_\_\_\_ (full name printed), swear or affirm under penalty of law that I am \_\_\_\_\_ (title) of certifying firm \_\_\_\_\_ (firm name) and fully authorized to submit this Affidavit on behalf of the certifying firm, and that I have read and understood all of the information and statements submitted in this Affidavit and that they are true and correct to the best of my knowledge, and that all responses are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately meet the requirements for obtaining a bidder preference for Nevada public works projects pursuant to Chapter 338 of Nevada Revised Statutes (NRS).

I recognize that the information submitted in this affidavit is for the purpose of certifying that the certifying firm will meet the following requirements for the entire duration of the Project:

- (a) At least 50 percent of the workers employed on the project, including, without limitation, any employees of the Contractor and of any subcontractor engaged on the project, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;
- (b) All vehicles used primarily for the Project will be:
  - (1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Nevada Department of Motor Vehicles pursuant to NRS 706.826; or
  - (2) Registered in this State;
- (c) At least 50 percent of the design professionals working on the Project, including, without limitation, any employees of the certifying firm and of any subcontractor engaged on the Project, will have a valid driver's license or identification card issued by the Nevada Department of Motor Vehicles.

I understand that if the certifying firm receives a preference in bidding and is awarded a contract for the Project that such contract will:

- (a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (c), inclusive, above; and
- (b) Provide that a failure to comply with any requirement of paragraphs (a) to (c), inclusive, above at any time during the duration of the Project is a material breach of the contract and entitles the Nevada Department of Transportation (the "Department") to liquidated damages against the party responsible for a failure to comply with a requirement of paragraphs (a) to (c), inclusive above. If a party to the contract causes a material breach of contract between the contractor, applicant or design-build team and the public body as a result of a failure to comply with paragraphs (a) to (c), inclusive, above, the party is liable to the public body for liquidated damages in the amount of one percent (1%) of the cost of the largest contract to which he or she is a party. The public body may recover this amount directly against the party that causes the material breach, and no other party is liable to the public body for liquidated damages.

I understand that the Department may, by means it deems appropriate, determine the accuracy and truth of the records provided by the certifying firm pursuant to NRS 338.070, and I authorize the Department to contact any person or entity named in such records provided for the purpose of verifying the information supplied and determining the named firm's eligibility for a bidder preference.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the certifying firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. It is understood that refusal to permit such inquiries shall be grounds for denial of future bidder preference certification.

If awarded a contract, I agree to promptly and directly provide the Department, on an ongoing basis, current, complete, and accurate information regarding the records required pursuant to NRS 338.070.

I acknowledge and agree that any misrepresentations in this Affidavit or in the records provided pertaining to the Project will be grounds for an award of liquidated damages for breach of contract; denial or revocation of bidder preference certification; and for initiating action under federal and/or state law concerning any false statement, fraud or other applicable offenses.

I declare under penalty of perjury that the information provided in this Affidavit is true and correct.

Executed on \_\_\_\_\_ (Date)

Signature \_\_\_\_\_

(Affiant)

NOTARY CERTIFICATE:

STATE OF NEVADA            )  
  ):SS.  
COUNTY OF \_\_\_\_\_)

SIGNED and SWORN to before me on this \_\_\_\_ day of \_\_\_, 20\_\_\_, by \_\_\_\_\_.  
[Affiant's Name]

NOTARY SEAL

\_\_\_\_\_  
NOTARY PUBLIC