

NON-COLLUSION AFFIDAVIT—Form F

STATE OF Texas)
)ss:
COUNTY OF Denton)

Each of the undersigned, being first duly sworn, deposes and says that:

- A. Michael Donnino is the Senior Vice President of Granite Construction Company . and N/A is the N/A of N/A , which entity is a MAJOR PARTICIPANT of ACS Zachry Partnership , the entity making the foregoing Proposal.
- B. The Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, joint venture, limited liability company or corporation; the Proposal is genuine and not collusive or sham; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived or agreed with any Proposer or anyone else to put in a sham Proposal or that anyone shall refrain from proposing; the Proposer has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the prices of the Proposer or any other Proposer, or to fix any overhead, profit or cost element included in the Proposal, or of that of any other Proposer, or to secure any advantage against TxDOT or anyone interested in the proposed agreement; all statements contained in the Proposal are true; and, further, the Proposer has not, directly or indirectly, submitted its prices or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, joint venture, limited liability company, organization, Proposal depository or any member, partner, joint venture member or agent thereof to effectuate a collusive or sham Proposal.
- C. The Proposer will not, directly or indirectly, divulge information or data regarding the price or other terms of its Proposal to any other Proposer, or seek to obtain information or data regarding the price or other terms of any other Proposal, until after award of the Agreement or rejection of all Proposals and cancellation of the RFP.


(Signature)

Michael Donnino
(Name Printed)

Senior Vice President
(Title)

N/A
(Signature)

N/A
(Name Printed)

N/A
(Title)

Subscribed and sworn to before me this 5 day of December, 2008.



Misti Trahan Tarrant
Notary Public in and for Texas
said County and State

[Seal]

My commission expires: 07/10/2011