

EQUAL EMPLOYMENT OPPORTUNITY and SBA BUSINESS SIZE STANDARD COMPLIANCE CERTIFICATE

As used in this certificate the term "contract" includes the term "purchase order" and all other agreements effectuating purchase of supplies or services. If this certificate is submitted as part of a bid or proposal, the term "Seller" shall be deemed to refer to the bidder or offeror.

The Seller shall provide all requested information in this certificate, execute the certificate, and return it to National Grid, retaining a copy of the certificate for Seller's files. This certificate shall be renewed annually. However, the certifications made herein shall remain applicable until completion of all nonexempt contracts awarded while this certificate is in effect.

The undersigned Seller certifies the following to NATIONAL GRID:

A. AFFIRMATIVE ACTION COMPLIANCE PROGRAM:

1. Prior to 120 days after receipt of any contract in the amount of \$50,000 or more from Buyer, Seller, if Seller has 50 or more employees and is not otherwise exempt under 41 CFR § 60-1, shall have developed for each of its establishments, a written affirmative action compliance program as called for in 41 CFR § 60-2 (Revised Order No. 4). Seller will also require its lower-tier subcontractors who have 50 or more employees and receive a subcontract of \$50,000 or more and who are not otherwise exempt under 41 CFR § 60-1 to establish written affirmative action compliance programs in accordance with 41 CFR § 60-2 (Revised Order No. 4).
2. Prior to 120 days after receipt of any contract in the amount of \$10,000 or more from Buyer, Seller, if Seller has 50 or more employees and is not otherwise exempt under 41 CFR § 741.40, shall have developed for each of its establishments, a written affirmative action compliance program as called for in 41 CFR § 60-741.40. Seller will also require its lower-tier subcontractors who have 50 or more employees and receive a subcontract of \$50,000 or more and who are not otherwise exempt under 41 CFR § 60-741.40 to establish written affirmative action compliance programs in accordance with 41 CFR § 60-741.40.
3. Prior to 120 days after receipt of any contract in the amount of \$100,000 or more from Buyer, Seller, if Seller has 50 or more employees and is not otherwise exempt under 41 CFR § 300.40, shall have developed for each of its establishments, a written affirmative action compliance program as called for in 41 CFR § 60-300.40. Seller will also require its lower-tier subcontractors who have 50 or more employees and receive a subcontract of \$100,000 or more and who are not otherwise exempt under 41 CFR § 60-300.40 to establish written affirmative action compliance programs in accordance with 41 CFR § 60-300.40.

B. EQUAL OPPORTUNITY CLAUSE:

Unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965 (Executive Order 11246), Seller, during the performance of each contract Seller may receive from Buyer, agrees as follows:

1. The Seller will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Seller will take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, religion, creed, national origin, ancestry, alienage or citizenship status, gender, sexual orientation, gender identity, age, physical and mental disability, marital status, veteran status, predisposing genetic characteristics, or any other factor protected from discrimination under municipal, state or federal law. Such action shall include, but not be limited to the following: employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Seller agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause to be provided to the Seller upon request to NATIONAL GRID.

2. The Seller will, in all solicitations or advertisements for employees placed by or on behalf of the Seller, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The Seller will send to each labor union or representative of workers with which Seller has a collective bargaining agreement or other contract or understanding, a notice, to be provided to the Seller upon request by the Seller to NATIONAL GRID, advising the labor union or workers' representative of the Seller's commitments under Section 202 of Executive Order 11246, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The Seller will comply with all provisions of Executive Order 11246 and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The Seller will furnish all information and reports required by Executive Order 11246 and by the rules, regulations, and orders of the Secretary of Labor or pursuant thereto, and will permit access to books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the Seller's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Seller may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7. The Seller will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 so that such provisions will be binding upon each subcontractor or vendor. The Seller will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Seller becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Seller may request the United States to enter into such litigation to protect the interests of the United States.

Note: Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertaking.

C. EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES:

Pursuant to 41 CFR § 60-741, the equal opportunity clause set forth in 41 CFR § 60-741.5 (a) of the regulations is considered to be included in every federal contract or subcontract exceeding \$10,000. Therefore, unless exempt,

This Contractor and subcontractor shall abide by the requirements of 41 CFR § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

"Disability", is defined as "any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment or (3) is regarded as having such an impairment." For purposes of this part, an individual with a disability is "substantially limited" if he or she is (1) unable to perform a major life activity that the average person in the general population can perform; or (2) is significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

The Contractor further certifies that it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 covering the procurement of personal property and non-personal services (including construction).

D. EQUAL OPPORTUNITY FOR PROTECTED VETERANS:

1. Pursuant to 41 CFR § 60-300.5, the equal opportunity clause set forth in 41 CFR § 60-300.5 (a) of the regulations is considered to be included in every Federal invitation to bid or contract for the procurement of personal property and non-personal services (including construction), and every subcontract entered into in carrying out such contract, in excess of \$100,000. Therefore, unless exempt:

This Contractor and subcontractor shall abide by the requirements of 41 CFR § 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

This contractor agrees to and certifies that it is in compliance with the above provision and that it will place it in any subcontract of \$100,000 or more directly under this contract.

2. Unless exempt, the contractor and subcontractor shall also abide by the requirements at 41 CFR § 61-300.10 regarding veterans' employment reports. The Contractor agrees to complete, at least annually, the form entitled "Federal Contractor Veterans" Employment Report VETS-100A referenced at 41 CFR § 61-300.10(b)-(c).

The Contractor agrees to and certifies that it is in compliance with the above provision and that it will place it in any subcontract of \$100,000 or more directly under this contract.

E. UTILIZATION OF SMALL BUSINESS, SMALL DISADVANTAGED BUSINESS AND WOMEN-OWNED SMALL BUSINESS CONCERNS: In accordance with 48 CFR 19.7, the parties include in this contract the following understanding and agreement for contracts, agreements or purchase orders exceeding \$100,000:

The Contractor agrees to be bound by the provisions of the utilization of small, small disadvantaged and women-owned small business concerns clause set forth at 48 CFR 52.219-8 incorporated herein by reference. Further, the Contractor certifies that it requires a similar agreement from each of its nonexempt subcontractors, and agrees to report utilization of such firms to the Seller and the appropriate federal monitoring agencies, as directed.

F. FEMALE AND MINORITY PARTICIPATION IN THE CONSTRUCTION INDUSTRY: 41 CFR § 60-4 establishes affirmative action requirements for construction Contractors and subcontractors who perform work which is necessary in whole or in part for NATIONAL GRID to meet its obligation to supply utility service to the Federal Government. Only construction contracts in excess of \$10,000 are covered.

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participation goals set by the State for that area in which the State-funded project is located, by taking the following steps:

1. Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
2. Request a list of State-certified M/WBEs from National Grid and solicit bids from them directly. Such listing is available at <http://www.esd.ny.gov/MWBE.html>.
3. Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
4. Where feasible, divide the work into smaller portions to enhance participation by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.

5. Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
6. Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

M/WBE Contract Goals

15% Minority and Women’s Business Enterprise Participation

10% Minority Business Enterprise Participation

5% Women’s Business Enterprise Participation

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" set forth at 41 CFR § 60-1 and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth at 41 CFR § 60-4.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered areas, are as follows:

**FEMALES
GOALS AND TIMETABLES**

| Timetable | Trade | Goals (%) |
|----------------------|-------|-----------|
| Until further notice | All | 6.9 |

**MINORITIES
GOALS AND TIMETABLES**

| Timetable | Trade | Goals (%) |
|----------------------|-------|------------|
| Until further notice | All | See charts |

| UPSTATE NEW YORK | MINORITY PERCENT GOAL | DOWN STATE NEW YORK (Long Island) | MINORITY PERCENT GOAL | NEW ENGLAND | MINORITY PERCENT GOAL |
|---------------------|-----------------------|-----------------------------------|-----------------------|------------------------------------|-----------------------|
| Albany, Schenectady | 3.2% | Nassau-Suffolk | 5.8% | Middlesex County, MA (Waltham) | 4.0% |
| Syracuse | 3.8% | | | Worcester, Leominster MA | 1.6% |
| Utica, Rome | 2.1% | | | Nantucket, MA | 3.6% |
| Buffalo, Niagara | 7.7% | | | Providence, Warwick, Pawtucket, RI | 3.0% |

| DOWNSTATE NEW YORK COUNTIES: BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND | |
|---|----------------------------------|
| CONSTRUCTION TRADE | MINORITY PERCENT GOAL |
| Electricians | 10.2 |
| Carpenters | 32.0 |
| Steam fitters | 13.3 |
| Metal lathers | 25.6 |
| Painters | 26.0 |
| Operating Engineers | 26.0 |
| Plumbers | 14.5 |
| Iron workers (structural) | 32.0 |
| Elevator constructors | 6.5 |
| Bricklayers | 15.5 |
| Asbestos workers | 28.0 |
| Roofers | 7.5 |
| Iron workers (ornamental) | 23.0 |
| Cement masons | 27.0 |
| Glaziers | 20.0 |
| Plasters | 18.0 |
| Teamsters | 22.5 |
| Boilermakers | 15.5 |
| All others | 17.5 |

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area.

The Contractor's compliance with Executive Order 11246 and the regulations in 41 CFR § 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR § 60-4.3(a), in particular the implementation of affirmative action steps described in 41 CFR § 60-4.3(7)(a) through (p) and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246 and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contractor Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimate starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is **indicate covered area here**. If this is not a construction contract or subcontract, Section F (1) through (4) is not applicable.

G. Included by reference to this contract is Appendix A to Subpart A of 29 CFR § 471—Text of Employee Notice Clause pertaining to employees rights under the National Labor Relations Act.

1. During the term of this contract, the contractor agrees to post a notice, of such size and in such form, and containing such content as the Secretary of Labor shall prescribe, in conspicuous places in and about its plants and offices where employees covered by the National Labor Relations Act engage in activities relating to the performance of the contract, including all places where notices to employees are customarily posted both physically and electronically. The "Secretary's Notice" shall include the following information:
2. The contractor will comply with all provisions of the Secretary's Notice, and related rules, regulations, and orders of the Secretary of Labor.
3. In the event that the contractor does not comply with any of the requirements set forth in paragraphs (1) or (2) above, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in or adopted pursuant to Executive Order 13496 of January 30, 2009. Such other sanctions or remedies may be imposed as are provided in Executive Order 13496 of January 30, 2009, or by rule, regulation, or order of the Secretary of Labor, or as are otherwise provided by law.
4. The contractor will include the provisions of paragraphs (1) through (4) herein in every subcontract or purchase order entered into in connection with this contract (unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13496 of January 30, 2009, so that such provisions will be binding upon each subcontractor. The contractor will take such action with respect to any such subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including the imposition of sanctions for noncompliance:

Provided, however, if the contractor becomes involved in litigation with a subcontractor, or is threatened with such involvement, as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

H. EXEMPTIONS:

I believe I am exempt because:

- Work for this contract will be done outside the United States by employees not recruited from within the United States.
- State or local municipalities or their agencies or instrumentalities or their subdivisions which do not participate in work on or under this contract are exempt.
- The Director of the Office of Federal Contract Compliance Programs has waived our compliance requirement upon our request.
- No construction-related work is performed under this contract; therefore Section G does not apply. (Proof of waiver attached.)

PLEASE ATTACH COPY OF CURRENT CERTIFICATION(S).
FAILURE TO INCLUDE CURRENT CERTIFICATION(S) WILL DEEM YOUR
STATUS SELECTION INVALID.

PLEASE NOTE THAT THE INFORMATION THAT YOU SUPPLY WITH REGARD TO CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE

Certified to this day ____/____/____ by:

Firm/Company Name

Signature of Authorized Representative

Name of Authorized Representative (Print or Type)

Title of Authorized Representative

Tax Identification Number

Email Address

SELLER SHALL KEEP THIS CERTIFICATE IN ITS FILES