

**City of Mascotte
Request for Qualifications for
Continuing Consultant Engineering Services**

Executive Summary:

The purpose of this solicitation is to receive responses from qualified respondents pursuant to Florida Statute 287.055 (the Consultant's Competitive Negotiation Act or CCNA) to provide on-call civil engineer professional services to the City of Mascotte. Upon the completion of the response review process, the City intends to enter direct negotiations with the most qualified respondent.

The City reserves the right to make multiple continuing contract awards if deemed appropriate considering anticipated workload or other factors. The negotiated price schedule will become part of this contract and the price will be utilized for future jobs.

Scope of Services:

The scope of work may include general engineering services relating to the planning, permitting, design, and construction of a wide variety of parks and recreation projects including but not limited to public park development, athletic fields and courts, pavilions, playgrounds, storage buildings, roads, parking areas, sidewalks, hiker/biker paths, and stormwater management features. Projects may include new construction or renovation, repair, replacement of existing facilities.

Additional services may also include planning, marketing, redevelopment, economic analysis, rate analysis and development, grant acquisition, plan review, purchasing assistance, bidding and negotiation services, value engineering and supervision of consultants, capital improvement planning and budgeting, and other critical services.

Submittals:

Interested firms should state their interest in this project by submitting sealed package marked "RFQ #22-01, Continuing Consultant Engineering Services including four (4) complete sets (**one (1) Marked "Original"**) and three (3) copies of the following:

- Letter of interest and understanding on Firm stationary
- Description of Firm to include the following:
 - Legal name, years in business, officers, staff size, and staff breakdown by classification.
 - List of example projects, facilities or design work completed within the last ten years, with dates of completion, size of projects, project cost, name of project lead, addresses, contact persons, and telephone numbers.
 - Resumes of all persons who will be working on any selected project.
 - Table of organization proposed by the firm
 - Photographs of completed public and/or private projects where the firm has been principal consultant.
 - Statements of professional and general liability insurance, as required by the City.
 - Firm brochures and business cards of persons to be assigned.
 - List of legal actions brought against the firm within the last ten years.

If applicable, proof of the Firm's certification as a minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.

Mail or Deliver completed responses to:

Larry Walker
Public Services Director
City of Mascotte
100 E. Myers Blvd.
Mascotte, FL 34753

Tentative Project Schedule:

- | | | |
|----|---------------------|-----------------|
| a. | Release date of RFQ | July 14, 2022 |
| b. | Due date of RFQ | August 2, 2022 |
| d. | City Council Action | August 16, 2022 |

Certified by City and Process:

If the Firm submits the required documentation, the Public Services Director or City Manager will certify the Firm.

All proposals must be received not later than 3:00 pm local time August 2, 2022. The City assumes no responsibility for responses received after the stated time and date, or at any office or location other than that specified herein, whether due to mail delays, courier mistakes, mishandling, or any other reason. A proposal will not be considered for award if received after the official closing date and time. The Public Services Director will be the official timekeeper and have final say as to the cut-off on acceptance of packages.

At the date and time specified, all proposals that have been timely received by the city will be formally opened and accepted for consideration. The names of the firms submitting proposals will be read aloud and recorded.

Openness of Procurement Process:

Written response, other submissions, correspondence, and all records made thereof, as well as negotiations conducted pursuant to this request, shall be handled in compliance with Chapters 119, 286 and 287, Florida Statutes. The city gives no assurance as to the confidentiality of any portion of the qualifications once submitted.

Retention and Disposal of Response:

The City reserves the right to retain all submitted responses for official record purposes. The City also reserves the right to dispose of any or all copies of responses in whatever manner it deems appropriate in accordance with applicable law. No copies of responses will be returned to the firm.

Errors and Omissions:

Once a response is presented, the City shall not accept any requests by any firm to correct errors or omissions in any calculations submitted.

Reserved Right:

The City reserves the right to accept or reject any and/or all submissions/proposals, to negotiate separately with competing proposers, to waive irregularities and technicalities, and to request resubmission. Any sole response received the first submission date may or may not be rejected by the city depending on available competition and timely needs of the city. The City shall be the sole judge of the submission/proposal and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the City reserves the right to make such investigation, as it deems necessary to determine the ability of any responder to perform the work or service requested. The responder shall provide information to the City it deems necessary to make this determination.

Conflict of Interest:

Any prospective firm should make an affirmative statement in its proposals to the effect that, to its knowledge, its retention would not result in a conflict of interest with any party. Alternatively, should any potential conflict exist, the prospective firm should specify the potential conflict, and the means proposed to resolve such conflict.

Right to Protest:

Protests shall be filed with the Public Services Director within ten (10) days of the announcement of the short-list. Such protest shall be in writing, shall state the grounds on which it is based, shall include all pertinent documents and evidence. No protest shall be accepted unless it complies with the requirements of this section. The written dispute shall be sent via certified mail or delivered in person to Larry Walker, 100 E. Myers Blvd., Mascotte, who shall review the written dispute and render a decision which shall be considered final.

No Collusion:

By offering a submission to the RFQ, the responder certifies, and in the case of a joint submission/proposal each party there to certifies as to its own organization, that in connection with the submission/proposal:

- a. No attempt has been made or will be made by the responder to induce any other person or firm to submit or not to submit a submission/proposal for the purpose of restricting competition; and

- b. The only person(s) or principal(s) interested in this submission/proposal are named therein and that no person other than those therein mentioned has/have any interest in this submission/proposal or in the agreement to be entered; and
- c. No person or agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or established commercial agencies maintained by the purchaser for the purpose of doing business.

Multiple Firm Teams:

Multiple firm or joint venture teams must clearly identify the roles and responsibilities of the proposed participants.

Selection Process:

The City Review Committee may consist of representatives from Planning Department, the Public Services Department and the City Manager’s Office and will review the RFQ submittals.

The Review Committee will then make a recommendation to the City Council at the next City Council meeting.

Committee Review:

| Points will be assigned to each proposal based on the following weighted criteria: | | |
|---|---|------------------------------|
| # | <u>CRITERIA</u> | <u>MAXIMUM POINTS</u> |
| 1 | Compliance with Request for Qualification | (Mandatory) |
| 2 | Qualifications of the Contractor | 30 points |
| 3 | Reference | 30 points |
| 4 | Experience and Technical | 30 points |
| 5 | Minority Representation | 5 points |
| 6 | Registered Section 3 Vendor Requirements | 5 points |

These weighted criteria are provided to assist Proposers in the allocation of their time and efforts during the proposal preparation process. The criteria also guide the Evaluation Committee during the short-listing and final ranking of proposers by establishing a general framework for those deliberations.

Once the Proposals are evaluated, the city will assemble an Evaluation and Selection Committee comprised of appropriate staff members. The committee shall evaluate the proposals based on the following weighted criteria.

Qualifications of the Contractor: 30 Points

- i. Qualifications of the firm and key staff
- ii. Stability of key staff
- iii. Office in reasonable proximity to Mascotte

References: 30 Points

- iv. Customer Satisfaction References
- v. Previous experience with governmental agencies

Experience and Technical Capabilities: 30 Points

- vi. Range of Services
- vii. Current and projected workload
- viii. Previous experience with the City of Mascotte. Firm demonstrates consistency meeting project time & budget constraints Demonstrated minimization of change orders/amendments

Minority Representation: 5 Points

- ix. Firm is a State and/or County Certified Small Business or Minority Business Enterprise

Registered Section 3 Vendor: 5 Points

- x. The Section 3 Business Registry is a listing of firms that have self-certified that they meet one of the regulatory definitions of a Section 3 business and are included in a searchable online database that can be used by agencies that receive HUD funds, developers, contractors, and others to facilitate the award of certain HUD-funded contracts. The database can also be used by Section 3 residents to identify businesses that may have HUD-funded employment opportunities.

MAXIMUM TECHNICAL POINTS 100

Conditions:

The City reserves the right to accept and /or reject any or all proposals; to waive any irregularity, variance, or formality whether technical or substantial in nature; and to negotiate with all qualified Firms

in keeping with the best interests of the City. An award resulting from this request shall be awarded to the Firm whose proposal is determined to be most advantageous to the City of Mascotte.

Items which the Review Committee will consider and weigh during the selection process are: availability of the Firm, successful experience with other projects to include but not limited to: successful grant securing, implementation techniques, completeness of response to the RFQ, and qualifications of key personnel to be assigned to projects.

Cancellation:

- a) The City of Mascotte reserves the right to cancel a contract entered into hereunder without cause by giving thirty (30) days prior notice to the contractor in writing of the intention to cancel or with cause if at any time the contractor fails to fulfill or abide by any of the terms or conditions specified.
- b) Failure of the contractor to comply with any of the provisions of any contract entered into hereunder shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of The City of Mascotte.
- c) In addition to all other legal remedies available to The City of Mascotte, The City of Mascotte reserves the right to cancel and obtain from another source any items/services which have not been delivered within the period of time stated in proposal, or if no such time is stated, within a reasonable period of time from the date of order as determined by The City of Mascotte.
- d) In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate on the last day of current fiscal period without penalty or expense to the City.

General Terms and Conditions:

- a) All responses become the property of the City of Mascotte.
- b) The city will not reimburse the respondent for any costs associated with the preparation, submittal, or presentation of their responses to this request.
- c) The respondent acknowledges that all information contained within its response is part of the public domain as defined by State of Florida Sunshine and Public Records Laws. The City gives no assurance as to confidentiality of any portion of any proposal once submitted.
- d) The awards made pursuant to this RFQ are subject to the provisions of Chapter 112, Part III, *Florida Statutes*. All respondents must disclose with their responses the name of an officer, director, owner, or agent who is an employee of the City of Mascotte.
- e) Respondents, their agents, and associates shall refrain from contacting or soliciting any City official regarding the RFQ during the selection process. Failure to comply with this provision may result in disqualification of the respondent, at the option of the City. Only Larry Walker, Public Services Director, or the City Manager may be contacted.

There shall be no discrimination as to race, sex, color, creed, handicaps, or national origin in the operations conducted under this engagement.

- g) Due care and diligence have been exercised in the preparation of the RFQ, and all information contained herein is believed to be substantially correct. However, the responsibility for determining the full extent of the services rests solely with those making responses. Neither the City nor its representatives shall be responsible for any error or omission in this response, nor for the failure on the part of the respondents to determine the full extent of the exposures.
- h) Preference will be given to those responses in full or substantially full compliance with the requested information in this document.
- i) Each respondent is responsible for full and complete compliance with all laws, rules, and regulations including those of the Federal Government, the State of Florida, and the City of Mascotte. Failure or inability on the part of the respondent to have complete knowledge and intent to comply with such laws, rules, and regulations shall not relieve any respondent from its obligation to honor its response and to perform completely in accordance with its response.
- j) Any interpretation, clarification, correction, or change to the RFQ will be made by written addendum issued by the City Manager. Any oral or other type of communication concerning the RFQ shall not be binding unless issued by the City in the form of an addendum.
- k) Responses must be signed by an individual or the respondent's organization legally authorized to commit the respondent's organization to the performance of services contemplated by this RFQ.
- l) The successful respondent shall be required to submit proof of licenses, certification, and proofs of insurance as required by the City.
- m) The successful respondent shall not be allowed to substitute project team members named in this response without written permission of the City.

f)

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

OFFICE USE ONLY

This questionnaire is being filed in accordance with Chapter 112, Local Government Code, by a vendor who has a business relationship as defined by Section 112.323(7)(a-b) with a local governmental entity and the vendor meets requirements under Section 112.323(7).

Date Received

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 112.323(7)(a-b), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 112.323, Local Government Code. An offense under this section is a misdemeanor.

.!J Name of vendor who has a business relationship with local governmental entity.

1.J Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

1..1 Name of local government officer about whom the information is being disclosed.

Name of Officer

.ii Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 112.323(7)(a-b). Also describe any family relationship with the local government of Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes

2..1 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director or holds an ownership interest of one percent or more.

Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 112.323(7)(a-b), excluding gifts described in Section 112.323(7)(a-b).

LJ

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

Standards of conduct for public officers, employees of agencies, and local government employees

Florida Statute 112.323(7)(a-b):

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.
2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

Signature of Firm's Authorized Official

Printed Name and Title

Date:

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the sub awardee, e.g., the first sub awardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub awardee," then enter the full name, address, city, State, and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
11. Enter the full names of the individual(s) performing services and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
12. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

| | | |
|---|--|--|
| Type of Federal Action: a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance | Status of Federal Action: a. bid/offer/application b. initial award c. post-award | Report Type: a. initial filing b. material change |
| Name and Address of Reporting Entity: _____ Prime _____ Sub awardee Tier ____, if Known: | If Reporting Entity in No. 4 is Sub awardee, Enter Name and Address of Prime: | |
| Congressional District, if known: Federal Department/Agency: | Congressional District, if known: 7. Federal Program Name/Description: CFDA Number, <i>if applicable</i> : _____ | |
| Federal Action Number, if known: | 9. Award Amount, if known: \$ | |
| 10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> | b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i> | |
| 11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. | Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____ | |

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

Approved by OMB 0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See reverse for public burden disclosure)

REQUIRED CONTRACT PROVISIONS

2 CFR 200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

2 CFR Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

1. 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.
2. All contracts in excess of \$10,000 must address termination for cause and convenience by the non-Federal entity including the manner which it will be affected and basis for settlement.
3. 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.”
4. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000,000 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.
5. 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.

6. 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.
7. 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).
8. 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.
9. 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.

10. The Buy American Act requires that Federal agencies procure domestic materials and products. For the Buy American Act to apply a) procurement must be intended for public use within the United States; and b) the items to be procured or materials from which they are manufactured must be present in the US in sufficient and reasonably commercial quantities of a satisfactory quality. Provisions of this act may be waived if the head of the procuring agency determines the act is inconsistent with public interest or acquiring domestic products costs are unreasonable. Contracts that are awarded by the State and local authorities under Federal grant programs are not covered by the act unless explicitly stated.

11. Johnson Anti-Kickback Act (42 U.S.C. 1320a-7b.1395nn) by Federal provisions prohibits healthcare providers from giving or taking bribes and kickbacks in exchange for referring Medicare patients for other medical services. Whoever willfully solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind.
 - a. In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program, or
 - b. In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program, a. To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program, or
 - c. b. To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program, shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$100,000 or imprisoned for not more than 10 years, or both.
 - d. Whoever knowingly and willfully offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person- shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$100,000 or imprisoned for not more than 10 years, or both.

12. For the State of Florida, Senate Bill 1184 requires the State Board of Administration to identify a list of companies that boycott Israel. This Bill limits governmental entities from contracting with companies placed on the list. It prohibits a state agency or local governmental entity from contracting for goods and services of \$1 million or more with a company that has been placed on the list. The bill requires certifications by a company that a company is not participating in a boycott of Israel upon the submission of bid or renewal of existing contracts.

13. Libya Stabilization Act is a Federal provision, which states that the President will impose property- and visa-blocking sanctions on any person that a) supports or engages in a significant transaction with a foreign person knowingly operating in Libya on behalf of Russia in a military capacity b) engages in significant actions threatening peace or stability in Libya c)

misappropriates Libyan state assets or natural resources or d) is knowingly responsible for or complicit in serious human rights abuses in Libya.

14. 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.

15. Recipients and sub recipients are prohibited from obligating/expending loan or grant funds to:
 - a. Procure or obtain;
 - a) Extend or renew a contract to procure or obtain; or
 - b) 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).
 - c) Telecommunications or video surveillance services provided by such entities or using such equipment.
 - d) 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.

16. 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.

17. 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. a. For purposes of this section:

- xi. "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.
- xii. "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.