



REQUEST FOR PROPOSALS  
OF  
PROGRAM ADMINISTRATION SERVICES  
FOR  
State Expenditure Plan# 12:  
Perch Creek Area Sanitary Sewer Trunk Line Cured In Place Pipe (CIPP)

Gulf Coast Ecosystem Restoration Council  
GNSSP20AL0008

Alabama Department of Conservation and Natural Resources Grant – S1P12-PCSS  
CFDA# 87.052 Spill Impact Component Project Grants

Contract Period of Performance – September 18, 2020 until March 31, 2022

The Board of Water & Sewer Commissioners of the City of Mobile, Alabama  
Kenneth W. Nichols                      Chair  
Charles Hyland                         Director

ATTENTION:  
Calressia Clark, PE  
4725 Moffett Road, Suite A  
Mobile, AL 36618-0249

**BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE  
REQUEST FOR PROPOSALS (RFP)**

The Board of Water and Sewer Commissioners of the City of Mobile (hereinafter referred to as the Board or MAWSS) is accepting proposals from companies interested in providing Program Administration Services **until September 7, 2020 at 12:00pm** for the following project:

**ADCNR Grant#: S1P12-PCSS  
Perch Creek Area Sanitary Sewer Trunk Line CIPP**

The Scope of Services will include complete grant management, reporting and implementation of the RESTORE ACT Spill Impact Component Project for a construction project that includes rehabilitating 25,398 linear feet of large diameter (16"-48") sewer trunk lines (by installing cured in place piping) and 95 sewer manholes in the Perch Creek Area.

To obtain a copy of the RFP, visit [www. https://www.mawss.com/projects/upcoming-construction-projects/](https://www.mawss.com/projects/upcoming-construction-projects/). Questions or comments pertaining to this proposal must be presented in writing, or sent as an e-mail to the attention of Calressia Clark, PE, MAWSS-Water and Sewer Engineering Manager, 4725 Moffett Road, Mobile AL 36618-2236 or cclark@mawss.com at least (24) business hours prior to the proposal opening.

Envelopes containing proposals must be sealed and delivered to Calressia Clark, PE, Mobile Area Water and Sewer System (MAWSS), 4725 Moffett Road, Mobile AL 36618-0249: "Proposal for Program Administration, Perch Creek Area Sanitary Sewer Trunk Line CIPP." All proposals shall contain original signatures. Proposal must be received by **12:00 p.m. on September 7, 2020**. No late proposals will be accepted. A contract will be awarded to the qualified applicant whose proposal is determined to be the most advantageous to MAWSS, with price and other factors considered. MAWSS reserves the right to reject any or all proposals, and to waive any informalities submitted.

A portion of funding for this project is being provided by RESTORE ACT via the Gulf Coast Ecosystem Restoration Council and the Alabama Department of Conservation and Natural Resources. The proposals are being requested in accordance with 2 CFR 200. All action shall be consistent with applicable federal, state and local requirements.

To submit a proposal a DUNS number shall be included with the proposal as evidence of an active registration with the System for Award Management (SAM). SAM registration is required for businesses to contract with the federal government, and for confirmation of debarment/suspension status. Registration can be obtained through [www.sam.gov](http://www.sam.gov) . A contract award will not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. part 180 that implement Executive Orders 12549 (3 C.F.R. part 1986 Comp., p. 189) and 12689 (3 C.F.R. part 1989 Comp., p. 235), "Debarment and Suspension."

Workman's Compensation Insurance is required on all employees if work is done on MAWSS premises. General Liability Insurance must be maintained to hold MAWSS harmless in the event of an accident. The awarded contractor must submit to MAWSS Proof of Workman's Compensation Insurance if work is done on MAWSS's premises and General Liability Insurance specifying coverage. See RFP packet for details.

No proposals will be considered unless the Professional Services Firm, whether resident or non-resident of Alabama, is properly qualified to submit a proposal for this type of work in accordance with all applicable laws of the State of Alabama, including, where applicable, possessing a Certificate of Authorization issued by the State Board of Licensure for the State of Alabama under the CODE OF ALABAMA, Section 34, and further, certifies that it has the professional, technical, and administrative personnel with the specific experience and training necessary to provide the services as may be required by MAWSS. Furthermore, the Professional Services Firm will meet all current licensing and certifications necessary to perform the scope of work. In addition, the awarded vendor, if non-resident of the State, and if a corporation, shall show evidence of having qualified with the Secretary of State to do business in the State of Alabama, <http://www.sos.alabama.gov/BusinessServices/ForeignCorps.aspx>

MAWSS is an Equal Opportunity Employer and requires that all companies comply with the Equal Employment Opportunity laws and the provisions of the Contract Documents in this regard. MAWSS also encourages and supports the utilization of Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) on this and all public proposals. Any contract awarded must comply with the MBE/WBE contracting requirements outlined in "Attachment A" of the RFP. MBE/WBE individuals/consultants are encouraged to respond to this solicitation.

**#END OF ADVERTISEMENT**

**BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE  
REQUEST FOR PROPOSAL (RFP)**

**Program Administration Services for**

**ADCNR Grant#: S1P12-PCSS - Perch Creek Area Sanitary Sewer Trunk Line CIPP**

The Board of Water & Sewer Commissioners of the City of Mobile (hereinafter referred to as the Board or MAWSS) is accepting proposals from companies interested in providing Program Administration Services for complete grant management, reporting and implementation of the RESTORE ACT Spill Impact Component Project for a construction project that includes rehabilitating 25,398 linear feet of large diameter (16"-48") sewer trunk sewer (by installing cured in place piping) and 95 sewer manholes in the Perch Creek Area. All documents shall be consistent with local, state and federal regulations, codes and laws.

**Project Area**

The Dauphin Island Parkway Community was developed after World War II to provide housing for the employees and contractors associated with Brookley Air Force Base. Gravity sewer lines and manholes were installed in the low-lying drainage basins to serve the coastal residential community.

North of the Dog River Bridge, there are several miles of original sewer trunk lines that have long outlived their useful life and area causing environmental and public health problems along with exceeding the limits of treatment at the Wastewater Treatment Plant. These trunk lines are located in 4 sub-basins associated with Perch Creek and vary from 16-inches to 48-inches in diameter.

**Project Timeline - Tentative**

The selected firm will enter into negotiations with MAWSS to develop a detailed scope of work, cost schedule, contract terms and conditions.

August 9, 2020	Advertise Request for Qualifications
September 7, 2020, 12:00pm	Statements of Qualification submitted by firms
September 14, 2020	Interviews conducted (if required)
September 18, 2020	Firm Selection
October 5, 2020	Contract Approval on Board Agenda if necessary

## **Firm Evaluation**

Proposals will be evaluated and ranked on the basis of the following criteria:

1. Proposed approach to administration of ADCNR grants or similar grants – 30 points
2. Experience and availability of staff to complete project - 25 points
3. Resources and Availability – 25 points
4. Experience working with MAWSS/federal/state grant funded projects – 10 points
5. Fee or proposed fee basis – 10 points

Total possible points to be achieved: 100

**Three copies** of the proposal must be submitted by the deadline. Firms submitting proposals are solely responsible for meeting submittal deadlines. Proposals received after the stated deadline will be deemed non-responsive and will not be considered for any contract awarded as a result of this solicitation.

## **Selection Process**

Members of the Board's executive staff will independently evaluate the proposals. Each firm will receive five scores – one for each category. Total Score is the sum of the points identified in the Firm Evaluation Section Numbers 1-5 as previously listed. The total scores per firm will be averaged and ranked. The highest ranking firm will be selected.

The firm selected will be notified and a contract negotiated. The contract will be for a period coinciding with the completion and closeout of the project for which services are being requested. The Owner reserves the right to reject any or all proposals, and to waive any irregularities or informalities in the proposal process.

## **Project Task**

The Program Administration Services Firm will be responsible for complete grant assistance, monitoring, administration and management. This includes, but is not limited to, completion of preliminary reporting and documentation, environmental compliance, ensuring proper bidding, contracting and procurement processes are followed, monitors and prepares budgets/financials/audits, completes close-out documents and any other tasks necessary to ensure that federal and state compliance is maintained.

The awarded firm will be required to adhere to all local, state and federal regulations, codes and laws. This includes, but is not limited to all executive orders (EOI), Office of Management and Budget (OMB) requirements and 2 CFR 200 federal regulations. All applicants must list experience with grants awarded by ADCNR and knowledge of the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE ACT). The Consultant shall ensure that all regulations of the Davis-Bacon Act are followed per the Department of Labor regulations (40 U.S.C. 3141-3144, and 3146-3148, as supplemented by 29CFR Part 5).

All applicants must include a fee for all services provided for the entirety of this project.

## **Proposal Contents**

Statement of Qualifications should include the following:

1. **Transmittal Letter**

The first page of the proposal shall be a letter from the firm transmitting the Statement of Qualifications (SOQ) to the Board. The letter must certify that the information provided in the SOQ is accurate and is signed by an appropriate officer of the firm. Include in the letter the name and contact information of the person whom questions about the SOQ should be addressed. Your company's DUNS number shall be included on the transmittal letter. Identify any characteristic of the firm that makes it exceptional and that can be offered as an advantage over other firms.

2. **Projected Grant Administration Approach and Schedule**

3. **Experience with Administration of ADCNR/RESTORE ACT grants or similar grants**

Provide a list of projects in which similar scoped projects that were previously completed. For each project, list relevant client names, project titles, brief project descriptions with completion dates and any other pertinent information that accurately reflects the company's experience with designing and inspecting similar projects.

4. **Individual Project Experience**

Attach resumes (two pages max. for each person) of staff that will play significant roles in the performance of work for the scope of this project, listing their experience and credentials.

5. **Previous work experience with MAWSS**

6. **Proposed fee and basis**

7. **Sub-consultants**

Provide names of any sub-consultants to be used on this project. Include the estimated cost or estimated percentage of the total Agreement to be performed. For the selection of sub-consultants, the Bidder must comply with the requirements of 2 CFR 200.321 of the Code of Federal Regulations "Contracting with small and minority businesses, women's business enterprises, and labor surplus area consultants". *Refer to Attachment A of the RFP which includes the referenced federal regulation.* If subcontracts are to be let, the contractor must show compliance with the required affirmative steps listed in paragraphs (1) through (5) of this section. Prior to contract execution, the selected contractor must provide evidence of compliance with these steps in the selection of sub-consultants. Refer to the **Subcontractor Listing Form (see Attachment A)** showing documentation that will be required for each selected sub-contractor.

## **Miscellaneous**

1. RFP is not to be construed as a contract or a commitment of any kind, nor does it commit MAWSS to pay for any costs incurred in the preparation of a submission or of any costs incurred prior to the execution of a formal contract.
2. In the event that a mutually agreeable contract cannot be negotiated between the consultant and MAWSS, MAWSS reserves the right to select an alternate consultant.
3. MAWSS reserves the sole right to (1) evaluate submittals; (2) waive any irregularities therein; (3) shortlist candidates for interviews; (4) request supplemental or additional information as deemed necessary; (5) contact others to verify information provided in the submittal; or (6) reject any and all submittal(s), should it be deemed in the best interest of MAWSS.
4. No debriefings by Board staff to unsuccessful submitters will occur until after the award of a contract is performed.
5. 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. (**Please complete the certification form on page 13 and submit with the Consultant's proposal.**) 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.
6. Proposals are being requested in accordance with 2 C. F. R. §200.320 "Methods of Procurement."
7. The prime contractor must comply with federal regulations regarding procurement of recovered materials found at 2 CFR §200.322. 2 CFR §200.322 requires the Project Owner and its contractors to comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

## **RESTORE Act Required Provisions**

The fees associated with this project are part of MAWSS's **Sub-award Grant Agreement with the Alabama Department of Conservation and Natural Resources (ADCNR) Grant#: S1P12-PCSS made available by the Spill Impact Component funding from the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE ACT)**. As a result, bidders and the selected contractors will be responsible for full compliance with, as applicable, provisions required pursuant to 2 C.F.R Appendix II to part 200 "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards", the Federal Award, the sub-award agreement between ADCNR and MAWSS, the Gulf Coast Ecosystem Restoration Council Financial Assistance Standard Terms and Conditions, FAPIIS CERTIFICATION, 2 CFR PART 200 APPENDIX XII, and all other federal, state or local laws.

The Bidder must agree to comply with **2 CFR 200.321 of the Code of Federal Regulations as follows:**

**§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area consultants.**

- a. The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area consultants are used when possible.
- b. Affirmative steps must include:
  - 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - 6) **\*\*\*Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.**

The bidder and selected contractor must agree to comply with all provisions of the **Code of Federal Regulations Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards** as follows:

- a. Contracts for more than the simplified acquisition threshold currently set at \$250,000, 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. [Davis-Bacon Act](#), as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
  - e. [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.
- f. 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 consultants 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 Consultants Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
  - g. [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).
  - h. 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](#).
  - i. 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. (**See attached Certification Regarding Lobbying**)
  - j. See [§ 200.322](#) Procurement of recovered materials. A [non-Federal entity](#) that is a [state](#) agency or agency of a political subdivision of a [state](#) and its [contractors](#) must

comply with section 6002 of the [Solid Waste Disposal Act](#), as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75888](#), Dec. 19, 2014]

## **Insurance**

All insurance will be provided by insurers licensed to conduct business in the State of Alabama and shall have minimum A.M. Best resting of A-VII and must be acceptable to MAWSS. Self-insured plans and/or group funds not having an A.M. Best rating must be submitted to the **BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE** for prior approval. The **GRANT ADMINISTRATOR** shall name MAWSS, its employees and agents as Additional Insured. Liability insurance as required by this contract is to provide cross-liability coverage.

**NO WORK IS TO BE PERFORMED UNTIL PROOF OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS HAS BEEN RECEIVED BY MAWSS.**

1. Professional Liability (Errors and Omissions) - Coverage against claims for professional services errors and omissions, said policy to be maintained through the term of this Agreement and for a period of two (2) years thereafter. Combined single limit of \$1,000,000 per each claim, \$1,000,000 per aggregate.
2. Commercial General Liability: providing against claims for personal injury, bodily injury, including death, advertising injury, blanket contractual liability, products/completed operations, and property damage. Combined single limit of \$1,000,000 per each occurrence, with an aggregate total of \$2,000,000.
3. Worker's Compensation and Employers Liability
  - A. Worker's Compensation - Statutory Amount of the State
  - B. Employers Liability – single limit of at least \$1,000,000 per each occurrence
4. Umbrella Policy for Commercial General Liability Coverage: \$5,000,000 per claim
5. Excess Policy for Professional Liability Coverage: \$5,000,000

The Grant Administrator shall provide proof of the above listed insurance policies to the Board by furnishing:

- **Certificate of insurance;**
- **Declaration sheets;**
- **All endorsements**, including but not limited to an additional insured endorsement for the Commercial General Liability (CGL) policy naming the Board, its Commissioners, members, officers, and employees as additional insureds, and endorsements stating that the policies will not be cancelled, limited, or changed without thirty (30) calendar days' prior written notice to the Board.

## **CERTIFICATION REGARDING LOBBYING**

The undersigned certifies, to the best of his or her 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 any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any 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 contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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

Organization: \_\_\_\_\_

Street address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

CERTIFIED BY:(type or print) \_\_\_\_\_

TITLE: \_\_\_\_\_

(signature)

(date)

## **ATTACHMENT A: CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA CONSULTANTS**

**Documentation of compliance with the following requirements is a matter of contractor responsibility. When subcontracting, the contractor must submit documentation of good faith efforts to meet the project's MBE/WBE requirements before contracted work can commence. (MBE/WBE requirements are outlined below and can be found at 2 C. F. R. §200.321.) Failure on the part of the contractor to submit proper documentation may cause the Owner not to execute or to terminate the contract.**

(a) The prime contractor must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area consultants are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and,
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

The prime contractor should note that this requirement mandates two responsibilities. Separate solicitations must be made of minority **and** women's business enterprises.

## **SUBMITTAL OF MINORITY BUSINESS ENTERPRISE AND WOMEN'S BUSINESS ENTERPRISE (MBE/WBE) DOCUMENTATION**

Prior to contract execution, the prime contractor must submit:

- A written certification that no subcontracts will be issued.
- OR -
- The Subcontractor Listing Form detailing all subcontractors from whom quotes were received including name, contact person, address, phone, and status (MBE, WBE or Non). If subcontractors will be utilized, the prime contractor must submit the following for subcontracts proposed to be awarded to MBE/WBE enterprises:
  - A certification from each MBE and/or WBE consultants declaring its status as a MBE or WBE consultants. A self-certification is acceptable, if the certification specifies the basis for MBE/WBE designation (e.g., the business is 51% owned and daily operation is controlled by one or more women or minority owners).

If subcontractors will be utilized, the prime contractor must submit the following for subcontracts proposed to be awarded to Non-MBE/WBE:

- For all subcontracts for which there are capable certified MBE/WBE consultants existing to potentially perform the work, letters transmitted to MBE and WBE consultants requesting quotes or proposals for specific subcontracting opportunities and encouraging inquiries for further details. Solicitations should have been sent in a timely manner, including allowed response time.
- A listing of certified MBE and WBE consultants from whom quotes or proposals were received, if any, who were not awarded subcontracts.
- Evidence that each Non-MBE/WBE subcontractor selected for the scope of work, was lower in price than each MBE/WBE proposal (or that there is some other acceptable reason to select the Non-MBE/WBE) and that the scope of work was the same for both the MBE/WBE and Non-MBE/WBE.

The contractor may utilize the following resources to assist in MBE/WBE affirmative outreach:

- WBE/MBEs from MAWSS List of Certified Diverse Vendors and Suppliers [www.mawss.com](http://www.mawss.com)),
- The Alabama Department of Economic and Community Affairs' Office of Minority Business Enterprise's Certified MWBE List,
- WBE/MBEs from the Alabama Department of Transportation's Certified Disadvantaged Business Enterprise List.

Should the Prime Contractor intend to later issue a subcontract, the above affirmative steps must be followed and documentation of such submitted to the Owner for review as described under this section.

## **SUBCONTRACTOR LISTING FORM**

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The prime contractor must submit this form to the Owner prior to contract execution and must update it for each subcontractor performing any work resulting from this contract. If additional lines are needed, this form may be duplicated.

<b>Subcontractor Name and Contact Person</b>	<b>Subcontractor Address and Phone Number</b>	<b>Subcontractor DUNS</b>	<b>MBE (Y/N)</b>	<b>WBE (Y/N)</b>	<b>Selected as Sub-Contractor (Y/N)</b>
Example- ABC Engineering John Doe	123 Main Street, Fairhope, AL 12345 123-456-7890	12-34567890	Y	N	Y

**COMPLETED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_