

BID

TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

FOR RICHMOND INTERMODAL IMPROVEMENT PROJECT. CONTRACT NO. 05LD-110.

Name of Bidder Robert A. Bothman, Inc.

Business Address 650 Quinn Ave  
San Jose, CA 95112

Address where notification should be sent 650 Quinn Ave  
San Jose, CA 95112

Business office number (408) 279-2277 facsimile (Fax) number (408) 279-2286

Email address jmoore@bothman.com (where notification should be sent).

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

Through news paper advertisement

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 County of Contra Costa, 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 - R2.1, dated October 2009, 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	EST. QTY.	DESCRIPTION	UNIT PRICE	ITEM TOTAL
1	LS	1	Mobilization	15,000.	\$ 15,000
2	Allowance	1	Differing Site Conditions	100,000.	\$100,000
3	Allowance	1	Permits	8,000.	\$ 8,000
4	LS	1	Civil and Sitework	1,049,713.	\$1,049,713.
5	LS	1	Concrete	535,000.	\$ 535,000.
6	LS	1	Asphalt Concrete Pavement	285,000.	\$ 285,000.
7	LS	1	Signage and Striping	35,000.	\$ 35,000.
8	LS	1	Electrical and Lighting	255,000.	\$ 255,000.
9	LS	1	Landscaping & Site Furniture	260,000.	\$ 260,000.
10	LS	1	Bus Shelters	75,000.	\$ 75,000.
11	LS	1	Trash Enclosure	195,000.	\$ 195,000.
12	LS	1	Drainage – Bio-Retention	75,000.	\$ 75,000.
<b>TOTAL BID PRICE (ITEMS 1 THROUGH 12 INCLUSIVE)</b>					<b>\$ 2,887,713.</b>

The above item totals for all Bid Items (1 THROUGH 12] 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 <sup>(1)</sup> Bidder's 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 1, 2

The Bidder, Robert A. Bothman, Inc.  
(name),

hereby certifies that:

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

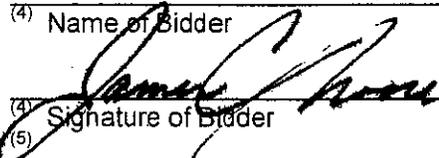
(B) Bidder has read the Contract Book, understands its requirements, including those for keeping records, and has asked for explanations of anything it did not understand.

(2) Bidder holds California Contractor's license No. 440332, Classification A,B,C8. The license expiration date is 05/31/15. If the Bidder is a joint venture, list the California Contractor's license numbers, classifications and expiration dates for each joint venturer as follows:

(3)	Name of Joint Venturer	Contractor's License	Classification	Expiration Date
A.	<u>N/A</u>	<u></u>	<u></u>	<u></u>
B.	<u></u>	<u></u>	<u></u>	<u></u>
C.	<u></u>	<u></u>	<u></u>	<u></u>

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.

Robert A. Bothman, Inc.  
 (4) Name of Bidder  
  
 (4) Signature of Bidder  
 (5) \_\_\_\_\_  
 (6) James C. Moore, Vice President  
 Print Name and Title of Person Signing

Dated September 23, 2014.

**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 AND DBEs FORM**

All FIRST-TIER DBEs to be used must be listed on this form regardless of dollar value of each transaction.

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, and the California Contractor license number of the 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.

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.

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

Name and Address	Is DBE located in, has done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date?	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
I. All first-tier Subcontractors (DBEs and Non DBEs) subject to the requirement of General Conditions Article GC5.7.1	(Circle Yes or No)		
Name: <u>Gallagher &amp; Burk, Inc.</u> Address: <u>344 High St.</u> <u>Oakland, CA 94601</u> California Contractor License No: <u>191140A</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes <input type="radio"/> No <input checked="" type="radio"/> DBE Certificate No.: _____	Asphalt paving	\$267,800.
Name: <u>Cirimele Electrical Works</u> Address: <u>607 Marina Way South</u> <u>Richmond, CA 94804</u> California Contractor License No: <u>521023</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes <input checked="" type="radio"/> No <input type="radio"/> DBE Certificate No.: <u>27544</u>	Electrical	\$235,000.

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

Name and Address	Is DBE located in, has done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date?	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
I. All first-tier Subcontractors (DBEs and Non DBEs) subject to the requirement of General Conditions Article GC5.7.1	(Circle Yes or No)		
Name: <u>Compass Engineering</u> Address: <u>25056 Wilking St.</u> <u>Hayward, CA 94545</u> California Contractor License No. <u>868996</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	<input checked="" type="radio"/> Yes <input type="radio"/> No DBE Certificate No.: _____	<u>Pavement markings</u>	<u>\$32,100.</u>
Name: <u>Mino Iron</u> Address: <u>315 Biterwater Rd</u> <u>King City, CA 93903</u> California Contractor License No. <u>751160</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	<input checked="" type="radio"/> Yes <input type="radio"/> No DBE Certificate No.: <u>40834</u>	<u>Metal work</u>	<u>\$133,477.</u>

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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.

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Name and Address	Is DBE located in, has done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date?	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
I. All first-tier Subcontractors (DBEs and Non DBEs) subject to the requirement of General Conditions Article GC5.7.1	(Circle Yes or No)		
Name: <u>Solar Homes Construction</u> Address: <u>121 Marina Way</u> <u>Richmond, CA 94801</u> California Contractor License No: <u>831481</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	<input checked="" type="radio"/> Yes <input type="radio"/> No DBE Certificate No.: <u>40689</u>	<u>Masonry</u>	<u>\$16,000.</u>
Name: <u>JJ Nguyen, Inc.</u> Address: <u>3172 Salem Dr.</u> <u>San Jose, CA 95127</u> California Contractor License No: <u>251007</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	<input checked="" type="radio"/> Yes <input type="radio"/> No DBE Certificate No.: <u>35310</u>	<u>Landscape</u>	<u>\$169,000.</u>

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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.

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Name and Address	Is DBE located in, has done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date?	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
I. All first-tier Subcontractors (DBEs and Non DBEs) subject to the requirement of General Conditions Article GC5.7.1	(Circle Yes or No)		
Name: <u>Legacy Roofing</u> Address: <u>1198 Rodgers Ave #10</u> <u>San Jose, CA 95112</u> California Contractor License No: <u>30265</u> Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DBE Certificate No.: _____	<u>Metal Roofing</u>	<u>\$17,990.</u>
Name: _____ Address: _____ California Contractor License No: _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes <input type="checkbox"/> No <input type="checkbox"/> DBE Certificate No.: _____		

Name and Address	Is DBE located in, has done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date?	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
IV. All first-tier DBE SUPPLIERS: Regular Dealers (60% credit) See Supplementary Conditions Article SC7.1.3D.4. for definition of Regular Dealer.	(Circle Yes or No)		
Name: _____ _____ Address: _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes    No DBE Certificate No.: _____		
Name: _____ _____ Address: _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes    No DBE Certificate No.: _____		
Name: _____ _____ Address: _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes    No DBE Certificate No.: _____		

Name and Address	Is DBE located in, has done business or attempted to do business in the BART Market Area within two years prior to the Contract advertisement date?	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
V. All other first-Tier DBE's: See Supplementary Conditions Article SC7.1.3D.5. for Available Credit	(Circle Yes or No)		
Name: _____ _____ Address: _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes    No DBE Certificate No.: _____		
Name: _____ _____ Address: _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes    No DBE Certificate No.: _____		
Name: _____ _____ Address: _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of Last Tax Year: \$ _____	Yes    No DBE Certificate 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: \_\_\_\_\_

Is Bidder a joint venture with DBE partners? <sup>1</sup>  YES  NO

If YES, are Joint Venture Forms attached?  YES  NO

Percentage (%) of DBE participation in joint venture: \_\_\_\_\_ %

Age of Firm: 35 Years

Annual Gross Receipts as of last Tax Year: \$ 84.1 Million

<sup>1</sup> 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

Will Submit Later if Necessary

I \_\_\_\_\_ on behalf of \_\_\_\_\_ 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 \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
Signature of DBE Firm Representative

\_\_\_\_\_  
Title

NONCOLLUSION DECLARATION

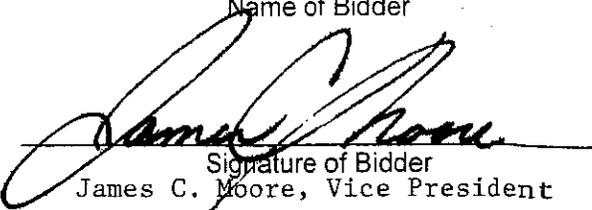
(To be executed by Bidder and submitted with Bid)

James C. Moore, declares that he or she is Vice President of Robert A. Bothman, 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 or perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 23, 2014

Robert A. Bothman, Inc.  
Name of Bidder  
  
Signature of Bidder  
James C. Moore, Vice President

(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

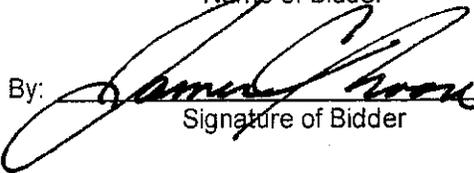
The undersigned in submitting a Bid for performing the following work by Contract, hereby certifies that it has or will meet the standards of affirmative compliance with the Fair Employment Practices Requirements of the Contract.

CONTRACT NO. 05LD-110

RICHMOND INTERMODAL IMPROVEMENT PROJECT

Robert A. Bothman, Inc.

Name of Bidder

By: 

Signature of Bidder

James C. Moore, Vice President

Print Name and Title of Person Signing

650 Quinn Ave. San Jose, CA 95112

Business Address

San Jose, CA

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 September 23, 2014

Signature 

Company Name Robert A. Bothman, Inc.

Title Vice 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 \_\_\_\_\_

(Bidder's attention is directed to Paragraph 6.1 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.)

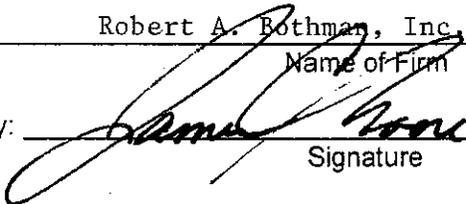
CERTIFICATION REGARDING LOBBYING

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.

Robert A. Bothman, Inc.  
Name of Firm

By:   
Signature

James C. Moore  
Please print name of signator

Title: Vice 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.

Robert A. Bothman, Inc.

Name of Firm

Signature

September 23, 2014  
Date

James C. Moore, Vice President

Print Name and Title