BID

TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

FOR

FIBER OPTIC INSTALLATION ON THE M-LINE, K-LINE, R10 AND C10

CONTRACT NO.15EL-171

Name of Bidder PHASE 3 COMMUNICATIONS INC

Business Address 224 N. 27TH ST STE B SAN JOSE CA 95116

Address where notification should be sent 224 N. 27TH STE B SAN JOSE CA 95116

Business office number 408 946 9011 facsimile (Fax) number 408 946 0672

Email address NICK@P3COM.NET (where notification should be sent).

Please indicate how you found out about this contract: (check all that apply)

- [ ] Through newspaper advertisement
- [x] Through BART web site
- [ ] Through one of the plan rooms
- [ ] Through advance notice to Bidders
- [ ] Other (_____)

The Work to be done is located in the Counties of Alameda, Contra Costa, San Francisco, and San Mateo, State of California, and is to be done in accordance with the Contract Documents which include the Contract Drawings and the referenced sections of BART Facilities Standards, Standard Specifications, Release – R3.0, dated January 2013, and the Contract Book incorporating the General Conditions, Supplementary Conditions, Contract Specifications, and other documents as listed therein.

The undersigned, as Bidder, declares that the only person or parties interested in this Bid as principals are those named herein; that this Bid is made without collusion with any other person, firm or corporation; that the undersigned has carefully examined the location of the proposed Work, the annexed proposed form of Contract, and the Contract Documents therein referred to; and the undersigned proposes and agrees, if this Bid is accepted, that the undersigned will contract with the San Francisco Bay Area Rapid Transit District, in the form of the copy of the Contract annexed hereto, to provide all necessary labor, machinery, tools, apparatus, and other means of construction, and to do all the Work and provide all the materials specified in the Contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that the undersigned will take in full payment therefor the following prices:

BID SCHEDULE

ITEM	UNIT	QUANTITY	DESCRIPTION	UNIT PRICE	ITEM TOTAL
1	LUMP SUM	1	Conduct survey to propose cable installation routes as indicated	XXXXX	$ 12000.00
2	EACH	11	Provide and install BART Fiber Entry Cabinet (BFEC), designed to accommodate 576 fibers, in Contract Specification Section 01 00 00 Summary of Work, Article 1.05G, as indicated.	$ 16000.0	$ 176000.00
3	EACH	1	Provide 2000 feet for 2-strand fiber cross connect cables, as indicated.	$ 1720.00	$ 1720.00
4	EACH	1	Provide 2000 feet for 4-strand fiber cross connect cables, as indicated.	1960.00	1960.00
5	EACH	22	Provide and install Fiber Patch Panel (FPP) with accessories as indicated.	$ 2800.00	$ 61600.00
6	LINEAR FOOT	43,625	Furnish, install, and terminate and test 48 fiber, Single Mode, LSZH, fiber optic cable, as indicated.	$ 11.72	$ 511285.00
7	LINEAR FOOT	2,487	Provide and install new one and a half inch (1.5") Galvanized Rigid Steel (GRS) conduit and associated fittings.	$ 34.75	$ 86423.25
8	LUMP SUM	1	Allowance for Directional Boring under Main Line Tracks at KYC, KTT, and MDC, Contract Specification Section 01 11 00, Article 1.05M	XXXXX	$90,000
9	LUMP SUM	1	Allowance for Changed Site Conditions and District caused delays, Contract Specification Section 01 20 00, Article 1.05D.	XXXXX	$100,000
TOTAL BID PRICE (ITEMS 1 THROUGH 9 INCLUSIVE)					$ 1040988.25

The above item totals for all Bid Items **No. 1 through No. 9**, are submitted by the Bidder for the convenience of the District. In the event of a discrepancy between the Bid unit price and the amount entered in the item total column, the Bid unit price shall govern. The District will calculate the total Bid Price based on the unit prices or lump sum prices bid, as applicable. In the event of a discrepancy between the District's calculations and the item totals for all Bid Items as submitted by the Bidder, the District's calculations shall govern.

The District reserves the right, in its sole discretion, to make no Award, or to make an Award to the lowest responsible Bidder.

FOR A BID TO BE CONSIDERED, ALL ITEMS MUST BE BID.

THE DISTRICT RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

If this Bid shall be accepted and the undersigned shall fail to contract as aforesaid and to give the two bonds in the sums to be determined as specified, with surety satisfactory to the District, or to provide specified Certificates of Insurance within ten (10) Days after the Bidder has received notice from the District that the Contract has been awarded, unless the District, in its discretion, allows additional time in writing for such submissions, the District may, at its option, determine that the Bidder has abandoned the Contract; thereupon this Bid and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this Bid shall occur and the same shall be the property of the District.

Accompanying this Bid is (1) Bid Bond in an amount equal to at least ten percent (10%) of the total Bid Price.

Receipt of the following attached Addenda is hereby acknowledged:

Addenda numbers _____

The Bidder, _____
(name),

hereby certifies that:

(A) Bidder is aware of the provisions of Supplementary Conditions Article SC7.1 regarding the District's Disadvantaged Business Enterprise and Small Business Entity participation policy for the Contract and the requirements for submission of DBE and SBE information; and

(B) Bidder has read the Contract Book, understands its requirements, including those for keeping records, and has asked for explanations of anything it did not understand.

(2) Bidder holds California Contractor's license No. 777630, Classification C-10. The license expiration date is 4-30-16. Bidder's current DIR Contractor's Registration Number is 1000002032 If the Bidder is a joint venture, list the California Contractor's license numbers, classifications and expiration dates and DIR Contractor's Registration Numbers for each joint venturer as follows:

(3)

Name of Joint Venturer	Contractor's License	Classification Expiration Date	DIR Contractor's Registration
A.			
B.			
C.			

Failure to provide any joint venturer's information as required above may render the Bid non-responsive.

Bidder declares under penalty of perjury that the foregoing is true and correct.

PHASE 3 COMMUNICATIONS INC
(4) Name of Bidder

(4) Signature of Bidder

(5)
(6) NICOLAS DEZUBIRIA, PRESIDENT
Print Name and Title of Person Signing

Dated MARCH 16, 2015.

NOTES:

(1) Insert the words "cash," "cashier's check," "certified check," or "Bidder's Bond," as the case may be.

(2) If the Bidder is joint venture the Bidder may submit its valid State Contractor's license number, classification and expiration date with the Bid, but shall submit such information no later than 2 PM on Friday of the week following the date of Bid opening to the Contract Administrator at the address indicated in the Instructions to Bidders

(3) If the joint venture consists of more than three joint ventures, add additional lines as needed.

(4) If the Bidder is a joint venture, the name of the Bidder and the signature shall match the name of the joint venture and the signature as provided in the joint venture agreement and conform with the requirements in the Instructions to Bidders.

(5) If the Bidder in its Bid furnished anything not called for by these Contract Documents (a cover letter, Bidder's own form, or a notation on the Bid Form not called for by this form, for example), the Bidder is cautioned that it runs the risk that it has submitted a Bid which does not conform to the District's Contract Documents, and therefore must be rejected.

(6) Bids shall be presented under sealed cover as provided in the Instructions to Bidders.

DESIGNATION OF SUBCONTRACTORS, DBEs, AND SBEs FORM

All FIRST-TIER DBEs to be used must be listed on this form regardless of dollar value of each transaction. If SBEs are to be utilized, such SBEs should also be listed on this form

To comply with the requirements of the California Subletting and Subcontracting Fair Practices Act (California Public Contract Code Section 4100 et seq.). Bidder shall list in Part I on this form the name and address of each Subcontractor to whom Bidder proposes to subcontract more than 1/2 of 1% of the Work, description of portion of work or services subcontracted, total dollar amount of the portions of the work or services subcontracted, whether the Subcontractor is a DBE and/or an SBE, and the California contractor license number of the Subcontractor. An inadvertent error in listing a Subcontractor's California contractor license number may be corrected by Bidder within twenty four (24) hours after the Bid opening provided the corrected contractor's license corresponds to the submitted name and location for that Subcontractor. The above list of information shall be submitted with the Bid. Other information required in Part I herein may be submitted up to 24 hours after the designated time to submit the Bid. Bidder's attention is directed to General Conditions Article GC5.7.1.

In the column provided for SBE designation, indicate if the Subcontractor listed is a Small Business Entity as defined in the Supplementary Conditions Article SC7.

In addition, in Part II of this form, list all first-tier DBEs and SBEs not subject to the requirements of General Conditions Article GC5.7.1.

Pursuant to Section 1725.5 and Section 1771.1 of the State Labor Code, all Contractors and Subcontractors must be registered with the California Department of Industrial Relations (DIR) in order to be qualified to bid on this Contract or to be listed as a Subcontractor. An inadvertent error in listing a Subcontractor who is not registered pursuant to Section 1725.5 in a Bid, may be corrected by the Bidder within twenty four (24) hours after the Bid opening if the Subcontractor registers and pays the penalty registration fee described in Section 1725.5 of the State Labor Code. Alternatively, the Subcontractor may be replaced with a registered Subcontractor pursuant to Section 4107 of the Public Contract Code.

Note that only Certified DBEs that are either located in the four counties of Alameda, Contra Costa, San Francisco and San Mateo (BART Market Area) or that have done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date will be counted towards meeting the DBE goal. See Instructions to Bidders Paragraph 6.B.4 for requirements related to Non Residence Certification.

Note that only SBEs that are currently in the District's SBE Database or DBEs certified under the CUCP will be counted as SBEs.

Attach additional copies of this form if more space is needed and paginate the forms (i.e., Page __ of __)

Name and Address	DBE (Check if DBE) and Insert DBE Cert. No.	SBE (Check if SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
I. All Subcontractors (first-tier DBEs, Non-DBEs and SBEs) subject to the requirements of General Conditions Article C5.7.1				
Name:_____ Address:_____ _____ California Contractor License No. _____ DIR Contractor Registration No. _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ Address:_____ _____ California Contractor License No. _____ DIR Contractor Registration No. _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ Address:_____ _____ California Contractor License No. _____ DIR Contractor Registration No. _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		

Name and Address	DBE (Check If DBE) and Insert DBE Cert. No.	SBE (Check If SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
II. All Subcontractors (first-tier DBEs, Non-DBEs and SBEs) not subject to the requirements of General Conditions Article GC5.7.1.				
Name:_____ Address:_____ _____ _____ DIR Contractor Registration No. _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No.** ____	**SBE Cert. No.** ____		
Name:_____ Address:_____ _____ _____ DIR Contractor Registration No. _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No.** ____	**SBE Cert. No.** ____		
Name:_____ Address:_____ _____ _____ DIR Contractor Registration No. _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No.** ____	**SBE Cert. No.** ____		

Name and Address	DBE (Check if DBE) and Insert DBE Cert. No.	SBE (Check if SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
III. All first-tier DBE and SBE SUPPLIERS: Manufacturers (100% credit)				
Name:_____ Address:_____ _____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	DBE Cert. No. _____	SBE Cert. No. _____		
Name:_____ Address:_____ _____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	DBE Cert. No. _____	SBE Cert. No. _____		
Name:_____ Address:_____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	DBE Cert. No. _____	SBE Cert. No. _____		

Name and Address	DBE (Check If DBE) and Insert DBE Cert. No	SBE (Check If SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
IV. All first-tier DBE and SBE SUPPLIERS: Regular Dealers (60% credit) See Supplementary Conditions Article SC7.1.3D.4 for definition of Regular Dealer.				
Name:_____ Address:_____ _____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ Address:_____ _____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ Address:_____ _____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		

Name and Address	DBE (Check if DBE) and Insert DBE Cert. No	SBE (Check if SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontract Work or Services
V. All other first-tier DBEs and SBEs: See Supplementary Conditions Article SC7.1.3.D.5 for Available Credit.				
Name:_____ _____ Address:_____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	DBE Cert. No. _____	SBE Cert. No. _____		
Name:_____ _____ Address:_____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	DBE Cert. No. _____	SBE Cert. No. _____		
Name:_____ _____ Address:_____ _____ Phone Number:_____ Age of Firm:_____ Annual Gross Receipts as of last Tax Year: $_____	DBE Cert. No. _____	SBE Cert. No. _____		

BIDDERS DBE QUESTIONNAIRE

Is Bidder a DBE? ✓ YES ___ NO
(See Supplementary Conditions
Article SC7.1.1 for definition of DBE)

CUCP Certified? ✓ YES ___ NO

If YES, enter Certification Date: 10-28-13

Is Bidder a joint venture with DBE partners? [1] ___ YES ✓ NO

If YES, are Joint Venture Forms attached? ___ YES ___ NO

Percentage (%) of DBE participation in joint venture: _____ %

Age of Firm: 20 YEARS

Annual Gross Receipts as of last Tax Year: $ 7,154,924

[1] If the Bidder is a joint venture, only the portion of the total dollar value of the Contract equal to the distinct, clearly defined portion of the work that is performed solely by the DBE's own forces can be counted toward DBE participation. If the work is not clearly delineated between the DBE and the joint venture partner, only the portion of the work equal to the DBE's percentage ownership interest in the joint venture will be counted. See Supplementary Conditions Article SC7.1.3D.1

(Attention is directed to Instructions to Bidders Paragraph 7.B.4, Non Residence Certification make additional copies if needed.)

NON RESIDENCE CERTIFICATION

TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

I NICOLAS DEZUBIRIA on behalf of PHASE 3 COMMUNICATIONS INC certify as follows:
Insert Name of DBE Firm

a. I am a certified DBE listed in the California Unified Certification Program (CUCP) database; and

b. I am located outside of the four counties of Alameda, Contra Costa, San Francisco and San Mateo (BART Market Area); and

c. I have done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, is within my personal knowledge and if called upon to testify, I could testify competently thereto.

Executed on MARCH 16 2015 at SAN JOSE CA

Signature of DBE Firm Representative

PRESIDENT
Title

NONCOLLUSION DECLARATION

(To be executed by Bidder and submitted with Bid)

NICOLAS DEZUBIRIA, declares that he or she is PRESIDENT of PHASE 3 COMMUNICATIONS INC

(Bidder's Name) (Title) (Company's Name)

the party making the foregoing Bid, that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham Bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix to the Bid Price of the Bidder or any other bidder, or to fix any overhead, profit, or cost element of the Bid Price, or of that of any other bidder, or to secure any advantage against the public body awarding the Contract of anyone interested in the proposed Contract; that all statements contained in the Bid are true; and, further, that the Bidder has not, directly or indirectly, submitted its Bid Price or any breakdown thereof, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: MARCH 16 2015

PRESIDENT
Name of Bidder

Signature of Bidder

(Attention is directed to General Conditions Article GC7.1.2, Fair Employment Practices.)

FAIR EMPLOYMENT PRACTICES CERTIFICATION

TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

The undersigned in submitting a Bid for performing the following work by Contract, hereby certifies that it has or will meet the standards of affirmative compliance with the Fair Employment Practices Requirements of the Contract.

CONTRACT NO. 15EL-171 - FIBER OPTIC INSTALLATION ON THE M-LINE, K-LINE, R10 AND C10

PHASE 3 COMMUNICATIONS INC
Name of Bidder

By: [signature]
Signature of Bidder

NICOLAS DEZUBIRIA, PRESIDENT
Print Name and Title of Person Signing

224 N. 27TH ST STE B SAN JOSE CA 95116
Business Address

3035 OAK LEAF LANE MORGAN HILL CA 95037
Place of Residence

BUY AMERICA CERTIFICATE

Certification requirement for procurement of steel, iron, or manufactured products.

(Submit with Bid)

(Bidder's attention is directed to Supplementary Conditions Article SC7.2. This Buy America Certificate shall be executed by Bidder whose Bid exceeds $100,000 and submitted with the Bid. Failure to do so will make the Bid non-responsive.)

NOTE: The two signature blocks below are mutually exclusive; Bidder shall sign only one signature block for either the Certificate of Compliance or the Certificate of non-Compliance. Signing both signature blocks shall make the Bid non-responsive.

Certificate of Compliance With 49 USC § 5323(j)(1)

The Bidder hereby certifies that it will comply with the requirements of 49 USC § 5323(j)(1), and the applicable regulations in 49 CFR Part 661.

Date MARCH 16, 2015

Signature

Company Name PHASE 3 COMMUNICATIONS INC

Title PRESIDENT

WARNING!!! BIDDER SHALL SIGN ONLY ONE CERTIFICATE – EITHER THE CERTIFICATE OF COMPLIANCE ABOVE OR THE CERTIFICATE OF NON-COMPLIANCE BELOW. SIGNING BOTH CERTIFICATES SHALL MAKE THE BID NON-RESPONSIVE.

Certificate of Non-Compliance With 49 USC § 5323(j)(1)

The Bidder hereby certifies that it cannot comply with the requirements of 49 USC § 5323(j)(1), but it may qualify for an exception to the requirements pursuant to 49 USC § 5323(j)(2)(B) or (j)(2)(D) and applicable regulations in 49 CFR Part 661.7.

Date _____

Signature _____

Company Name _____

Title _____

(Applicable to Contractors and Subcontractors of any tier seeking a Subcontract exceeding $100,000. Bidder's attention is directed to Supplementary Conditions Article SC10.15, Debarment and Suspension)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact BART Procurement Department, Steve Alva, Contract Administrator at E-Mail salva@bart.gov.for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is disbarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List by contacting BART Procurement Department, Steve Alva, Contract Administrator at E-Mail salva@bart.gov.for assistance.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION -
LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Date: MARCH 16, 2015

PHASE 3 COMMUNICATIONS INC
Name of Proposer

By: [signature]
Signature of Proposer

NICOLAS DEZUBIRIA, PRESIDENT
Print Name and Title of Person Signing

(Bidder's attention is directed to Paragraph 6.I of the Instructions to Bidders and Supplementary Conditions Article SC10.25 of the Contract, Certification Regarding Lobbying. The Certification shall be executed by the Bidder and by applicable Subcontractors or sub-suppliers of any tier receiving an amount in excess of $100,000 and submitted by the Bidder either with the Bid or within the time frame specified in the Instructions to Bidders or before commencement of Subcontract work, as specified in the Instructions to Bidders.)

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, 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 a Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any 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 grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the Award documents for all sub-awards at all tiers (including Subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is 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 such failure.

PHASE 3 COMMUNICATIONS INC
Name of Firm

By: _____
Signature

NICOLAS DEZUBIRIA
Please print name of signator

Title: PRESIDENT

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

CERTIFICATION REGARDING FINANCIAL CONTRIBUTIONS

(Submit with Bid)

Certification to be executed by Bidder and each proposed first-tier Subcontractor or subsupplier whose Subcontract exceeds $100,000. Make additional copies of the Certification as necessary.

Bidder must use its best efforts to collect the Certification from each first-tier Subcontractor or subsupplier whose Subcontract exceeds $100,000 and to submit such Certifications along with its own to the District on the Bid date.

Bidder is advised that all Certifications must be submitted on the Bid date unless there is reasonable cause for delay; however, Bidder is cautioned that unless all Certifications are submitted within five (5) Days after the date Bids are due, the Bid may be considered non-responsive. See Instructions to Bidders for submitting Certifications after the Bid due date.

The undersigned certifies that:

1. It will not make any monetary or in-kind contribution (including loans) to any BART Director, or any candidate for Director, in excess of $1,000 from the date Bids are opened by the District until Award of the Contract.

2. It understands that the term "contribution" shall have the same meaning as defined in California Government Code Section 82015 and implementing regulations adopted by the Fair Political Practices Commission.

PHASE 3 COMMUNICATIONS INC
Name of Firm

03-17-15
Signature Date

NICOLAS DEZUBIRIA PRESIDENT
Print Name and Title