

ATTACHMENT B

LETTER OF ASSENT TO COMMUNITY BENEFITS AGREEMENT

FOR THE

CALIFORNIA HIGH SPEED RAIL PROJECT

The undersigned hereby certifies and agrees that:

- 1.) It is a C/S/E as that term is defined in Section 1.6 of the California High-Speed Rail Community Benefits Agreement ("Agreement") because it has been, or will be, awarded a contract or subcontract to assign, award or subcontract Project Work on the Project, or to authorize another party to assign, award or subcontract Project Work, or to perform Project Work.
- 2.) In consideration of the award of such contract or subcontract, and in further consideration of the promises made in the Agreement and all attachments thereto (a copy of which was received and is hereby acknowledged), it accepts and agrees to be bound by the terms and conditions of the Agreement, together with any and all amendments and supplements now existing or which are later made thereto.
- 3.) If it performs Project Work, it will be bound by the legally established trust agreements designated in local master collective bargaining agreements, and hereby authorizes the parties to such local trust agreements to appoint trustees and successor trustee to administer the trust funds, and hereby ratifies and accepts the trustees so appointed as if made by the undersigned.
- 4.) It has no commitments or agreements that would preclude its full and complete compliance with the terms and conditions of the Agreement.
- 5.) It will secure a duly executed Letter of Assent, in form identical to this document, from any C/S/E(s) at any tier or tiers with which it contracts to assign, award, or subcontract Project Work, or to authorize another party to assign, award or subcontract Project Work, or to perform Project Work.

DATED: 1/7/17

Name of Contractor Penhall Company

Scott Hustad

(Authorized Officer & Title)

Area General Manager

8416 Specialty Circle

(Address)

Sacramento, CA

95828

AFFIDAVIT
OF
COMMUNITY BENEFITS POLICY – NATIONAL TARGETED HIRING INITIATIVE
FOR
CALIFORNIA HIGH-SPEED RAIL AUTHORITY

The undersigned, hereby states that:

Scott Hustad [Contract Name], Area General Manager [Title] is an official representative of Penhall Company [Contractor] and is authorized to sign this affidavit on behalf of the aforementioned Contractor.

- Penhall Company [Contractor], acknowledges receipt of the Authority's Community Benefits Policy – National Targeted Hiring Initiative, that applies to the below-referenced project.
- Penhall Company [Contractor], has carefully examined all documents associated with the Authority's Community Benefits Agreement and Community Benefits Policy, inclusive of the National Targeted Hiring Initiative and agrees to adhere to the requirements and conditions set forth in the Policy and corresponding documents.
- Penhall Company [Contractor], acknowledges the Authority's targeted hiring requirements and shall exert significant efforts to meet or exceed the hours of project work to be performed by National Targeted Workers and Disadvantaged Workers, in accordance to the Community Benefits Agreement and Community Benefits Policy, inclusive of the National Targeted Hiring Initiative.

Project Name: CT# 06-2HT114

Name of Contractor: Penhall Company

Signature of Authorized Officer: Scott Hustad

Printed Name of Authorized Officer: Scott Hustad

Title of Authorized Officer: Area General Manager

Contractors Address: 8416 Specialty Circle

City, State, Zip: Sacramento, CA 95828

Contractor Phone Number: 916-386-1589

Date: 02/07/2017

encouraging grantees to use manufacturers or suppliers who maximize domestic content, FRA hopes to achieve its goal of 100% domestic content in the near future.

Certificate of Compliance with Buy America Requirements

The bidder or offeror hereby certifies that it will comply with the FRA Buy America requirements of 49 U.S.C. Section 24405(a)(1).

Date 1/7/2017

Signature Scott Hustad

Company Penhall Company

Name Scott Hustad

Title Area General Manager

Certificate of Non-Compliance with Buy America Requirements

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 24405(a)(1), but it may qualify for an exception to the requirement pursuant to 49 U.S.C. Section 24405(a)(2).

Date _____

Signature _____

Company _____

Name _____

Title _____

12. What happens when a bidder or offeror violates the Buy America provision or has submitted incorrect Buy America certification documents?

In accordance with 49 U.S.C. 24405(a)(7), a person or entity is ineligible to receive any contract or subcontract made with FRA grant funds if a court or department, agency, or instrumentality of the Government decides the person intentionally—(A) affixed a “Made in America” label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or (B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

Whether or not a bidder or offeror certifies that it will comply with the applicable requirement, such bidder or offeror is bound by its original certification (in the case of a sealed bidding procurement) or its certification submitted with its final offer (in the case of a negotiated procurement) and is not permitted to change its certification after bid opening or submission of a