

DESIGN PROFESSIONAL SERVICES PROCUREMENT CERTIFICATION

This Design Professional Services Procurement Certification is provided to the Town of Clayton (the “Town”) by the Company signing below (“Company”) as a prerequisite to the Town considering the Company for award of a Town contract (the “Contract”).

1. The Company understands that:
 - a. Article 3D of Chapter 143 of the North Carolina General Statutes requires that all requirements for architectural, engineering, surveying, construction management at risk services, design build services, and public-private partnership construction services be announced to and negotiated with select, qualified firms.
 - b. North Carolina General Statute 143-128.1B(e) requires the Company to comply with the requirements of G.S. 143-64.31.
2. As a condition of being considered for the Contract, Company certifies that each licensed design professional who is a member of the design-build team, including subconsultants, was and will be selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.
3. Company acknowledges that the Town will be relying on this Certification in entering into the Contract, and that the Town may incur expenses and damages if the Town enters into the Contract with Company and Company or any subconsultant fails to comply with the requirements of G.S. 143-64.31. Only in the manner and to the extent permitted by the North Carolina Tort Claims Act, N.C.G.S. § 143-291, *et seq.*, and without waiver of its sovereign immunity, Company agrees to indemnify and save the Town harmless from and against all losses, damages, costs, expenses, obligations, duties, fines, and penalties (collectively “Losses”) proximately caused by Company’s or Company’s subconsultants’ violation of the requirements of G.S. 143-64.31, including without limitation any Losses incurred as a result of the Contract being deemed void.

Name of Company

[Corporate Seal]

Signature of Authorized Official

Print Name

Title

Date