

RFP Attachment
EXHIBIT B

Contractor Compliance with Federal and State Contract Clauses

1. General Compliance

Work under this contract will be funded [in part/ in its entirety] by a West Coast Estuaries Initiative for Coastal Watershed Program grant of the U.S. Environmental Protection Agency and project partners.”

Contractor, where applicable, shall comply with the requirements of all applicable laws, rules, regulations and orders of any government authority (as they may be amended from time to time) that relate to this Project funded under the EPA Cooperative Agreement. These requirements are identified and contained in the Agreement Award Contract. Compliance with Laws, Disadvantaged Business Enterprises; Warranties and Covenants. Among these requirements are:

Conflict of Interest

Contractor shall comply with State conflict of interest requirements for public contracts.

Disadvantaged Business Enterprises

Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies. See under this section Item 4 – Disadvantaged Business Enterprises.

Contract Provision regarding Reporting

Contractor is required to comply with the reporting requirements established for EPA funding.

Inspection; Information

Contractor shall permit State, the federal government and any party designated by State (“Inspecting Party”) to examine, visit and inspect, at any and all reasonable time, the property, if any, constituting the Project, and to inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursement, contracts, investments and any other matters relating thereto and to its financial standing, and shall supply such reports and information as Inspecting Party may reasonably require in connection therewith.

Contractor agrees to allow, and to cause its subcontractors to allow, any appropriate representative of the EPA Office of Inspector General to (1) examine any records of Contractor or its subcontractors that pertain to, and involve transactions relating to, the Project and the Loan, and (2) interview any officer or employee of the Contractor, or its subcontractors, regarding such transaction.

2. Certification Regarding Lobbying

CERTIFICATION REGARDING LOBBYING

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

- A. 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 contract, the making 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.
- B. 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 Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for 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, U.S. 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.

Signed by Contractor:

_____ **Title/Firm**

_____ **Date**

3. Certification of Primary Participant Regarding Debarment, Suspension, and other Responsibility Matters

The Primary Participant _____ (Name of Proposer) certified to the best of its knowledge and belief, that it and its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not, within a three year period preceding this proposal, been convicted, or had a civil judgment rendered against them for commission of fraud, or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false Statements, or receiving stolen property;
- c. Are not presently indicted for, or otherwise criminally or civilly charges by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for default.

If the primary participant is unable to certify to any of the Statements in this Certification, the participant shall attach an explanation to this certification.

THE PRIMARY PARTICIPANT, _____ (Name of Proposer) CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31USC SECTIONS 3801 ET SEQUA ARE APPLIED THERETO.

Signature of Authorized Official

_____ Title _____

The undersigned chief legal council (or corporate secretary) for the

_____ Hereby certifies that the

_____ Has authority under State and local law to comply with the subject assurances and that the certification above has be legally made.

Signature of Attorney/Secretary

_____ Date: _____

4. Disadvantaged Business Enterprises

Good Faith Efforts:

In the solicitation of all requirements providing construction, equipment, supplies, engineering or other services that constitute the project financed by the Award/Agreement, the Contractor will ensure the implementation of good faith efforts to solicit these services from minority business, small and disadvantage business, women, and emerging small business.

Good Faith Action:

1. Ensure DBE's are made aware of contracting opportunities – both current and future.
2. Utilize the services of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
3. The Engineering Consultant & Prime Contractor will endeavor to solicit DBE's in subcontracting and complete the following formats (the format provided is from the Safe Drinking Water Revolving Loan Fund – Consultant/Contractor will use a like format for recording their DBE activity and request for payment).

DBE Forms (sample forms attached):

1. Disbursement/Pay Requests – to be completed and furnished with each request for payment.
2. Quarterly Report – to be submitted with request for payment on each quarter of the contract.
3. DBE Subcontractor Utilization Form – to be submitted with the Proposal or Construction Bid.

**SAFE DRINKING WATER REVOLVING LOAN FUND
DISBURSEMENTS ATTRIBUTABLE TO DISADVANTAGED BUSINESS ENTERPRISES**

MUST BE INCLUDED WITH EACH AND EVERY CASH DRAW REQUEST TO THE DEPARTMENT

Project Number Cash Request #

Total Draw Amount	Disadvantaged Business Enterprise	
	Minority-Owned	Women-Owned
1. Construction \$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
2. Services \$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
3. Supplies \$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
4. Equipment \$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
5. Other \$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Totals \$ <input type="text"/> 0	\$ <input type="text"/> 0	\$ <input type="text"/> 0

1. Actual building of structures, installations; 2. Intangible/soft costs, such as consultants, engineers, design, surveyors; 3. Direct purchases of materials needed for project, will often comprise subcontractors; 4. Purchases (and installation if by vendor) of devices, machines; 5. Trucking & other activities.

SAFE DRINKING WATER REVOLVING LOAN FUND
DISBURSEMENTS ATTRIBUTABLE TO DISADVANTAGED BUSINESS ENTERPRISES

MUST BE INCLUDED WITH EACH AND EVERY CASH DRAW REQUEST TO THE DEPARTMENT

Project Number	<input style="width: 95%;" type="text"/>	Cash Request #	<input style="width: 95%;" type="text"/>
Total Draw Amount		Disadvantaged Business Enterprise	
		Minority-Owned	Women-Owned
1. Construction	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>
2. Services	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>
3. Supplies	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>
4. Equipment	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>
5. Other	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>	\$ <input style="width: 80%;" type="text"/>
Totals	\$ <input style="width: 80%; text-align: center; border: 2px solid black;" type="text" value="0"/>	\$ <input style="width: 80%; text-align: center; border: 2px solid black;" type="text" value="0"/>	\$ <input style="width: 80%; text-align: center; border: 2px solid black;" type="text" value="0"/>

1. Actual building of structures, installations; 2. Intangible/soft costs, such as consultants, engineers, design, surveyors; 3. Direct purchases of materials needed for project, will often comprise subcontractors; 4. Purchases (and installation if by vendor) of devices, machines; 5. Trucking & other activities.



Environmental
Protection Agency

OMB Control No: _____
Approved: _____
Approval Expires: _____

**Disadvantaged Business Enterprise Program
DBE Subcontractor Utilization Form**

BID/PROPOSAL NO.	PROJECT NAME
NAME OF PRIME BIDDER/PROPOSER	E-MAIL ADDRESS
ADDRESS	
TELEPHONE NO.	FAX NO.

The following subcontractors¹ will be used on this project:			
COMPANY NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS	TYPE OF WORK TO BE PERFORMED	ESTIMATE D DOLLAR AMOUNT	CURRENTLY CERTIFIED AS AN MBE OR WBE?

I certify under penalty of perjury that the forgoing statements are true and correct. In the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).

_____ Signature Of Prime Contractor	_____ Date
_____ Print Name	_____ Title

¹Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.