

**Proposal No.** \_\_\_\_\_

Commonwealth of Massachusetts  
Massachusetts Department of Transportation - Highway Division  
Office of Construction Contracts – Suite 6260  
Ten Park Plaza, Boston, MA 02116  
MassDOTspecifications@dot.state.ma.us

# **CONTRACTOR**

## **FORMS FOR EXECUTION OF CONTRACT**

**INSTRUCTIONS:** *There are two sets of Forms for Execution of Contract – Contractor and Insurance. The Contractor forms should be completed and signed electronically by the Contractor, following the below checklist.*

*Both the Contractor forms and the Insurance forms must be returned together electronically by email within fourteen (14) calendar days of the contract award to the Office of Construction Contracts. In addition to sending an electronic copy of both the Contractor and Insurance forms, an original copy of the Contractor forms with electronic signatures and the Insurance forms with wet signatures must be mailed together to the Office of Construction Contracts. Please ensure the Contract Execution Date is the same across each of the Contractors and Insurance forms.*

*Failure of the Contractor to properly complete or return any Forms for Execution of Contract within fourteen calendar days of the contract award will result in a delay of the execution of your contract<sup>1</sup>. Per the Notice of Contract Award, these contract forms for execution are available on [www.bidx.com](http://www.bidx.com)*

### **BEFORE RETURNING CONTRACTOR FORMS FOR EXECUTION OF CONTRACT, PLEASE CHECK THE FOLLOWING:**

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#### **1. CONTRACT - One Original**

- Clause 1: Fill in the **Contract Execution Date**, defined as a date after the Award date that the Contractor executes these contract forms. This date must coincide with all Contract Execution Dates where indicated on both the Contractor and Insurance forms for execution, and must be *after* the date of Contract Award.
  - Clause 1: Select the appropriate option per the business type and location.
  - Clause 3: Enter contractor's authorized representative(s) name and title. Enter Contractor Company name, affix signature of authorized representative and name of authorized representative. If the company is a corporation, affix the Corporate Seal.
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#### **2. AUTHORIZED SIGNATORY - One Original Board Vote**

- Select and complete Option 1 or 2 based on the type of Board of Directors meeting held.
  - Ensure the Board of Directors vote, authorizing whomever with signatory powers, coincides with the signature on the Contract Pages, Bonds and Certificate of Compliance. The date of the vote must be prior to or on the Contract Execution Date.
  - Affix the corporate seal.
  - Return the original board votes with signatures.
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<sup>1</sup> Section 3.05 of the Standard Specifications of Highways and Bridges states: the prepared Contract forms, bond forms and certificate of insurance forms will be sent with notification of award to the successful bidder who shall execute and deliver the Contract and furnish the required surety to the Department within fourteen calendar days after the date of the notice of award.

**3. CERTIFICATION OF CONTRACTOR AND MASSDOT - One Original**

- This form is required only on federal aid projects (if provided within Forms for Execution).
  - Complete the Certification of Contractor section on the top half of this page. Sign and enter the Contract Execution Date.
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**4. CERTIFICATE OF COMPLIANCE - One Original**

- Enter authorized signatory name and title, company name, and address for principle place of business.
  - Sign, enter title, name, and Contract Execution Date.
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**5.1 DOCUMENT 00859 CONTRACTOR/SUBCONTRACTOR CERTIFICATION - One Original**

- Enter the prime contractor name and date (must be the contract execution date). The contract number, project number, federal aid number (if applicable), location, and description will be completed by MassDOT. Do not enter a Subcontractor name.
  - Complete only Part 1 at this time. Check off documents used for the project. Check the forms required for all *non-M/W/SDV/DBEs*.
    - For all projects (federal aid and non-federal aid), the following Documents are required: 00820, 00821, 00859, 00860
    - For non-federal aid (NFA) projects, Document 00761 is required in addition to:
      - For Joint Check arrangements, Document B00846 is required.
      - For Joint Ventures, Document B00847 is required.
    - For federal aid (FA) projects:
      - For Joint Check arrangements, Document B00855 is required.
      - For Joint Ventures, Document B00856 is required.
      - For trainee(s) requirements (Federal On-the-Job Training), 00875 is required.
  - Enter the date. Sign and enter name of authorized signatory of the prime contractor.
  - Do not complete Part 2 Subcontractor Certification at this time.** This section should be completed at a later date following the execution of these contract forms.
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**5.2 DOCUMENT 00859 CONTRACTOR/SUBCONTRACTOR CERTIFICATION (2<sup>nd</sup> Copy) - One Original (Only Applicable if Contract Includes DBE or M/W/SDVBE Requirements)**

- A 2<sup>nd</sup> copy of the Document 00859 is only required if the contract contains federal DBE or state M/W/SDVBE requirements. The 2<sup>nd</sup> copy should indicate the forms required for all such DBEs or M/W/SDVBEs.
- Enter the prime contractor name and date (must be the contract execution date). The contract number, project number, federal aid number (if applicable), location, and description will be completed by MassDOT. Do not enter a Subcontractor name.
- Complete only Part 1. Check off documents used for the project. If the project has DBE or M/W/SDVBE requirements, the second copy of Document 00859 must indicate required forms for DBEs or M/W/SDVBEs.
  - For all projects (federal aid and non-federal aid), the following Documents are required: 00820, 00821, 00859, 00860
  - For non-federal aid (NFA) projects, Document 00761 is required in addition to:
    - If there is an M/WBE and/or SDVBE goal, Document 00718 is required
    - If there is an M/WBE goal, B00842 and B00843 are required
    - If there is an SDVBE goal, B00844 and B00845 are required
    - For Joint Check arrangements, Document B00846 is required.
    - For Joint Ventures, Document B00847 is required.

- For federal aid (FA) projects:
    - If there is a DBE goal, Documents 00719, B00853, B00854 are required.
    - For Joint Check arrangements, Document B00855 is required.
    - For Joint Ventures, Document B00856 is required.
    - For trainee(s) requirements (Federal On-the-Job Training), 00875 is required.
  - Enter the date. Sign and enter name of authorized signatory of the prime contractor.
  - Do not complete Part 2 Subcontractor Certification at this time.** This section should be completed at a later date following the execution of these contract forms.
- 

**6. OUT OF STATE CERTIFICATE (SAMPLE) - One Original**

- If your corporation is not located in Massachusetts, an Out of State Certificate certifying that you are eligible to do business in the Commonwealth of Massachusetts must be submitted. This certificate is obtained at the Secretary of State's office, One Ashburton Place, 17th Floor, Boston, MA 02108, (617) 727-9640.
  - A digital copy of this certificate must be included together with the electronic submission of the Contractor forms and the Insurance forms, and a paper copy provided by mail with the original Contractor and Insurance forms.
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**7. DIESEL CONSTRUCTION EQUIPMENT DATA SHEET – One Original (If Applicable)**

- Submit a certified list of all applicable Diesel Construction Equipment (DCE) to be utilized on the project and provide the required information for each DCE in tabular form. A standardized form is provided; an electronic file may be submitted.
  - For each piece of DCE, the Contractor must also submit digital color pictures showing the machine and the MassDOT-issued compliance label (with inspection tag number).
  - The Contractor and subcontractor must maintain detailed records of all DCE used on the project, including the duration times the DCE is used on the project site. Records must be available for inspection by MassDOT. The engineer must be immediately notified of any new DCE brought onto the project.
  - For more information on the Diesel Retrofit Specification please visit [www.mass.gov](http://www.mass.gov).
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**Complete and sign the Contractor forms electronically, following the checklist. The Contractor forms and the Insurance forms must be returned together electronically by email within fourteen (14) calendar days of the contract award to the Office of Construction Contracts. In addition to sending an electronic copy of both the Contractor and Insurance forms, an original copy of the Contractor forms (with electronic signatures) and Insurance forms (with wet signatures) must be mailed together to the Office of Construction Contracts.**

Please contact the Office of Construction Contracts with questions at [MassDOTspecifications@dot.state.ma.us](mailto:MassDOTspecifications@dot.state.ma.us).

# 1. CONTRACT

**Clause 1.** This agreement made \_\_\_\_\_ (Contract Execution Date), between the Commonwealth of Massachusetts, by the Massachusetts Department of Transportation – Highway Division, for the said Commonwealth, and \_\_\_\_\_ (Contractor Name),

[OPTION 1 – LLC or JV] a \_\_\_\_\_ (Type of Business Structure) registered to do business in the Commonwealth of Massachusetts under MGL Chapter 156C and having a usual place of business in \_\_\_\_\_ (Contractor Town/City), \_\_\_\_\_ (Contractor State), herein called the Contractor.

or

[OPTION 2 – In-State Contractor] a \_\_\_\_\_ (Type of Business Structure) duly organized under the laws of the Commonwealth of Massachusetts and having a usual place of business in \_\_\_\_\_ (Contractor Town/City), Massachusetts, herein called the Contractor.

or

[OPTION 3 – Out-of-State Contractor] a \_\_\_\_\_ (Type of Business Structure) duly organized under the laws of \_\_\_\_\_ (Contractor State) and registered to do business in the Commonwealth of Massachusetts and having a usual place of business in \_\_\_\_\_ (Contractor Town/City), \_\_\_\_\_ (Contractor State), herein called the Contractor.

Additional Notes:

**Clause 2.** Witnesseth, That the parties to this agreement, each in consideration of the agreements on the part of the other herein contained, do hereby agree, the Commonwealth of Massachusetts for itself, and said Contractor for itself and its successors and assigns as follows: The contractor agrees to furnish all equipment, machinery, tools and labor and furnish and deliver all materials required to be furnished and delivered in and about the improvement and to do and perform all work in

\_\_\_\_\_ (Project Name)

in strict conformity with the provisions herein contained and of the Notice to Contractors, Proposal and Special Provisions hereto attached, and the applicable Standard Specifications for Highways and Bridges with the plans referred to herein. All said plans, Standard Specifications, Supplemental Specifications, Special Provisions, Notice to Contractors and Proposal are hereby made a part of this contract.

**Clause 3.** In consideration of the foregoing premises the Commonwealth agrees to pay and the Contractor agrees to receive as full compensation for everything furnished and done by the Contractor under this contract, including all work required but not shown on the plans for the

items herein mentioned, and also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any delay or from any unforeseen obstruction or difficulty encountered in the prosecution of the work, and for all risks of every description connected with the work, and for all expenses incurred by or in consequence of the suspension or discontinuance of the work as herein specified, and for well and faithfully completing the work, and the whole thereof, as herein provided, such unit prices are set out in the accompanying proposal, and for all work required, for which there is no item in the proposal, such compensation as is provided for in the aforesaid specifications.

On November 1, 2009, the Massachusetts Department of Highways was abolished, and all assets, liabilities, and obligations became those of the Massachusetts Department of Transportation. Anywhere in this contract the terms Commission, Commonwealth, Department of Public Works, Department, Massachusetts Highway Department, MassHighway, Party of the First Part, or any other term intending to mean the former Massachusetts Department of Highways is herein used, it shall be interpreted to mean the Massachusetts Department of Transportation or applicable employee of MassDOT unless the context clearly requires otherwise.

Pursuant to St. 2009, c. 25 "An Act Modernizing the Transportation Systems of the Commonwealth", as amended, the Massachusetts Department of Transportation has by operation of law inherited all rights and obligations pursuant to any contract, and therefore parties to this contract hereby acknowledge and agree that its terms shall be liberally construed and interpreted to maintain the rights and obligations of the Massachusetts Department of Transportation. Furthermore, the parties hereby acknowledge and agree that the transfer of all rights and obligations from the Massachusetts Department of Highways to the Massachusetts Department of Transportation shall not have the effect of altering or eliminating any provision of this contract in a manner that inures to the detriment of the Massachusetts Department of Transportation.

In witness whereof, the said Contractor has caused these presents to be signed in its name and behalf and its corporate seal to be hereto affixed by

\_\_\_\_\_ (Authorized Signatory Name)

its \_\_\_\_\_ (Authorized Signatory Title)

thereto duly authorized, and the said Commonwealth has executed these presents by The Massachusetts Department of Transportation on the year and day above written.

X \_\_\_\_\_ (Authorized Representative Signature)  
Massachusetts Department of Transportation

BY X \_\_\_\_\_ (Authorized Signature)

\_\_\_\_\_ (Authorized Signatory Name)

\_\_\_\_\_ (Contractor Name)

Contractor Corporate Seal

## 2. AUTHORIZED SIGNATORY

[Option 1] At a meeting of the Board of Directors of the

\_\_\_\_\_ (Contractor Name) held on  
\_\_\_\_\_ (Date of Meeting), at which all the Directors were present or waived notice, it was

or

[Option 2] At a regularly called meeting of the Board of Directors of the

\_\_\_\_\_ (Contractor Name)  
held on \_\_\_\_\_ (Date of Meeting), at which a quorum was present, it was

VOTED, that \_\_\_\_\_ (Name of Authorized Signatory),  
\_\_\_\_\_ (Title of Authorized Signatory) of this company, and  
they are hereby authorized to execute contracts and bonds in the name and behalf of said  
company, and affix its corporate seal thereto; and such execution of any contract or obligation in  
this company's name on its behalf by such \_\_\_\_\_ (Title of  
Authorized Signatory) under seal of this company shall be valid and binding upon this company.

A True Copy Attest:

Clerk X \_\_\_\_\_ (Clerk Signature)  
\_\_\_\_\_ (Clerk Name)  
\_\_\_\_\_ (Place of Business)  
\_\_\_\_\_ (Business Address)  
\_\_\_\_\_ (Contract Execution Date)

I, \_\_\_\_\_ (Clerk Name) hereby certify that I am the clerk of the  
\_\_\_\_\_ (Contractor Name) and that  
\_\_\_\_\_ (Name of Authorized Signatory) is the duly elected  
\_\_\_\_\_ (Title of Authorized Signatory) of said company, and that  
the above vote has not been amended or rescinded and remains in full force and as of this date.

Clerk X \_\_\_\_\_ (Clerk Signature)

Contractor Corporate Seal

State Contract No. \_\_\_\_\_  
Federal Aid Project \_\_\_\_\_  
State MASSACHUSETTS

### 3. CERTIFICATION OF CONTRACTOR AND MASSDOT

#### **Certification of Contractor**

I hereby certify that I am the \_\_\_\_\_ (Authorized Signatory Title)  
and duly authorized representative of the firm of

\_\_\_\_\_ (Contractor Name)

whose address is \_\_\_\_\_ (Contractor Address)

and that neither I nor the above firm I here represent has:

- a. employed or retained for a commission, percentage, brokerage contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above contractor) to solicit or secure this contract,
- b. agreed, as an express or implied condition for obtaining this contract to employ or retain the services of any firm or person in connection with carrying out the contract;

except as here expressly stated (if any):

\_\_\_\_\_  
\_\_\_\_\_

I acknowledge that this certificate is to be furnished to the State Highway Department and the Federal Highway Administration U.S. Department of Transportation in connection with this contract involving participation of Federal Aid Highway Funds, and is subject to applicable State and Federal Laws, both criminal and civil.

Signature X \_\_\_\_\_ Date \_\_\_\_\_  
(Authorized Signature) (Contract Execution Date)

#### **Certification of MassDOT – Highway Division**

I hereby certify that I am the Chief Engineer of the MassDOT – Highway Division of the Commonwealth of Massachusetts and the above contracting firm or his representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining and carrying out this contract to

- a. employ or retain, or agree to employ or retain, any firm or person or
- b. pay, or agree to pay, to any firm or person, or organization, any fee, contribution, donation or consideration of any kind;

except as here expressly state (if any):

\_\_\_\_\_  
\_\_\_\_\_

I acknowledge that this certificate is to be furnished to the Federal Highway Administration U.S. Department of Transportation in connection with this contract involving participation of Federal Aid Highway Funds, and is subject to applicable State and Federal Laws, both criminal and civil.

Date \_\_\_\_\_ Signature X \_\_\_\_\_

I, \_\_\_\_\_ (Name of Authorized Signatory),  
\_\_\_\_\_ (Title of Authorized Signatory) authorized signatory for  
\_\_\_\_\_ (Legal Contractor Name) whose principal place of  
business is at \_\_\_\_\_ (Contractor Address)  
and Contractor Vendor/Customer Code \_\_\_\_\_ (Contractor Vendor/Customer Code)

do hereby certify, under the pains and penalties of perjury, that the aforementioned Contractor has complied and will continue to comply with all applicable laws, regulations, Executive Orders and policies, including, but not limited to, the following:

**STATE TAX COMPLIANCE**

All laws of the Commonwealth relating to taxes, including Section 36 of Chapter 233 of the Acts of 1983, amending Section of 49A (b), of Chapter 62C, General Laws;

**MASSACHUSETTS EMPLOYMENT SECURITY**

All employment security laws of the Commonwealth, including Section 19A (b) of Chapter 151A of the General Laws and all others related to contributions and payments in lieu of contributions;

**EXECUTIVE ORDER 481 – PROHIBITING THE USE OF UNDOCUMENTED WORKERS ON STATE CONTRACTS**

Contractor shall not knowingly use undocumented workers in connection with the performance of this Contract; that pursuant to federal requirements, the Contractor shall verify the immigration status of all workers assigned to this Contract, and all subcontracts related thereto, without engaging in unlawful discrimination; and that the Contractor shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). The Contractor understands and agrees that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting the Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

**CONSTRUCTION EQUIPMENT STANDARD – HIGHWAY SPECIFICATION 7.02**

DEP Mass Clean Diesel Program, whereby any and all large non-road (greater than 50 horsepower) diesel construction equipment (DCE) to be used in this contract has emission control devices installed, such as oxidation catalysts or particulate filters, on the exhaust system side of the diesel combustion engine equipment. Contractor further agrees to provide a list of said DCE to the Massachusetts Department of Transportation – Highway Division prior to its actual use in connection with this Contract, including but not limited to the number of vehicles subject to this certification and the number of vehicles retrofitted by vehicle type.

I acknowledge that this certificate is being furnished as a requirement under this Contract, and is subject to applicable, State and Federal Laws, both criminal and civil.

X \_\_\_\_\_  
Authorized Signature Title of Authorized Signatory  
\_\_\_\_\_  
Name of Authorized Signatory Contract Execution Date



## 5.1 DOCUMENT 00859 CONTRACTOR / SUBCONTRACTOR CERTIFICATION FORM ‡

Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

‡This form shall be prepared and submitted to MassDOT for every subcontractor; the Prime Contractor shall ensure that the indicated documents have been given, as applicable, to its Sub-Contractors.

Subcontractor: \_\_\_\_\_

Contract No.: \_\_\_\_\_ Project No.: \_\_\_\_\_ Federal Aid No.: \_\_\_\_\_

Location: \_\_\_\_\_

Project Description: \_\_\_\_\_

**PART 1 CONTRACTOR CERTIFICATION:** I hereby certify, as an authorized official of this company, that to the best of my knowledge, information and belief, the company is in compliance with all applicable federal and state laws, rules, and regulations governing fair labor and employment practices, that the company will not discriminate in their employment practices, that the company will make good faith efforts to comply with the minority employee and women employee workforce participation ratio goals and specific affirmative action steps contained in Contract Document 00820 Commonwealth of Massachusetts Supplemental Equal Employment Opportunity, Non-Discrimination and Affirmative Action Program, and that the company will comply with the special provisions and documentation indicated below (as checked).

I further hereby certify, as an authorized official of this company, that the special provisions and documentation indicated below (as checked) have been or are included in, and made part of, the Subcontractor Agreement entered into with the firm named above.

- This is not a Federally-aided construction project**
- Doc. #**
- 00718 – Participation by Minority Or Women's Business Enterprises and SDVOBE†
- 00761 – Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- 00820 – MA Supplemental Equal Employment Opportunity, Non-Discrimination, and Affirmative Action Program
- 00821 – Electronic Reporting Requirements, Civil Rights Programs, and Certified Payroll
- 00859 – Contractor/Subcontractor Certification Form (this document)
- 00860 – MA Employment Laws
- 00861 – Applicable State Wage Rates in the Contract Proposal\*\*
- B00842 – MA Schedule of Participation By Minority or Women Business Enterprises (M/WBEs)†
- B00843 – MA Letter of Intent – M/WBEs†
- B00844 – Schedule of Participation By SDVOBE
- B00845 – Letter of Intent – SDVOBE
- B00846 – M/WBE or SDVOBE Joint Check Arrangement Approval Form
- B00847 – Joint Venture Affidavit

\*\* Does not apply to Material Suppliers, unless performing work on-site

† Applies only if Subcontractor is a M/WBE; only include these forms for the particular M/WBE Entity

- This is a Federally-aided construction project (Federal Aid Number is present)**
- Doc. #**
- 00719 – Special Provisions for Participation by Disadvantaged Business Enterprises†
- 00760 – Form FHWA 1273 - Required Contract Provisions for Federal-Aid Construction Contracts
- 00820 – MA Supplemental Equal Employment Opportunity, Non-Discrimination and Affirmative Action Program
- 00821 – Electronic Reporting Requirements, Civil Rights Programs and Certified Payroll
- 00859 – Contractor/Subcontractor Certification Form (this document)
- 00860 – MA Employment Laws
- 00870 – Standard Federal Equal Employment Opportunity Construction Contract Specifications Executive Order 11246, 41 CFR Parts 60-4.2 and 60-4.3 (Solicitations and Equal Opportunity Clauses)\*
- 00875 – Federal Trainee Special Provisions
- B00853 – Schedule of Participation by Disadvantaged Business Enterprise†
- B00854 – Letter of Intent – DBE†
- B00855 – DBE Joint Check Arrangement Approval Form
- B00856 – Joint Venture Affidavit
- 00861 / 00880 - Applicable state and federal wage rates from Contract Proposal\*\*
  - \*Applicable only to Contracts or Subcontracts in excess of \$10,000
  - \*\*Does not apply to Material Suppliers, unless performing work on-site
  - † Applies only if Subcontractor is a DBE; only include these forms for the particular DBE Entity

Signed this \_\_\_\_\_ (Contract Execution Date) Under The Pains And Penalties Of Perjury.

X \_\_\_\_\_ (Authorized Signature)

\_\_\_\_\_ (Name of Authorized Signatory)

\_\_\_\_\_ (Title of Authorized Signatory)

**PART 2 SUBCONTRACTOR CERTIFICATION:** I hereby certify, as an authorized official of this company, that the required documents in Part 1 above were physically incorporated in our Agreement/Subcontract with the Contractor and give assurance that this company will fully comply or make every good faith effort to comply with the same. I further certify that:

1. This company recognizes that if this is a Federal-Aid Project, then this Contract is covered by the equal employment opportunity laws administered and enforced by the United States Department of Labor (“USDOL”), Office of Federal Contract Compliance Programs (“OFCCP”). By signing below, we acknowledge that this company has certain reporting obligations to the OFCCP, as specified by 41 CFR Part 60-4.2.
2. This company further acknowledges that any contractor with fifty (50) or more employees on a Federal-aid Contract with a value of fifty-thousand (\$50,000) dollars or more must annually file an EEO-1 Report (SF 100) to the EEOC, Joint Reporting Committee, on or before September 30th, each year, as specified by 41 CFR Part 60-1.7a.
3. For more information regarding the federal reporting requirements, please contact the USDOL, OFCCP Regional Office, at 1-646-264-3170 or EEO-1, Joint Reporting Committee at 1-866-286-6440. You may also find guidance at:  
<http://www.dol.gov/ofccp/TAguides/consttag.pdf> or <http://www.wdol.gov/dba.aspx#0>.

**Proposal No.** \_\_\_\_\_

4. This company  has /  has not participated in a previous contract or subcontract subject to the Equal Opportunity clauses set forth in 41 CFR Part 60-4 and Executive Order 11246, and where required, has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs or the EEO Commission all reports due under the applicable filing requirements.
5. This company is in full compliance with applicable Federal and Commonwealth of Massachusetts laws, rules, and regulations and is not currently debarred or disqualified from bidding on or participating in construction contracts in any jurisdiction of the United States. See : <http://www.massdot.state.ma.us/Debarred.aspx>.
6. This company is properly registered and in good standing with the Office of the Secretary of the Commonwealth.

Signed this \_\_\_\_\_ (Subcontractor Certification Date) Under The Pains And Penalties Of Perjury.

Subcontractor: \_\_\_\_\_  
Address: \_\_\_\_\_

X \_\_\_\_\_  
(Authorized Signature)

Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
(Print Name and Title)

Federal I.D. Number: \_\_\_\_\_

Estimated Start Date: \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_

Estimated Dollar Amount: \_\_\_\_\_

\_\_\_\_\_  
Date

## 5.2 DOCUMENT 00859 CONTRACTOR / SUBCONTRACTOR CERT. FORM ‡ (2<sup>nd</sup> Copy)

Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

‡ This form shall be prepared and submitted to MassDOT for every subcontractor; the Prime Contractor shall ensure that the indicated documents have been given, as applicable, to its Sub-Contractors.

Subcontractor: \_\_\_\_\_

Contract No.: \_\_\_\_\_ Project No.: \_\_\_\_\_ Federal Aid No.: \_\_\_\_\_

Location: \_\_\_\_\_

Project Description: \_\_\_\_\_

**PART 1 CONTRACTOR CERTIFICATION:** I hereby certify, as an authorized official of this company, that to the best of my knowledge, information and belief, the company is in compliance with all applicable federal and state laws, rules, and regulations governing fair labor and employment practices, that the company will not discriminate in their employment practices, that the company will make good faith efforts to comply with the minority employee and women employee workforce participation ratio goals and specific affirmative action steps contained in Contract Document 00820 Commonwealth of Massachusetts Supplemental Equal Employment Opportunity, Non-Discrimination and Affirmative Action Program, and that the company will comply with the special provisions and documentation indicated below (as checked).

I further hereby certify, as an authorized official of this company, that the special provisions and documentation indicated below (as checked) have been or are included in, and made part of, the Subcontractor Agreement entered into with the firm named above.

- This is not a Federally-aided construction project**
- Doc. #**
- 00718 – Participation by Minority Or Women's Business Enterprises and SDVOBE†
- 00761 – Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- 00820 – MA Supplemental Equal Employment Opportunity, Non-Discrimination, and Affirmative Action Program
- 00821 – Electronic Reporting Requirements, Civil Rights Programs, and Certified Payroll
- 00859 – Contractor/Subcontractor Certification Form (this document)
- 00860 – MA Employment Laws
- 00861 – Applicable State Wage Rates in the Contract Proposal\*\*
- B00842 – MA Schedule of Participation By Minority or Women Business Enterprises (M/WBEs)†
- B00843 – MA Letter of Intent – M/WBEs†
- B00844 – Schedule of Participation By SDVOBE
- B00845 – Letter of Intent – SDVOBE
- B00846 – M/WBE or SDVOBE Joint Check Arrangement Approval Form
- B00847 – Joint Venture Affidavit

\*\* Does not apply to Material Suppliers, unless performing work on-site

† Applies only if Subcontractor is a M/WBE; only include these forms for the particular M/WBE Entity

- This is a Federally-aided construction project (Federal Aid Number is present)**
- Doc. #**
- 00719 – Special Provisions for Participation by Disadvantaged Business Enterprises†
- 00760 – Form FHWA 1273 - Required Contract Provisions for Federal-Aid Construction Contracts
- 00820 – MA Supplemental Equal Employment Opportunity, Non-Discrimination and Affirmative Action Program
- 00821 – Electronic Reporting Requirements, Civil Rights Programs and Certified Payroll
- 00859 – Contractor/Subcontractor Certification Form (this document)
- 00860 – MA Employment Laws
- 00870 – Standard Federal Equal Employment Opportunity Construction Contract Specifications Executive Order 11246, 41 CFR Parts 60-4.2 and 60-4.3 (Solicitations and Equal Opportunity Clauses)\*
- 00875 – Federal Trainee Special Provisions
- B00853 – Schedule of Participation by Disadvantaged Business Enterprise†
- B00854 – Letter of Intent – DBEs†
- B00855 – DBE Joint Check Arrangement Approval Form
- B00856 – Joint Venture Affidavit
- 00861 / 00880 - Applicable state and federal wage rates from Contract Proposal\*\*
  - \*Applicable only to Contracts or Subcontracts in excess of \$10,000
  - \*\*Does not apply to Material Suppliers, unless performing work on-site
  - † Applies only if Subcontractor is a DBE; only include these forms for the particular DBE Entity

Signed this \_\_\_\_\_ (Contract Execution Date) Under The Pains And Penalties Of Perjury.

X \_\_\_\_\_ (Authorized Signature)

\_\_\_\_\_ (Name of Authorized Signatory)

\_\_\_\_\_ (Title of Authorized Signatory)

**PART 2 SUBCONTRACTOR CERTIFICATION:** I hereby certify, as an authorized official of this company, that the required documents in Part 1 above were physically incorporated in our Agreement/Subcontract with the Contractor and give assurance that this company will fully comply or make every good faith effort to comply with the same. I further certify that:

7. This company recognizes that if this is a Federal-Aid Project, then this Contract is covered by the equal employment opportunity laws administered and enforced by the United States Department of Labor (“USDOL”), Office of Federal Contract Compliance Programs (“OFCCP”). By signing below, we acknowledge that this company has certain reporting obligations to the OFCCP, as specified by 41 CFR Part 60-4.2.
8. This company further acknowledges that any contractor with fifty (50) or more employees on a Federal-aid Contract with a value of fifty-thousand (\$50,000) dollars or more must annually file an EEO-1 Report (SF 100) to the EEOC, Joint Reporting Committee, on or before September 30th, each year, as specified by 41 CFR Part 60-1.7a.
9. For more information regarding the federal reporting requirements, please contact the USDOL, OFCCP Regional Office, at 1-646-264-3170 or EEO-1, Joint Reporting Committee at 1-866-286-6440. You may also find guidance at: <http://www.dol.gov/ofccp/TAquides/consttag.pdf> or <http://www.wdol.gov/dba.aspx#0>.

- 10. This company  has /  has not participated in a previous contract or subcontract subject to the Equal Opportunity clauses set forth in 41 CFR Part 60-4 and Executive Order 11246, and where required, has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs or the EEO Commission all reports due under the applicable filing requirements.
- 11. This company is in full compliance with applicable Federal and Commonwealth of Massachusetts laws, rules, and regulations and is not currently debarred or disqualified from bidding on or participating in construction contracts in any jurisdiction of the United States. See : <http://www.massdot.state.ma.us/Debarred.aspx>.
- 12. This company is properly registered and in good standing with the Office of the Secretary of the Commonwealth.

Signed this \_\_\_\_\_ (Subcontractor Certification Date) Under The Pains And Penalties Of Perjury.

Subcontractor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Federal I.D. Number: \_\_\_\_\_  
Estimated Start Date: \_\_\_\_\_  
Estimated Completion Date: \_\_\_\_\_  
Estimated Dollar Amount: \_\_\_\_\_

X \_\_\_\_\_  
(Authorized Signature)  
\_\_\_\_\_  
(Print Name and Title)  
\_\_\_\_\_  
Date

## 6. OUT OF STATE CERTIFICATE (SAMPLE)

*\*Must Come from Secretary of State of the Commonwealth of Massachusetts\**

Date: \_\_\_\_\_

To Whom It May Concern:

I hereby certify that according to the records of this office,

\_\_\_\_\_  
(Company Name)

a corporation organized under the laws of \_\_\_\_\_  
(State Organized Under)

on \_\_\_\_\_ was qualified to do business in this Commonwealth on  
(Date Qualified to do Business in MA)

\_\_\_\_\_ under the provisions of the General Laws, and I further certify  
(Date of Qualification Inquiry)

that said corporation is still qualified to do business in this Commonwealth.

I also certify that said corporation is not delinquent in the filing of any annual reports required to date.

In testimony of which, I have hereunto affixed the Great Seal of the Commonwealth on the date first above written.

X \_\_\_\_\_  
(Signature of Secretary of State)

State Seal

Certificate Number: \_\_\_\_\_

## 7. DIESEL CONSTRUCTION EQUIPMENT DATA SHEET

Contractor Name: \_\_\_\_\_

Contract No: \_\_\_\_\_

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Equipment Type	Own / Rent	Equipment Make	Equipment Model & Year	Fuel Type	Equipment VIN	Equipment HP Rating	ECD Type DOC/DPF	ECD Manufact.	ECD Make	ECD Model	ECD Cert.	ECD Install Date



