

Caldwell County Purchasing Department

405 E Market St
Lockhart, Texas 78644
512-359-4685

Merari Gonzales
Purchasing Agent
merari.gonzales@co.caldwell.tx.us

Dulce Arellano
Purchasing Assistant
dulce.arellano@co.caldwell.tx.us

May 29, 2025

ADDENDUM #2
RFQ25CCP01Q – Design and Planning Consultants – Road Bond

Please find attached Addendum #2 to RFQ25CCP01Q – Design and Planning Consultants – Road Bond.

Attachments to this addendum:

- RFQ Questions and Answers
- Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards Form

Acknowledge receipt of this addendum by signing and returning this page with your proposal.

Signature

Company Name

Date

Addendum #2
RFQ25CCP01Q – Design and Planning Consultants – Road Bond

RFQ Questions and Answers

Subconsultant Services:

- Are prime firms allowed to include subconsultants (or is this just for consultants to submit for services they perform)

Yes, prime firms are allowed and should include subconsultants as needed.

- Should we include geotechnical services as part of our team?

Yes, geotechnical services should be included as part of your team.

- Should we include geotechnical subconsultant services as part of our proposal package? If so, in which section of our SOQ should we include their experience? Or, should we showcase their experience through resumes?

Subconsultants (including but not limited to geotechnical subconsultant services, wherever the prime firm considers they should be included in the proposal) should be included in Section 2 (Organizational Chart) and Sections 4 through Section 8 (where subconsultants are to be used).

- On page 6 of the RFQ, it states services may include survey. Should we include surveying subconsultant services? If so, in which section of our SOQ should we include their experience? Or, should we showcase their experience through resumes?

Subconsultants (including but not limited to surveying subconsultant services, wherever the prime firm considers they should be included in the proposal) should be included in Section 2 (Organizational Chart) and Sections 4 through Section 8 (where subconsultants are to be used). Subconsultant experience can also be demonstrated in resumes included in the appendices.

Form of Contract:

- Page 9 state “the Form of contract that will be used will be the Caldwell County Contract for Engineering Services, which is posted as part of the RFQ.” However, the contract does not appear to be included in the RFQ materials. Could you please provide a copy of the contract?

The form of contract is included in Addendum #1 to RFQ25CCP01Q.

- Can you please provide a link and/or attachment of the Caldwell County Contract for Engineering Services on page 9 of the RFQ?

The form of contract is included in Addendum #1 to RFQ25CCP01Q.

- Will the county provide a copy of the Caldwell County contract for Engineering services, as mentioned on page 9 of the RFQ?

The form of contract is included in Addendum #1 to RFQ25CCP01Q.

- Page 9 of the RFQ states, "Because the signed Caldwell County Contract will be substantively and substantially derived from the Caldwell County Contract posted on the RFQ, all respondents are urged to seek independent legal counsel as to any questions about the terms, conditions, or provisions contained in the Caldwell County Contract before submitting a response to this RFQ." Can you please provide a copy of the contract terms and conditions?

The form of contract is included in Addendum #1 to RFQ25CCP01Q.

- Page 9 refers to the Caldwell County Contract for Engineering Services, which is stated to be included as part of the RFQ. However, our team was unable to locate this contract among the RFQ and materials posted on the County's website. Could you please direct us to where we can find this?

The form of contract is included in Addendum #1 to RFQ25CCP01Q.

Availability of Project Manager, Task Leads, and Relevant Staff and Past Performance on County Projects

- The following item is listed in the Evaluation Criteria on page 14 but is not reference in the SOQ requirements on pages 11-12: "Availability of Project Manager, task leads, and relevant staff and their previous performance on County projects" Could you please clarify whether this topic should be addressed in the SOQ? If so, in which section should it be included, and what is the applicable page limit?

Yes, the availability of the Project Manager, task leads, and relevant staff, and previous performance on County projects should be included either in Section 2 of the SOQ or in the relevant Sections 3-8 of the SOQ. Additional details on previous performance and project experience can be include in the resumes in Appendix A. Resumes are limited to two single-sided pages per person. SOQs shall not exceed nine single-sided pages (excluding the table of contents, front and rear covers, dividers, and appendix materials).

Page Limit:

- Transmittal letter is not included in the 9-page limit for this RFQ, would that just change the limit to technically be 8, or are there any other spots where a 2 page would be considered?

The page limit listed on page 13 of the RFQ should read

"SOQs shall not exceed nine (9) single-sided sheets in length, but not including:

- Table of Contents
- Front and rear covers, dividers
- Appendix Materials".

HUB/DBE Goal:

- Is there a HUB/DBE goal?

No.

- Is there a HUB % to be met or needed?

No.

Acknowledgement of Receipt of Addenda and Placement in RFQ Response:

- How does the county prefer respondents to acknowledge receipt of addenda, if applicable? Would attaching the addenda at the end of our response and adding our signature suffice?

Please acknowledge receipt of the addenda by signing and attaching the addenda at the end of your SOQ response. Addenda(s) can be placed at the end of the SOQ response but before the back cover page.

- Can you please clarify where you want any addenda(s) issued placed within the RFQ response?

Addenda(s) can be placed at the end of the SOQ response but before the back cover page.

RFQ Format:

- Will the RFQ be posted that does not have the comments/grey column on the right? (just wanted to confirm for the forms in it as the forms will have the grey column).

The incorrect format was placed on website. The correct one has been uploaded.

SOQ Form:

- Is the solicitation, offer and award form (page 1 of the RFQ) supposed to be completed and returned with the RFQ submission? If so, where is it supposed to be placed within the package?

Yes, the solicitation, offer, and award form should be completed and returned with the RFQ submission. It can be placed anywhere in the document, but it is recommended to be included immediately after the table of contents.

Digital Signatures:

- Are digital signatures allowed?

Digital signatures are not allowed. The original copy must be signed by hand in ink throughout. The three copies should be photocopies of the original. The PDF should include scanned copies of any forms that were hand-signed; the SOQ and any other computer-generated documents that do not require signatures should be in their original searchable PDF format (not scanned).

Reference to “Proposal” in RFQ:

- In section 1 of the RFQ submittal checklist, a proposal is mentioned after the solicitation, offer and award form. Is there another proposal we should submit in addition to the proposal/SOQ requested in section 3 of the checklist?

The terms “Statement of Qualification (SOQ)” and “proposal” are used interchangeably in the RFQ. The SOQ constitutes the “proposal”.

Appendix B Forms and Checklist:

- The checklist on page 12-13 with forms appears to have a different list than the checklist on page 3- can it be confirmed which is the checklist we should use?

The checklist below replaces checklists on pages 3, 11, 12, and 13.

- Solicitation, Offer and Award Form completed and signed
- Proposal/SOQ, comprising 9 pages (one page per Section; see pages 11 and 12 in the RFQ for further details on what should be included in each Section):
 - Section 1: Transmittal Letter (1 single-sided page)
 - Section 2: Organizational Chart (1 single-sided page)
 - Section 3: Project Manager's Experience/Qualifications (1 single-sided page)
 - Sections 4-8: Project Team's Experience/Qualifications (1 single-sided page per section)
 - Section 9: Understanding of the Project (1 single-sided page)
- Appendix A: Resumes (see page 12 of the RFQ for further details on what to include)
- Appendix B: Forms
 - Vendor Reference Form – Respondent shall provide three (3) references where the Respondent has performed services similar to, or the same types of services, as described herein. Please complete the Reference Form to provide the client contact information, including phone and email, project description, and date the work was performed.
 - Certificate of Interested Parties (where relevant) – Electronically complete a Form 1295 through the Texas Ethics Commission website and include a copy in the RFQ submittal.
 - Conflict of Interest Questionnaire should be filled out for the respondent, completed and signed.
 - Code of Ethics should be filled out for the respondent and signed.
 - Caldwell County Practices Related to Historically Underutilized Businesses ("HUB Practices") should be filled out for the respondent and signed.
 - Caldwell County House Bill 89 Verification should be filled out for the respondent, signed, and notarized.
 - Senate Bill 252 Certification (titled "Caldwell County Purchasing Department Certification" in this RFQ package).
 - Debarment & Licensing Certification should be filled out for the respondent, signed and notarized.
 - Respondent's Affirmation should be filled out for the respondent, completed and signed (titled "Respondent's Affirmation" in this RFQ package).
 - Federal Affirmations and Solicitation Acceptance should be filled out for the respondent.
 - FHWA 1273 Certification should be filled out for the respondent, completed and signed.
 - Related Party Disclosure Form should be filled out for the respondent.
 - System for Award Management (www.SAM.gov) Entity Registration Page.
 - Appendix II to Part 200.
 - Any addenda applicable to this solicitation.
- Do we attach the forms based on I. RFQ submittal checklist or SOQ format, appendix B?

The checklist below replaces checklists on pages 3, 11, 12, and 13.

- Solicitation, Offer and Award Form completed and signed
- Proposal/SOQ, comprising 9 pages (one page per Section; see pages 11 and 12 in the RFQ for further details on what should be included in each Section):

- Section 1: Transmittal Letter (1 single-sided page)
- Section 2: Organizational Chart (1 single-sided page)
- Section 3: Project Manager's Experience/Qualifications (1 single-sided page)
- Sections 4-8: Project Team's Experience/Qualifications (1 single-sided page per section)
- Section 9: Understanding of the Project (1 single-sided page)
- Appendix A: Resumes (see page 12 of the RFQ for further details on what to include)
- Appendix B: Forms
 - Vendor Reference Form – Respondent shall provide three (3) references where the Respondent has performed services similar to, or the same types of services, as described herein. Please complete the Reference Form to provide the client contact information, including phone and email, project description, and date the work was performed.
 - Certificate of Interested Parties (where relevant) – Electronically complete a Form 1295 through the Texas Ethics Commission website and include a copy in the RFQ submittal.
 - Conflict of Interest Questionnaire should be filled out for the respondent, completed and signed.
 - Code of Ethics should be filled out for the respondent and signed.
 - Caldwell County Practices Related to Historically Underutilized Businesses ("HUB Practices") should be filled out for the respondent and signed.
 - Caldwell County House Bill 89 Verification should be filled out for the respondent, signed, and notarized.
 - Senate Bill 252 Certification (titled "Caldwell County Purchasing Department Certification" in this RFQ package).
 - Debarment & Licensing Certification should be filled out for the respondent, signed and notarized.
 - Respondent's Affirmation should be filled out for the respondent, completed and signed (titled "Respondent's Affirmation" in this RFQ package).
 - Federal Affirmations and Solicitation Acceptance should be filled out for the respondent.
 - FHWA 1273 Certification should be filled out for the respondent, completed and signed.
 - Related Party Disclosure Form should be filled out for the respondent.
 - System for Award Management (www.SAM.gov) Entity Registration Page.
 - Appendix II to Part 200.
 - Any addenda applicable to this solicitation.
- Page 3 of the RFP in section I. RFQ Submittal Checklist, subsection Required **Forms** by Caldwell County, 11 items are listed. On pages 12-13, under the Statement of Qualifications Format, subsection Appendix B, 11 items are also listed. However, they do not include all the same forms. Which section accurately represents the list of forms we are required to submit to Caldwell count?
 - (a) Page 3 omits while pages 12-13 include: **Certificate of Interested Parties** – Electronically complete a Form 1295 through the Texas Ethics Commission website

- (b) Page 3 omits while pages 12-13 include: FHWA 1273 Certification should be filled out for the respondent.
- (c) Page 3 includes while pages 12-13 omit: Senate Bill 252 Certification. Also, I do not see a form attached to the RFQ titled Senate Bill 252 Certification. Can you please advise where we can obtain this form, if it is deemed to be a requirement?
- (d) Page 3 includes while pages 12-13 omit: Appendix II to Part 200. Can you clarify what this is, if it is deemed to be a requirement?
- (e) Page 3 includes pages 12-13 omit: System for Award Management (www.SAM.gov) Entity Registration Page.

The checklist below replaces checklists on pages 3, 11, 12, and 13.

- Solicitation, Offer and Award Form completed and signed
- Proposal/SOQ, comprising 9 pages (one page per Section; see pages 11 and 12 in the RFQ for further details on what should be included in each Section):
 - Section 1: Transmittal Letter (1 single-sided page)
 - Section 2: Organizational Chart (1 single-sided page)
 - Section 3: Project Manager's Experience/Qualifications (1 single-sided page)
 - Sections 4-8: Project Team's Experience/Qualifications (1 single-sided page per section)
 - Section 9: Understanding of the Project (1 single-sided page)
- Appendix A: Resumes (see page 12 of the RFQ for further details on what to include)
- Appendix B: Forms
 - Vendor Reference Form – Respondent shall provide three (3) references where the Respondent has performed services similar to, or the same types of services, as described herein. Please complete the Reference Form to provide the client contact information, including phone and email, project description, and date the work was performed.
 - Certificate of Interested Parties (where relevant) – Electronically complete a Form 1295 through the Texas Ethics Commission website and include a copy in the RFQ submittal.
 - Conflict of Interest Questionnaire should be filled out for the respondent, completed and signed.
 - Code of Ethics should be filled out for the respondent and signed.
 - Caldwell County Practices Related to Historically Underutilized Businesses ("HUB Practices") should be filled out for the respondent and signed.
 - Caldwell County House Bill 89 Verification should be filled out for the respondent, signed, and notarized.
 - Senate Bill 252 Certification (titled "Caldwell County Purchasing Department Certification" in this RFQ package).
 - Debarment & Licensing Certification should be filled out for the respondent, signed and notarized.
 - Respondent's Affirmation should be filled out for the respondent, completed and signed (titled "Respondent's Affirmation" in this RFQ package).
 - Federal Affirmations and Solicitation Acceptance should be filled out for the respondent.

- FHWA 1273 Certification should be filled out for the respondent, completed and signed.
- Related Party Disclosure Form should be filled out for the respondent.
- System for Award Management (www.SAM.gov) Entity Registration Page.
- Appendix II to Part 200.
- Any addenda applicable to this solicitation.

Please see the following website to determine if you need to file Form 1295: https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php#Q2. Form 1295 must be completed electronically through the Texas Ethics Commission (TEC) website, so it has not been included in the RFQ package. If you are required to file this form, please include a completed copy of the form you have submitted electronically to the TEC in the appendices of your RFQ submittal.

FHWA 1273 is a required form; please complete and sign this form and include the form in the appendices to the RFQ.

Senate Bill 252 certification is covered by the Caldwell County Purchasing Department Certification form. Please insert your company name and RFQ or Vendor Number on the relevant lines on the form. Please leave the line for the Purchasing Representative's signature and the Date line blank for the Purchasing Department to complete.

Appendix II to Part 200 is included in this addendum (Addendum #2 to RFQ25CCP01Q). Please include Appendix II to Part 200 in Appendix B of your submittal.

The System for Award Management Entity Registration Page is a required form.

- Should the RFQ Submittal checklist be returned as part of our response or are the respondents not required to return this form in our response?

The RFQ Submittal Checklist does not need to be returned as part of the response.

RFQ Pages 33-36:

- RFQ pages 33-36- do we need to acknowledge and/or sign and include these pages with our proposal response?

No signature is required for these forms; by entering a contract, the Contractor certifies that it complies with these provisions listed in the RFQ.

- There is not a signature line included on the "Certification to Not Boycott Energy Companies," "Certification to not Boycott Israel," "Certification Regarding Disclosure of Public Information," and "Certification to Not Discriminate Against Firearm Entities or Firearm Trade Associations" forms in the RFQ (pages 33-36). Are we required to include these forms in our proposal package? If so, do we need to add a signature to each form?

No signature is required for these forms; by entering a contract, the Contractor certifies that it complies with these provisions listed in the RFQ.

Caldwell County Purchasing Department Certification (Senate Bill 252 Certification):

- The Caldwell County Purchasing Department Certification (listed as the "5. Senate Bill 252 certification in the submittal checklist) is worded to be for the County's Purchasing representative to complete. Is this a form that respondents should complete? If so, should we sign and leave the space for Purchasing Representative signature blank?

Senate Bill 252 certification is covered by the Caldwell County Purchasing Department Certification form. Please insert your company name and RFQ or Vendor Number on the relevant lines on the form. Please leave the line for the Purchasing Representative's signature and the Date line blank for the Purchasing Department to complete.

- Regarding the RQF Submittal checklist, is item #5 Senate Bill 252 certification the same as the form on page 23 of the RFQ? Or do we need to download this form from elsewhere?

Senate Bill 252 certification is covered by the Caldwell County Purchasing Department Certification form. Please insert your company name and RFQ or Vendor Number on the relevant lines on the form. Please leave the line for the Purchasing Representative's signature and the Date line blank for the Purchasing Department to complete.

Form 1295 (Certificate of Interested Parties):

- We would like to confirm that Form 1295 is not required until the project is awarded, correct?

Please see the following website to determine if you need to file Form 1295: https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php#Q2. Form 1295 must be completed electronically through the Texas Ethics Commission (TEC) website, so it has not been included in the RFQ package. If you are required to file this form, please include a completed copy of the form you have submitted electronically to the TEC in the appendices of your RFQ submittal.

- Certificate of interested parties (Form 1295) is not shown on pg 3 under the required forms sections but is listed under appendix B as a required form. Please clarify if required?

Please see the following website to determine if you need to file Form 1295: https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php#Q2. Form 1295 must be completed electronically through the Texas Ethics Commission (TEC) website, so it has not been included in the RFQ package. If you are required to file this form, please include a completed copy of the form you have submitted electronically to the TEC in the appendices of your RFQ submittal.

- FHWA certification is mentioned as a required form under Appendix B but is not listed on page 3 under required forms. Please clarify if required?

Please see the following website to determine if you need to file Form 1295: https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php#Q2. Form 1295 must be completed electronically through the Texas Ethics Commission (TEC) website, so it has not been included in the RFQ package. If you are required to file this form, please include a completed copy of the form you have submitted electronically to the TEC in the appendices of your RFQ submittal.

FHWA 1273 Certification Form:

- On page 3 of the RFQ, the RFQ Submittal checklist does not have the FHWA 1273 certification form listed, though it is included in the RFQ on page 30. Is this a required form?

FHWA 1273 is a required form; please complete and sign this form and include the form in the appendices to the RFQ.

Vendor Reference Form:

- Can you please clarify where you want the Vendor Reference Form placed within the RFQ response?

Please include the Vendor Reference Form in Appendix B (Forms).

Appendix II Part 200:

- RFQ page 3: Required forms by Caldwell County includes item 10 (appendix II Part 200) – Can you please clarify what we need to provide for that. I did not see a form in the latter part of the RFQ

Appendix II to Part 200 is included in this addendum (Addendum #2 to RFQ25CCP01Q). Please include Appendix II to Part 200 in Appendix B of your submittal.

- Appendix II part 200 is referenced in the checklist but I do not see the form- can it be confirmed what that form is?

Appendix II to Part 200 is included in this addendum (Addendum #2 to RFQ25CCP01Q). Please include Appendix II to Part 200 in Appendix B of your submittal.

- Can the county provide more information about what is required for Appendix II to part 200, as mentioned in the submittal checklist?

Appendix II to Part 200 is included in this addendum (Addendum #2 to RFQ25CCP01Q). Please include Appendix II to Part 200 in Appendix B of your submittal.

Reference to SH 142 Project:

- Per the RFQ, the statement of qualification should address the SH 142 project. It is our understanding that the bond included two SH 142 projects: From SH 130 to TX 80: Design of improvements (P&E) for capacity expansion to improve roadway to four-lane divided section with dedicated left turn lanes at the intersections. From SH 130 to Windsor-Desing of Improvements (PS&E) for a 5-lane section with continuous two-way left turn lane. Can you please verify which of the SH 142 section we should tailor our SOQ to?

Please tailor your SOQ to SH 142 from SH 80 to SH 130.

- For the project approach, which segment of SH 142 should we focus on- SH 80 to SH 130 or SH 130 to Windsor drive?

Please tailor your SOQ to SH 142 from SH 80 to SH 130.

- On page 11 of 36 in the RFQ, it states that we should address the SH 142 project in our responses. However, the Caldwell County Road Bond webpage lists two different SH 142 projects: SH 142 (SH 130- TX 80) and SH 142 (SH 130- Windsor). Could you please clarify which of these projects should be referenced in our proposal?

Please tailor your SOQ to SH 142 from SH 80 to SH 130.

- The documentation available for the road bond indicates three segments of SH 142 are included but appear to be shown as separate projects. Should the approach be written for the entirety or for a specific section. If a specific section, which one?

Please tailor your SOQ to SH 142 from SH 80 to SH 130.

- On page 11 of 36 in the RFP, it states that we should address the SH 142 project in our responses. However, the Caldwell County Road Bond webpage lists two different SH 142 projects:

- SH 142 (SH 130 – TX 80)
- SH 142 (SH 130 – Windsor)

Could you please clarify which of these projects should be referenced in our proposal?

Please tailor your SOQ to SH 142 from SH 80 to SH 130.

On-System Projects:

- Will the on-system projects be led by TxDot?

Assume the County will advance all on-system projects at this time.

Traffic Warrant Studies/Signal Design Experience Section:

- Most of the projects will likely not require traffic warrant studies or signal design – Can the County confirm that this is still a required section?

Yes, this is a required section.

Appendix II to Part 200 – 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, 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 effected 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 subrecipient 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 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.

(G) Clean Air Act ([42 U.S.C. 7401-7671g](#).) 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. 7401-7671g](#)) 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.

(J) Procurement of recovered materials (§ 200.323) - 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.

(K) Prohibition on certain telecommunications and video surveillance services or equipment (§200.216)

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See [Public Law 115-232](#), section 889 for additional information.

(d) See also [§ 200.471](#).

(L) (§ 200.322) Domestic preferences for procurements –

(a) As appropriate and to the extent consistent with law, the non-Federal entity 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). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “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.

(2) “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.

I have read, understand, and agree to comply with the Federal Affirmations specified above. Checking “YES” indicates acceptance, while checking “NO” denotes non-acceptance.

YES _____ NO _____

Authorized Signature: _____

Printed Name and Title: _____

Respondent’s Tax ID: _____ Telephone _____

If Respondent is a Corporation or other legal entity, please attach a corporate resolution or other appropriate official documentation that states that the person signing this Solicitation Response is an authorized person to sign for and legally bind the corporation or entity.