



August 16, 2023

PROJECT: Water Valve Condition Assessment Program

Dear Prospective Bidder:

You are invited to submit a sealed price proposal for the above project. A copy of the Invitation to Bid, Bid Proposal, Compliance Affidavits Form and Envelope Cover are attached. Please make certain you sign your proposal and Affidavits Form (affidavits form must also be notarized) along with various certifications and include with your sealed proposal. A bid bond will be required.

If you have questions please contact me at (423) 229-9315 or email brentmorelock@kingsporttn.gov . We look forward to receiving your proposal.

Sincerely,

A handwritten signature in blue ink that reads "Brent Morelock".

Brent Morelock, CPPO, CPPB
Procurement Manager

C: Engineering

INVITATION TO RE-BID

Sealed bids for the following project will be received by the Procurement Manager until 4:00 P.M., Eastern Time, August 30, 2023, and at that time publicly opened in City Hall Conference Room 436, 415 Broad Street, Kingsport, TN. All bids will be considered for award or rejection at a later date.

PROJECT: Water Valve Condition Assessment Program

All Minority and Women-Owned contractors are encouraged to participate.

A bid bond or certified check in an amount equal to five percent (5%) of the total of the bid is required. Certified checks should be made payable to City Treasurer, City of Kingsport. The successful bidder will be required to execute acceptable Performance and Payment Bonds in an amount equal to one hundred (100%) percent of the contract price.

All bidders must be licensed Contractors as required by the Contractors Licensing Act of 1994 (TCA Title 62, Chapter 6). No bid will be opened unless the outside of the sealed envelope containing the bid provides the following information: the Contractor's license number, the date of the license's expiration, and a quotation of that part of his classification applying to the bid; the Geothermal, HVAC, Masonry, Plumbing, Roofing, and Electrical subcontractor's license number, each date of the license expiration and that part of each classification applying to the bid if the value of work is \$25,000 or greater; (\$100,000.00 or greater for Masonry) if value of the subcontractor's work is less than \$25,000, (\$100,000.00 for Masonry), the bid envelope is to be indicated with the phrase "Subcontractor's bid is less than \$25,000" (\$100,000.00 for Masonry) after each appropriate heading. If no Subcontractor's are being used, the outside of the envelope must state, "No Subcontractors are being used on this project".

By submission of a signed bid, the bidder certifies total compliance with Title VI and Title VII of the Civil Rights Act of 1964, as amended, and all regulations promulgated thereunder.

No submitted bids may be withdrawn for a period of sixty (60) days after the scheduled closing time for receipt of bids. All bids shall be signed, sealed and addressed to the Procurement Manager, City of Kingsport, 415 Broad St., Kingsport, TN 37660, and marked "Water Valve Condition Assessment Program". The City by its governing regulations reserves the right to accept or reject any or all bids received, to waive any informalities in bidding and to re-advertise.

PUB IT: August 16, 2023

Chris McCartt
City Manager

I propose to commence the work within ____ calendar days after notification of acceptance of bid and complete the work in ____ calendar days.

LIQUIDATED DAMAGES

As actual damages for any delay in completion of the work which the Contractor is required to perform under this Contract are impossible of determination, the Contractor and his Sureties shall be liable for and shall pay to the owner the sum of \$500.00 per day as fixed, agreed and liquidated damages for each calendar day of delay from the above date stipulated for completion, or as modified in accordance with Section "Changes in Work" under GENERAL CONDITIONS, until such work is satisfactorily completed and accepted.

My Terms are AS PER BID DOCUMENT.

The bidder hereby agrees that the Board of Mayor and Aldermen have the right to reject any and all bids received and to waive any informalities.

Certified check or bid bond is herewith deposited with the City Treasurer, in the sum of 5% of the total bid amount, made payable to the order of City Treasurer of the City of Kingsport, Tennessee, with the understanding that if the bid herewith submitted is rejected, the said check will be returned to the bidder; and if the said bid is accepted by the City of Kingsport, check will be returned to the bidder upon the execution and securing of a contract to do the said work. If awarded the contract to this work, and the bidder refuses or neglects to execute a written contract to do the same and furnish security in the amount required within ten days after being notified that the contract has been awarded to him the certified check shall be forfeited to the City as liquidated damages for such neglect or refusal, and the amount so collected shall be paid into the fund set aside for the City's portion of the cost of the proposed improvement.

The successful contractor shall provide for workman's compensation and comprehensive general public liability insurance in amounts acceptable to the City. The contractor will furnish comprehensive automobile liability insurance and insurance in such form as shall be satisfactory to the City. The contractor shall furnish owner's liability insurance to defend, indemnify and save harmless the City of Kingsport from any and all claims and suits for injury to persons or property arising out of the performance of the contract caused in any way by the acts or omissions of the contractor or the contractor's agents, employees, or subcontractor during or in connection with the contract work, excepting bodily injury or death or property damage caused by the sole negligence of the owner, its agents or employees. The successful contractor is required to complete a Beneficial Owners Form for projects which exceed \$500,000.00. The form will be provided to the successful contractor at the Pre-Construction Meeting and will be required to be submitted to the City with the first Pay Application/Request.

We have read and acknowledge the requirements of owner's liability insurance to save and defend the City harmless.

We acknowledge receipt of ____ addendum(s) to this project.

BID TO BE SUBMITTED IN DUPLICATE

HANDWRITTEN Signature of Authorized Representative

FIRM

Date

Tennessee Contractor's License Number

BID MUST BE SIGNED TO BE CONSIDERED

BID ENVELOPE COVER

THIS FORM IS TO BE FIRMLY ATTACHED TO THE OUTSIDE OF THE ENVELOPE CONTAINING THE BID

PART 1

ALL BIDDERS MUST COMPLETE THIS SECTION

Project Name: _____

Project Opening Date & Time: _____

Contractor's Licensed Name: _____

Contractor's Address: _____

Contractor's License Number: _____

Contractor's License Expiration Date: _____

Contractor's License Classification: _____

PART 2 - SUBCONTRACTORS

ALL BIDDERS MUST COMPLETE THIS SECTION. IF SUBCONTRACTOR'S BID AMOUNT IS \$25,000 OR MORE FOR (1) ELECTRICAL, (2) PLUMBING, (3) HEATING, VENTILATION, AIR CONDITIONING, (4) GEOTHERMAL, (5) ROOFING OR \$100,000 OR MORE FOR (6) MASONRY. IF THAT PORTION OF THE BID IS LESS THAN \$25,000 FOR ELECTRICAL, PLUMBING, HVAC, GEOTHERMAL, OR ROOFING ENTER "NONE" OR N/A IN THE NAME SPACE FOR THOSE CATEGORIES BELOW. IF THAT PORTION OF THE BID IS LESS THAN \$100,000 FOR MASONRY ENTER "NONE" OR N/A IN THE NAME SPACE FOR THAT CATEGORY BELOW.

1) *Electrical*

Name: _____

License Number: _____

License Expiration Date: _____

Classification: _____

4) *Geothermal*

Name: _____

License Number: _____

License Expiration Date: _____

Classification: _____

2) *Plumbing*

Name: _____

License Number: _____

License Expiration Date: _____

Classification: _____

5) *Roofing*

Name: _____

License Number: _____

License Expiration Date: _____

Classification: _____

3) *HVAC*

Name: _____

License Number: _____

License Expiration Date: _____

Classification: _____

6) *Masonry*

Name: _____

License Number: _____

License Expiration Date: _____

Classification: _____

REQUEST FOR PROPOSAL
CITY OF KINGSPORT UTILITIES DEPARTMENT
WATER VALVE CONDITION ASSESSMENT PROGRAM

August 16, 2023

PROJECT: Water Valve Condition Assessment Program

Dear Representative:

The City of Kingsport is currently interested in contracting with a firm with experience and expertise in Water Isolation Valve Exercising & Data Collection.

Firms desiring to be considered must submit five (5) copies of the qualifications to:

Procurement Manager
415 Broad Street
Kingsport, TN 37660

REPLIES MUST BE RECEIVED NO LATER THAN 4:00 P.M. EASTERN TIME, August 30, 2023. MARK THE OUTSIDE OF THE ENVELOPE REQUEST FOR PROPOSALS – CITY OF KINGSPORT UTILITIES DEPARTMENT – WATER VALVE ASSESSMENT PROGRAM

If hand delivered, they will be delivered to the Procurement Department, 415 Broad Street, Kingsport, Tennessee.

All Requests for Qualifications received by the Procurement Manager shall be publicly opened and examined at the in the Conference Room 436, City Hall, 415 Broad Street, Kingsport, TN at 4:00 P.M. Eastern Standard Time, August 30, 2023. Once all proposals have been opened, the Procurement Manager will announce only the names of the submitters.

Any cost incurred in preparation of this Request for Qualifications and in the interview phase will solely be the responsibility of the consultant.

Fee structure is to be included with the proposal.

Any additional information concerning this request may be obtained from the Procurement Department at (423) 229-9419.

Sincerely,

Brent Morelock
Procurement Manager

Request for Proposal
City of Kingsport Utilities Department
Water Valve Condition Assessment Program

This project will be fully or partially funded with Federal funds and are subject to the Federal laws and regulations associated with the American Rescue Plan (ARP) Fiscal Recovery Fund grant.

PROJECT: WATER VALVE CONDITION ASSESSMENT PROGRAM

PROGRAM GOALS AND OBJECTIVES

The goal of the condition assessment program is to improve the Owners electronic maps and asset management system with accurate locations and asset information for all mainline water isolation valves. The program will increase the operational efficiency of water maintenance staff and provide valuable asset information that can be used in future planning efforts.

BACKGROUND

The City of Kingsport manages a regional water system that provides drinking water to approximately 40,000 customers in a service area of over 120 square miles, serving the City of Kingsport along with portions of Sullivan County, Washington County, Hawkins County, Greene County, and Scott County Virginia. The system includes a 29 million gallons per day rated capacity water treatment plant, over 800 miles of water lines, 22 tanks and 15 major pump stations.

The locations of water mains, valves, hydrants, and other assets have historically been recorded on paper maps (until the early 2000's) and AutoCAD drawings (until 2019). Starting in 1996 the City began developing a geographic information system (GIS) that included water asset locations and attributes. The City's water operations manage and update map information through their asset management software Cartegraph which was adopted in 2015. Cartegraph works synergistically with the City's GIS to reconcile differences between databases and maintain consistent mapping information between both records. Although Cartegraph has been in use by field staff for several years there is still a strong reliance on institutional knowledge for day to day operations and emergency situations.

The City's long term approach to asset management is to utilize Cartegraph to both track task history on assets and aid operations staff in locating assets and planning work. Cartegraph has approximately 7,000 mainline water isolation valves. This number is a fraction of the actual system valves recorded on AutoCAD maps. A large portion of the valves recorded on the AutoCAD maps were not formatted in a way that allowed them to easily be migrated to the City's GIS. Many maps have both point locations of valves and annotations drawn on the same layer or valve locations can only be inferred by the presence of dimensions to points on water mains.

The City is seeking to utilize ARP funds to improve its asset management program by locating and adding these missing system valves to their GIS and Cartegraph. Maps of the City's water infrastructure are available online on the City's website (KingsportTN.gov) under the Maps portion of the City Services tab. Examples of paper records and AutoCAD maps are also available for review. Contact Harris Darby at HarrisDarby@KingsportTN.gov or 423-224-2727 to coordinate the transfer of files.

SCOPE OF WORK

1. The final Scope of Work may be modified and will become a part of any contract or agreement between the City and the selected Firm.
2. Valve Exercising & Data Collection – Using Owner records, field locate all mainline isolation valves. Collect a coordinate point and detailed asset information including but not limited to: operation type, depth to operating nut, turns to operate, position found, operable, surrounding cover, casting shape, direction to close, and other observations. All valves in the program shall be operated until moving freely at minimum two full cycles. Operations of the valves shall comply with AWWA M-44 Manual of Practice. Valves not to be part of the program include: check valves, altitude valves, pressure reducing valves, air release valves, hydrant isolation valves, blow off valves, service isolation valves, and valves within the Kingsport Water Treatment Plant.
3. Data Management – The data collected will be formatted such that it shall be easily integrated into Cartegraph OMS either directly or through the Owner’s enterprise geodatabase.
4. Project Management – The Firm shall coordinate the work and provide regular updates to the Owner regarding schedule, progress, deliverables, broken or frozen valves, and other repair recommendations as identified.
5. Schedule of Costs – provide schedule of costs for all activities to be included in the scope of work with an estimated total for completion based on 20,000 valves.

SUBMITTAL OF QUALIFICATIONS

The following information should be included as a minimum:

1. Firm Profile - Provide a summary of the firm's history and capabilities. Identify the firm’s principals, project background, and areas of specialty.
2. Project Team - Provide resumes for those individuals proposed for the work including any subcontractors. Identify their project experience, professional certifications, affiliations, and other relevant qualifications.
3. Management - The project manager and principal in charge should be listed with their respective experience.
4. Relevant Experience - Provide a listing of similar type projects completed by the firm during the past ten years.

SELECTION CRITERIA

All proposals will be reviewed and rated by a selection committee representing the City of Kingsport. Criteria for evaluation will include [must total 100%]:

- 60% - Proposal for accomplishing the tasks listed in Project Scope
- 20% - Cost to assess 20,000 valves
- 10% - Capacity to perform the services within the established timeframe
- 10% - References

SUPPLEMENTAL CONDITIONS

REQUIRED STATE OR GRANTEE CERTIFICATIONS

The following documents outline required supplementary conditions to be completed and provided by the bidders with your RFP response.

- [BYRD Anti-Lobbying Amendment Certification](#)
- [Iran Divestment Act Certification](#)
- [Debarment Certification](#)
- [Non-Boycott of Israel Certification](#)

REQUIRED AND RECOMMENDED FEDERAL CONTRACT PROVISIONS

The following document outline the required and recommended provisions that must be included in contracts that are being funded in part or whole with grant funding from the SLFRF.

[Required and Recommended SLFRF Supplemental Conditions for Contracts](#)

COMPLIANCE AFFIDAVIT(S) (TOTAL OF 2 PAGES)

THIS COMPLIANCE AFFIDAVIT MUST BE SIGNED, NOTARIZED AND INCLUDED WITH ALL BIDS – FAILURE TO INCLUDE THIS FORM WITH THE BID SUBMITTED SHALL DISQUALIFY THE BID FROM BEING CONSIDERED.

VENDOR: _____

CONFLICT OF INTEREST:

1. No Board Member or officer of the City of Kingsport or other person whose duty it is to vote for, let out, overlook or in any manner superintend any of the work for the City of Kingsport has a direct interest in the award of the vendor providing goods or services.
2. No employee, officer or agent of the grantee or sub-grantee will participate in selection, or in the award or administration of an award supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of their immediate family, his or her partner, or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
3. The grantee's or sub-grantees officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from vendors, potential vendors, or parties to sub-agreements.
4. Do you or any officers/part-owners/stake-holders/employees of this company have any relative(s) (relatives include spouse, children, stepchildren or any to whom you are related by blood or marriage) that are currently employed by the City of Kingsport, Tennessee, including the Kingsport City School System or serve on the Kingsport Board of Mayor and Aldermen or the Kingsport Board of Education?
_____ Yes _____ No

If you answered yes please state the name and relationship of the employee or member of the Kingsport Board of Mayor and Aldermen or Kingsport Board of Education member

5. Are you or any officers/part-owners/stake-holders/employees of this company also employees of the City of Kingsport, including the Kingsport City School System or serve on the Kingsport Board of Mayor and Aldermen or Kingsport Board of Education? _____ Yes _____ No

If you answered yes please state the name of the employee or board member

6. By submission of this form, the vendor is certifying that no conflicts of interest exist.

DRUG FREE WORKPLACE REQUIREMENTS:

7. Private employers with five or more employees desiring to contract for construction services attest that they have a drug free workplace program in effect in accordance with TCA 50-9-112.

ELIGIBILITY:

8. The vendor is eligible for employment on public contracts because no convictions or guilty pleas or pleas of nolo contendere to violations of the Sherman Anti-Trust Act, mail fraud or state criminal violations with an award from the State of Tennessee or any political subdivision thereof have occurred.

GENERAL:

9. Vendor fully understands the preparation and contents of the attached offer and of all pertinent circumstances respecting such offer.
10. Such offer is genuine and is not a collusive or sham offer.

IRAN DIVESTMENT ACT:

11. Concerning the Iran Divestment Act (TCA 12-12-101 et seq.), by submission of this bid/quote/proposal, each vendor and each person signing on behalf of any vendor certifies, and

in the case of a joint bid/quote/proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each vendor is not on the list created pursuant to § 12-12-106.

NON-COLLUSION:

12. Neither the said vendor nor any of its officers, partners, owners, agents, representatives, employees or parties interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other responder, firm, or person to submit a collusive or sham offer in connection with the award or agreement for which the attached offer has been submitted or to refrain from making an offer in connection with such award or agreement ,or collusion or communication or conference with any other firm, or, to fix any overhead, profit, or cost element of the offer price or the offer price of any other firm, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the City of Kingsport or any person interested in the proposed award or agreement.
13. The price or prices quoted in the attached offer are fair, proper and not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the firm or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

BACKGROUND CHECK REQUIREMENT FOR SCHOOL SYSTEM SUPPLIERS:

14. In submitting this bid/quote/proposal, you are certifying that you are aware of the requirements imposed by TCA § 49-5-413 (d) to conduct criminal background checks through the Tennessee Bureau of Investigation and the Federal Bureau of Investigation on yourself and any of your employees who may come in direct contact with students or who may come on or about school property anytime students are present. You are further certifying that at no time will you ever permit any individual who has committed a sexual offense or who is a registered sex offender to come in direct contact with children or to come on or about school property while students are present.

NON-BOYCOTT OF ISRAEL AFFIDAVIT

15. Concerning the Non-Boycott of Israel Act (TCA 12-4-1 et seq.), by submission of this bid/quote/proposal, each supplier and each person signing on behalf of any supplier certifies, and in the case of a joint bid/quote/proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each supplier is not boycotting Israel pursuant to § 12-4-1 and will not during the term of any award. Note: Applicable only to contracts of \$250,000 or more and to suppliers with 10 or more employees.

The undersigned hereby acknowledges and verifies that the response submitted to this solicitation is in full compliance with the applicable laws/listed requirements. The undersigned also declares under penalty of perjury under the laws of the State of Tennessee that the foregoing is true and correct.

SIGNED

BY: _____

PRINTED NAME: _____

TITLE: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: _____

BY (NOTARY PUBLIC): _____

MY COMMISION EXPIRES ON: _____

CERTIFICATION OF SUBCONTRACTOR REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND EXCLUSION

Pursuant to 2 CFR Parts 183, 215, and 2424, and the requirement of the U.S. Department of Housing and Urban Development (HUD), subcontractors for projects that are funded in whole or in part by HUD funds must provide information concerning the entity's debarment, suspension, ineligibility or exclusion status. This document shall be completed and provided to the prime contractor.

- 1. By signing and submitting this proposal, the prospective lower-tier participant certifies that neither it, its principals nor affiliates, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Further, the Participant provides the certification set out below:
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that an erroneous certification was rendered, in addition to other remedies available to the Federal Government, the Department or agency with which this transaction originated may pursue available remedies.
3. Further, the Participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the Participant learns that this certification was erroneous when submitted or has become erroneously by reason of changed circumstances.
4. By submitting this document, it is agreed that should the proposed covered transaction be entered into, the Participant will not knowingly enter into any lower-tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction unless authorized by the agency with which this transaction originated.

The subcontracting entity may satisfy the requirement of this document via one of the two options below:

Option 1: SAM.gov Active Registration

Entity Name: _____
Address: _____
City: _____ State: _____ Zip: _____
SAM Entity ID: _____ Expiration Date: _____
Active Exclusions: Yes No

Option 2: Signed Certification

Entity Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Entity Representative: _____ Title: _____
Signature: _____

CERTIFICATION OF NON-BOYCOTT OF ISRAEL

The Bidder certifies that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of Israel as defined by Tenn. Code Ann. § 12-4-119. This provision shall not apply to contracts with a total value of less than two hundred fifty thousand dollars (\$250,000) or to contractors with less than ten (10) employees.

According to the law, a boycott of Israel means engaging in refusals to deal, terminating business activities, or other commercial actions that are intended to limit commercial relations with Israel, or companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel to do business, or persons or entities doing business in Israel, when such actions are taken:

- 1) In compliance with, or adherence to, calls for a boycott of Israel, or
- 2) In a manner that discriminates on the basis of nationality, national origin, religion, or other unreasonable basis, and is not based on a valid business reason. Tenn. Code Ann. § 12-4-119.

I certify this statement to be true and correct.

Bidder Name Printed

Date

Signature of Bidder

Company

**IRAN DIVESTMENT
ACT**

In compliance with the Iran Divestment Act (State of Tennessee 2016, Public Chapter No. 817), which became effective on July 1, 2016, certification is required of all bidders on contracts over \$1,000.

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party hereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to T.C.A. § 12-12-106.

I affirm, under the penalties of perjury, this statement to be true and correct.

_____	_____
Date	Signature of Bidder
_____	_____
	Company

A bid shall not be considered for award nor shall award be made where the foregoing certification has been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. The **City/County of _____** may award a bid to a bidder who cannot make the certification, on case-by-case basis, if:

1. The investment activities in Iran were made before July 1, 2016, the investment activities in Iran have not been expanded or reviewed on or after July 1, 2016, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The **City/County of _____** makes a determination that the goods or services are necessary for the **City/County of _____** to perform its functions and that, absent such an exemption, the political subdivision will be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(E) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations

and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(F) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(G) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(H) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(I) Domestic Preferences for Procurements - As appropriate and to the extent consistent with law, Supplier should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(J) This is an acknowledgement that Treasury ARP SLFRF financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable Federal law, regulations, executive orders, Treasury policies, procedures, and directives.

**ATTACHMENT
CERTIFICATION REGARDING LOBBYING**

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal Funds.

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certifications shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding \$100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

Name/Address of Organization

Name/Title of Submitting Official

Signature

Date