

**STATEMENT OF NON-INCLUSION OF ASBESTOS CONTAINING MATERIAL**

STATE OF TEXAS  
COUNTY OF TRAVIS

**ENGINEER/ARCHITECT  
PRIOR TO DESIGN**

"My name is \_\_\_\_\_, hereinafter known as Authorized Representative.

"I am over the age of 18 years and I have never been convicted of a crime. I am the \_\_\_\_\_ of \_\_\_\_\_ hereinafter known as ENGINEER/ARCHITECT.

"I am fully competent to make this statement. I have personal knowledge of the facts set forth below and they are all true and correct.

"WHEREAS ENGINEER/ARCHITECT has been selected to provide designs, to prepare the bid and construction documents, and to assist the City of Austin, Texas, hereinafter known as OWNER, during the construction of \_\_\_\_\_, located at \_\_\_\_\_, Austin, Texas, hereinafter known as Project, and

"WHEREAS asbestos in a dust form is a recognized health hazard, and

"WHEREAS the OWNER desires not to have any asbestos containing materials used or incorporated into the construction of the Project;

"THEREFORE the ENGINEER/ARCHITECT affirms that to the best of its knowledge and belief:

1. The ENGINEER/ARCHITECT, any person, firm or organization representing or represented by the ENGINEER/ARCHITECT, shall not knowingly specify, request, or approve for use in conjunction with the Project, any asbestos containing materials or any other materials defined as containing asbestos by any laws, rules or regulations promulgated by the United States Government, the State of Texas or any governmental organization or agency operating under the authority of either of those entities.
2. Realizing that there might be materials required in which a satisfactory non-asbestos containing material cannot be obtained, the ENGINEER/ARCHITECT will do the following before specifying any asbestos containing material:
  - A. Inform the OWNER's Project Manager for this Project, in writing, of any intent to specify asbestos containing materials.
  - B. Receive written approval from the City of Austin Project Manager for the specifying of any asbestos containing materials.
  - C. At the completion of the design phase, and before the OWNER receives any bids for this Project, provide to the Project Manager, in writing, the proposed location of any asbestos containing materials, the type of asbestos they contain, and the percent of asbestos by types.
3. The ENGINEER/ARCHITECT states its understanding that if any asbestos containing materials not approved by the OWNER for inclusion into the Project, are determined, as a result of any inspection and sample analysis performed by an individual(s) and/or firm(s) certified and/or licensed to perform such inspection by the United States Government and/or the State of Texas, to have been knowingly specified, requested and/or approved by the ENGINEER/ARCHITECT for inclusion in the Project, the OWNER shall look to the ENGINEER/ARCHITECT for reimbursement of any and all costs incurred in the removal and/or other abatement of said asbestos containing materials.
4. ENGINEER/ARCHITECT further understands that OWNER shall also look to the ENGINEER/ARCHITECT for any and all damages to OWNER which result from the inability of the OWNER to use any portion or all of the Project due to the incorporation of asbestos containing materials that have been knowingly specified, requested and/or approved by the ENGINEER/ARCHITECT.
5. ENGINEER/ARCHITECT further understands that OWNER will pursue reimbursement of any said cost and compensation for any said damages from the ENGINEER/ARCHITECT by any and every means within OWNER's right and power.

Signature of Authorized Representative: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF TRAVIS

ON \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_ and been duly sworn by me, subscribed to the foregoing statement and has stated that the facts stated therein are true and correct.

Notary Public, State of Texas \_\_\_\_\_

Printed Name of Notary \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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