BUFFALO PUBLIC SCHOOLS PROCUREMENT OFFERING

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this response, each Respondent and each person signing on behalf of any Respondent certifies[1], under penalty of perjury, that to the best of his knowledge and belief:

1. The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such prices with any other respondent or with any competitor; and

2. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the respondent and will not knowingly be disclosed by the respondent prior to opening directly or indirectly, to any respondent or to any competitor; and

3. No attempt has been made or will be made by the respondent to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.

This proposal is made without any connection with any person making any proposal for the material herein listed and it is in all respects fair and without collusion or fraud, and also, that no Officer or Member of the Buffalo Board of Education, City of Buffalo, is directly interested therein, or in the supplies to which it relates, or any portion of the profits thereof.

If the Respondent is a corporation, the execution of the non-collusive certification on the form of proposal shall be deemed to have been authorized by the Board of Directors of the Respondent and such authorization shall be deemed to include the signing and submission of the proposal and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

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No proposal shall be considered for an award nor shall any award be made to a Respondent where the proposal does not include the statements as to non-collusion as set forth in the form of proposal herein; provided however, that if in any case the Respondent cannot make the foregoing certification, the Respondent shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reason. No award shall be made unless the Buffalo Board of Education determines that such disclosure was not made for the purpose of restricting competition. It should be noted that the fact that a Respondent has published price lists, rates or tariffs covering items being procured or has informed prospective customers of the proposed or pending publication of new or revised price lists for such items, or has sold the same items to other customers at the same price as being proposal, does not constitute, without more, a disclosure to any other Respondent or to any competitor within the meaning of the non-collusive certification included in the form of proposal.

Respectfully submitted,

By _____
(signature)

_____
(print)

Title _____

Firm Name_____

Address _____

Date _____

Phone _____

[1]In the case of any joint proposal (which for these purposes shall include any proposal where the Bidder has consulted with a subcontractor in making the proposal), each party or subcontractor thereto shall sign this non-collusion certification as to its own organization or corporation.