

### **Bidder's Attestation**

Bidder acknowledges that it has read, understands, and agrees to be fully bound by, all of the terms, conditions and other provisions set forth in the SDG&E's Turnkey RFP and this Attestation. Bidder agrees that an electronic signature shall be the same as delivery of an original executed document for purposes of the Turnkey RFP and this Attestation. All capitalized terms not defined herein shall have the meaning provided in the Turnkey RFP. Additionally, Bidder hereby makes the following representations and warranties:

1. Bidder has reviewed the entire Turnkey RFP, including without limitation the BOT contract, performance specifications and O&M contract, and has had the opportunity to seek independent legal and financial advice of its own choosing with respect to the terms and conditions of the Turnkey RFP;
2. Bidder's proposal and responses to the Turnkey RFP are true, correct and complete and conform and comply with the Turnkey RFP, the BOT contract, performance specifications and O&M contract with such exceptions as are specifically noted in its proposal.
3. Bidder is duly qualified to do business in California and has obtained all necessary authorizations, approvals and waivers that will enable Bidder to agree to the terms and conditions of the Turnkey RFP and this Attestation;
4. Bidder is not an affiliate of SDG&E, Sempra Energy, or any of their affiliates;
5. Bidder does not currently have agreements with SDG&E nor is it in discussions with SDG&E for projects that are the subject of its proposal;
6. Bidder is submitting its proposal subject to all applicable laws including, but not limited to, the Federal Power Act and all amendments thereto, and the California Public Utilities Code and all amendments thereto;
7. Bidder has not engaged and will not engage in oral, written, or any other form of communication with any other entity submitting a proposal to SDG&E in response to SDG&E's

Turnkey RFP with respect to the terms of Bidder's or such other entities' proposal(s) in the Turnkey RFP; and

8. Bidder will promptly notify SDG&E of any material change in circumstances that may affect the Bidder's ability to fulfill the terms of its proposal, at any time from proposal submission to SDG&E's acceptance of the proposal, as evidenced by SDG&E's execution of an applicable agreement, or Bidder's withdrawal of the proposal.

[BIDDER]

By \_\_\_\_\_  
Name:  
Title:  
Date: