

COUNTY JUDGE:
George P. Morrill III
COUNTY CLERK:
Nickelle Clark Gonzales
DISTRICT CLERK:
Zenaida R. Silva
COUNTY ATTORNEY:
Mike Knight
SHERIFF:
Alden E. Southmayd
TAX ASSESSOR-COLLECTOR:
Linda G. Bridge



COUNTY OF BEE

COMMISSIONER PRECINCT 1:
Carlos Salazar, Jr.
COMMISSIONER PRECINCT 2:
Dennis DeWitt
COMMISSIONER PRECINCT 3:
Sammy G. Farias
COMMISSIONER PRECINCT 4:
Ken Haggard
COUNTY AUDITOR:
April A. Cantu

Dear Service Provider: Attached please find the Cover Letter, RFP packets and a Sample Contract for Bee County's American Rescue Plan Act (ARP) for Professional Administration Services and Project Implementation.

The County of Bee has received an allocation from the American Rescue Plan Act program from the U. S. Department of Treasury and is soliciting proposals to provide administration services for the ARP Act eligible projects. Proposals must be received no later than 3pm on Wednesday, August 11, 2021. Please submit your proposal in .pdf form to grant.admin@beecounty.texas.gov and mail 4 copies of your proposal to the address provided below:

Bee County Auditor's Office
Attn: April Cantu – RFP 20/21-008
111 South St. Mary's, Suite 101
Beeville, TX 78102-5619

RFP packet and sample contract will be available on our website www.co.bee.tx.us under RFP/RFQ. It is the responsibility of the submitting firm to ensure that the proposal is received in a timely manner. The County reserves the right to negotiate with any and all individuals or firms that submit proposals and may award one or more contracts to one or more service provider(s). Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises, and Labor Surplus Area firms are encouraged to submit proposals. The County of Bee is an Affirmative Action/Equal Opportunity Employer. Servicios de traducción están disponibles por petición.

Request for Proposal (RFP) for Administration Professional Services - Cover Letter

Date: July 29, 2021

Re: American Rescue Plan Act (ARP Act)

Dear Service Providers:

Attached is a copy of the Bee County's Request for Proposals ("RFP") for professional administration services. These services are being solicited to assist the Bee County in project selection and administration of program(s) funded by the American Rescue Plan (ARP) Act. The County of Bee is expecting a total of \$6,325,369 from the U.S. Treasury as allocated in the American Rescue Plan Act, Title IX: Subtitle M: Sec 603 and is considering allocating a portion of the funds toward local infrastructure needs. Program Administration services for those infrastructure projects and other eligible ARP funded programs will remain within this scope of this procurement. If infrastructure projects are deemed feasible, engineering services will be solicited separately in a future Request for Qualifications (RFQ).

This RFP also covers the provision of professional administration services for programs that may be funded with ARP funds distributed by the State. The selected Service Provider *will* assist Bee County in the required administrative responsibilities, which might include project selection, as well as compliance, reporting, and close-out.

Service providers may submit proposals for any or all activities listed in the attached Scope of Work. Multiple contracts may be awarded as a result of this solicitation. Bee County will, in its sole discretion, determine the number of contracts awarded, and may decide not to award any contracts.

The submission requirements for your proposal are included in the attached RFP. Please submit a proposal of services and statement of qualifications to:

Bee County Auditor's Office
Attn: April Cantu – RFP 20/21-008
111 South St. Mary's, Suite 101
Beeville, TX 78102-5619

The deadline for submission of proposals is 3pm on Wednesday, August 11, 2021. It is the responsibility of the submitting entity to ensure that the proposal is received in a timely manner. Proposals received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting provider. Bee County reserves the right to negotiate with any and all service providers submitting timely proposals.

Bee County is an Affirmative Action/Equal Opportunity Employer. Section 3 Residents, Minority Business Enterprises, Small Business Enterprises, Women Business Enterprises, Labor Surplus Area firms and any other applicable disadvantaged businesses including HUBs are encouraged to submit proposals.

Sincerely,



George P. Morrill III
County Judge

RFP for Administration Professional Services

Bee County is seeking a well-qualified administration/activity management and delivery service provider(s) (Provider) to assist the Bee County in the overall administration or implementation of the proposed ARP Act program(s). The following outlines the RFP:

1. Project Description

Administration Services

A detailed Scope of Work ("SOW") for ARP Act administration services is provided in this packet. Please refer to the United States Department of the Treasury (USDT) website for the FAQs and Fact Sheet at:

<https://home.treasury.gov/system/files/136/SLFRP-Fact-Sheet-FINAL1-508A.pdf> and

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

for additional information regarding the ARP Act. The administration service provider to be hired will provide project selection and contract-related management services, including but not limited to the following areas:

Project Selection

Provider will assist in developing project scope(s) and complete the required ARP Act documentation. The Provider will work with the local government and Engineer, if applicable, to evaluate potential projects that provide desired benefits and are compliant with any eligibility criteria as established by the US Treasury Department.

As currently defined by US Treasury guidance, selected Projects must use the allocated funds in one of the following ways:

- A. to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- B. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- C. for the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency; or
- D. to make necessary investments in water, sewer, or broadband infrastructure.

Implementation Services

Provider will administer and provide activity delivery of infrastructure and other eligible projects approved for ARP Act funding. The selected service provider must follow all compliance and regulatory requirements of the ARP Act program(s), including 2 CFR §200.101. A description of the tasks to be performed are included in the Scope of Work below.

2. Statement of Qualifications

The Bee County is seeking qualified professional administration service providers experienced in program administration/activity delivery. Please provide the following as it relates to your qualifications:

Experience of the Firm:

- Provide introductory statement for the firm, including:

- Form of business (corporation, limited partnership, or limited liability company, indicate the state of formation and current standing with the Secretary of State)
- Name of contact person (single point of contact with Respondent)
- List of criminal charges, civil lawsuits, or dispute resolutions to which Respondent is a part in the past five (5) years and the nature of the issue. Indicated if and how it was resolved
- A brief history of the service provider and any teaming partners/subcontractors, including general background, knowledge of and experience working with Federal agencies and programs
- Related recent experience in securing and managing federally-funded local projects, both infrastructure construction and service projects

Prior Work Performance References:

- A description of work performance and experience with the U.S. Treasury, CARES Act, CDBG, CDBG Disaster Recovery, FEMA Hazard Mitigation or similar construction and service projects
- Provide at least three project references including contact information (entity, name, title, email, and phone) from local government clients (must be within the last 3 years)
- Provide information describing the relevancy of the referenced projects for both similar construction and service projects for the references provided above as well as other pertinent projects

Capacity to Perform:

- Provide description of your understanding of the project scope
- Describe which specific parts of the Scope of Work the service provider proposes to perform
- Provide an organizational chart describing management and staffing for this program, including names, roles, and level of commitment
- Staff should include, but are not limited to: Project Principal, Program Manager, Project/Grant Manager, Subject Matter Expert(s), and others you determine necessary to complete the scope of work
- Describe the capacity to perform the chosen Scope of Work activities and provide resumes of all employees who may be assigned to provide services if your firm is selected
- On each resume identify the firm employing each staff member and identify any conditional/proposed hires
- Describe your current and projected workloads
- Provide description of your proposed approach/strategy to provide and perform the requested services
- A statement substantiating the resources of the service provider and the ability to carry out the scope of work requested within the proposed timeline
- Provide current fiscal year-end and year-to-date financial statements including profit and loss

3. Proposed Cost of Services

Provide your cost proposal to accomplish the Scope of Work by activity or to accomplish the entire Scope of Work as outlined below. This cost proposal shall reflect all services provided to manage programs and/or provide services for the four eligible activities under Subtitle M Sec 603(c)(1) of the ARP Act (Direct Allocation). Regarding potential funding from the ARP Act other than the Direct Allocation, the County will negotiate scope and pricing with the awarded vendor as those initiatives are identified.

The local government will consider 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. As such, Proposers may specify any maximum limit to the total dollar value of program funds they are able and willing to manage. Service providers may submit proposals for any or all activities. Preference will be given to firm fixed pricing. The proposal must include all costs that are necessary to successfully complete these activities. The lowest/best price proposal will not be used as the sole basis for entering into this contract; rather, an award will be made to the service provider(s) providing the best value, cost and other factors considered. The local government reserves the right to negotiate pricing.

Upon the award of this contract, profit (either percent/actual cost) must be identified and negotiated as a separate element of the price for any contract in excess of \$50,000.00.

4. Evaluation Criteria - The proposal received will be evaluated and ranked according to the following criteria and using the rating sheet enclosed:

<u>Criteria</u>	<u>Maximum Points</u>
Experience of the Firm	30
Prior Work Performance	20
Capacity to Perform	30
Proposed Cost	20
Total	100

5. Submission Requirements

- A copy of your current **certificate of insurance** for professional liability.
- **Statement of Conflicts of Interest** (if any) the service provider or key employees may have regarding these services, and a plan for mitigating the conflict(s). Note that City/County may in its sole discretion determine whether or not a conflict disqualifies a firm, and/or whether or not a conflict mitigation plan is acceptable.
- **System for Award Management.** Service Providers should have a current registration in the System for Award Management (<https://www.sam.gov/SAM/>). Service provider and its Principals may not be debarred or suspended nor otherwise on the Excluded Parties List System (EPLS) in the System for Award Management (SAM). Include verification that the service provider as well as its principals are not listed (are not debarred) through the System for Award Management (www.SAM.gov). Enclose a printout of the search results that includes the record date. This clearance information should be included in the service provider's Proposal. The clearance in the Service Provider's proposal must be re-verified prior to award. Federal awarding agencies may relax the timing of the requirement for active SAM registration at time of allocation in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.206, Federal awarding agency review of risk posed by recipients, continue to apply. Current registrants in SAM with active registrations expiring between April 1, 2021 and September 30, 2021 will automatically be afforded a one-time extension of 180 days. (2 CFR § 25.110).
- **Form CIQ**, (enclosed). Texas Local Government Code chapter 176 requires that any vendor or person who enters or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person's employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with a local government entity. Questionnaire form CIQ is included in the RFP and must be submitted with the response. **Certification Regarding Lobbying** (enclosed). Certification for Contracts, Grants, Loans, and Cooperative Agreements is included in the RFP and must be submitted with the response.
- **Form 1295**, (enclosed). Effective January 1, 2018, all contracts and contract amendments, extensions, or renewals executed by the Commissioners Court will require the completion of Form 1295 "Certificate of Interested Parties" pursuant to Government Code § 2252.908. Form 1295 must be completed by the awarded vendor at time of signed contract submission. Form 1295 is included in this RFP for your information. Form 1295 requires the inclusion of an "unsworn declaration" which includes, among other things, the date of birth and address of the authorized representative signing the form.
- **Required Contract Provisions.** Applicable provisions (enclosed) must be included in all contracts executed as a result of this RFP.

6. Contracting with HUB, small and minority businesses, women's business enterprises, and labor surplus area firms.

If the awarded vendor (prime) uses subcontractors, it must take all necessary affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used. The following affirmative steps are required of the prime contractor:

- 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 (SBA) and the Minority Business Development Agency (MBDA) of the Department of Commerce.
- 6) The Prime Vendor should utilize the MBDA Center that is in the closest proximity to locality. Email your RFP to the appropriate center.

Minority-owned businesses may be eligible for contract procurement assistance with public and private sector entities from MBDA centers:

Dallas MBDA Business Center
 8828 N. Stemmons Freeway, Ste. 550B
 Dallas, TX 75247
 214-920-2436
 Website: <https://www.mbdadfw.com>
 Email: admin1@mbdadallas.com

Houston MBDA Business Center
 3100 Main Street, Ste. 701
 Houston, TX 77002
 713-718-8974
 Website: <https://www.mbda.gov/business-center/houston-mbda-business-center>
 Email: MBDA@hccs.edu

El Paso MBDA Business Center
 2401 East Missouri Avenue
 El Paso, TX 79903
 915-351-6232
 Website: <https://www.mbda.gov/business-center/el-paso-mbda-business-center>
 Email: treed@ephcc.org

San Antonio MBDA Business Center
 501 W. Cesar E. Chavez Blvd., Ste. 3.324B
 San Antonio, TX 78207
 210-458-2480
 Website: <https://www.mbda.gov/business-center/san-antonio-mbda-business-center>
 Email: orestes.hubbard@utsa.edu

Small and woman-owned businesses may be eligible for assistance from SBA Women's Business Centers:

Dallas Fort Worth WBC
 7800 N. Stemmons Fwy., Ste. 120
 Dallas, TX 75247
 214-572-9452
 Website: <https://womensbusinesscenterdfw.com/>
 Email: wbcdfw@liftfund.com

WBEA – Women's Business Center
 9800 Northwest Freeway, Ste. 120
 Houston, TX 77092
 713-681-9232
 Website: <https://www.wbea-texas.org/womens-business-center>
 Email: wbc@wbea-texas.org

LiftFund Women's Business Center
 600 Soledad St.
 San Antonio, TX 78205
 888-215-2373 ext. 3000
 Website: <https://womensbusinesscentersa.com/>
 Email: wbc@liftfund.com

SBA also provides assistance at Small Business Development Centers located across Texas:
<https://americassbdc.org/small-business-consulting-and-training/find-your-sbdc/>

7. Deadline for Submission – Proposals must be received no later than 3pm on Wednesday, August 11, 2021. It is the responsibility of the submitting entity to ensure that the proposal is received in a timely manner. Proposals received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting firm. Please electronically submit your proposal in .pdf format via email to grant.admin@beecounty.texas.gov **and** mail 4 copies to the address below:

Bee County Auditor's Office
Attn: April Cantu – RFP 20/21-008
111 South St. Mary's, Suite 101
Beeville, TX 78102-5619

RFP packet and sample contract can be found on our website www.co.bee.tx.us. Any questions or requests for clarification must be submitted in writing via EMAIL to the address above at least 3 business days prior to the deadline. Bee County may, if appropriate, circulate the question and answer to all service providers submitted proposals.

Required RFP Forms as provided in the RFP must be submitted, or the proposal shall be considered non-responsive.

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

SCOPE OF WORK

Administration Services

The Contractor shall provide the following scope of services:

SCOPE OF SERVICES REQUESTED

Providers will help the County of Bee fulfill State and Federal ARP Act statutory responsibilities related to recovery from COVID-19. Providers will assist the Bee County in completion of ARP Act program(s). Respondents may be qualified to provide Program Administration services for one or more programs or services (environmental, acquisition, general administration, etc.) Program administrative services must be performed in compliance with the guidance provided by the US Treasury.

DESCRIPTION OF SERVICES AND SPECIAL CONDITIONS

Respondents must be able to perform the tasks listed herein to be considered eligible for an award under this Solicitation. Respondents should provide a detailed narrative of their experience as it relates to each of the items below. Respondents should clearly indicate if they intend to provide services in-house with existing staff or through subcontracting or partnership arrangements. Program Administration Services will be provided in conformance with the guidance documents utilizing forms provided by the US Treasury or other designated agencies, if applicable. The Providers shall furnish pre-funding and post-funding program administrative services to complete the ARP Act projects, including, but not limited to the following:

Program Administration Services

- a) General Administrative Duties:
 - i. Monitor program compliance including all ARP Act requirements.
 - ii. Assist in establishing and maintaining financial processes.
 - iii. Obtain and maintain copies of the most current program agreement, if such exists, including all related change requests, revisions and attachments.
 - iv. Establish and maintain record keeping systems.
 - v. Implementation and coordination of Affirmatively Furthering Fair Housing ("AFFH") requirements (if required).
 - vi. Implementation and coordination of Section 504 requirements (if required)
 - vii. Assist with resolving monitoring and audit findings.
 - viii. Serve as monitoring liaison.
 - ix. Assist with resolving third party claims.
 - x. Report suspected fraud.
 - xi. Submit timely responses to requests for additional information.
 - xii. Assist with the system of record, documentation, reports, change requests, progress of projects, etc.
 - xiii. Coordinate, as necessary, between recipient and any other appropriate service providers (i.e. Engineer, Environmental, etc.), contractor, subcontractor and other state/federal agencies to effectuate the services requested.
 - xiv. May assist in public hearings, if required
 - xv. Provide project status updates
- b) Procurement
 - i. Assist with procurements as necessary for program implementation
 - ii. Monitor compliance with procurement regulations and policies per 2 CFR 200
- c) Financial Duties:
 - i. Prepare required reports for submission.
 - ii. Provide guidance in establishing a bank account for program funds.
 - iii. Provide guidance on Program compliance.
 - iv. Assist with developing fraud prevention and abuse practices
 - v. Prepare for submission closeout documents
 - vi. Assist in preparation of contract revisions and supporting documents including but not limited to:
 - Amendments/modifications
 - xi. Assist with other administrative duties required to deliver the project
- d) Projects with Beneficiaries including Households, Non-profits, Businesses, and Industries:
 - i. Identify the need for this program.
 - ii. Project planning, design, and startup
 - Assist recipient with procuring necessary vendors as needed.
 - iii. Intake meetings

- Advertise, schedule, and conduct intake with interested potential beneficiaries. During intake meetings case managers will collect all available documentation necessary to determine eligibility.
 - iv. Eligibility verification
 - Management staff will review all intake documentation and verify eligibility.
 - If applicable, verify duplicative benefits (DOB) and calculate eligible receipts.
 - Maintain recipient data in a secure system and comply with all record-keeping requirements.
 - v. Assistance package generation and approval
 - vi. Review change requests and all required documentation related to any change requests.
 - vii. Final Documentation of recipients
 - File, audit, and closeout
 - Complete final audit to ensure all procedures were properly followed.
- e) Premium Pay to Eligible Workers and Eligible Employers
 - i. Identify the need for this program
 - ii. Project planning, design, and startup
 - iii. Advertise, schedule, and conduct intake with interested potential eligible employers.
 - During intake meetings case managers will collect all available documentation necessary to determine eligibility.
 - iv. Eligibility verification
 - Management staff will review all intake documentation and verify eligibility.
 - If applicable, verify duplicative benefits (DOB).
 - Maintain recipient data in a secure system and comply with all record-keeping requirements.
 - v. Assistance package generation and approval
 - vi. Review change requests and all required documentation related to any change requests.
 - vii. Final Documentation of recipients
 - File, audit, and closeout
 - Complete final audit to ensure all procedures were properly followed.
- f) Reconciliation of Revenue Reductions
 - i. Identify the need for this program
 - ii. Project planning, design, and startup
 - iii. Calculate revenue loss in accordance with Department of Treasury guidance
 - iv. Review change requests and all required documentation related to any change requests
 - v. Final Documentation of recipients
 - File, audit, and closeout
 - Complete final audit to ensure all procedures were properly followed
- g) Necessary Water, Sewer, or Broadband Infrastructure
 - i. Identify the need for this program
 - ii. Project planning, design, and startup
 - Assist the recipient in submitting/setting up project(s)
 - iii. Assist with developing contract/bid packages that meet ARP program requirements
 - iv. Assist with monitoring and reporting contractor's performance
 - v. Receive, review, recommend, and process any change orders as appropriate to the individual projects
 - vi. Assist the recipient with vendor Draws/Close Out
 - vii. Compile and review for completeness contract/closeout packages that meet ARP program requirements
 - viii. Labor Standards duties (as required):
 - Provide all Labor Standards Officer (LSO) Services.
 - Monitor compliance with all relevant labor standards regulations.
 - Maintain document files to support compliance.
 - ix. Environmental Services
 - Review each project description to ascertain and/or verify the level of environmental review requirements.
 - Prepare, complete and submit required forms for environmental review and provide all documentation to support environmental findings;
 - Consult and coordinate with oversight/regulatory agencies to facilitate environmental clearance;
 - Reporting
 - x. Acquisition Duties:
 - Submit acquisition reports and related documents.
 - Establish acquisition files (if necessary).
 - Complete acquisition activities (if necessary).

COST OF SERVICES

The Responder should enter pricing which includes all costs, expense, and materials needed to perform the services in accordance with this RFP. Pricing for ARP funded projects other than Subtitle M Sec 603 projects will be determined with the awarded vendor once projects are identified.

LUMP SUM PRICE: \$_____

If your pricing is only for a specific activity(ies) in this scope, please indicate the service(s) with your pricing. Respondents proposing to offer specific services are limited to environmental services and will be scored only on that service.

SPECIFIC SERVICE DESCRIPTION: _____.

PRICE:\$_____

Administration Professional Services Rating Sheet

ARP Act

Respondent: _____

Final Score

Evaluator's Name: _____

Date of
Evaluation

Respondent will be scored by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from the submitted proposal and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (environmental) will be scored only on those services.

Experience of the Proposing Firm

	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1	Related Firm Experience / Background with federally funded projects	10	
2	Related Firm Experience/ Background with specific services:		
a	Administrative, construction management	5	
b	Administrative, non-construction management	5	
c	Procurement of other services & construction	5	
d	Financial Duties	5	
	Subtotal, Experience	30	

Prior Work Performance References

	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1	Related Work Performance	10	
2	References Provided for prior work	10	
	Subtotal, Performance / References	20	

Capacity to Perform

	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1	Demonstrated understanding of scope of the ARP Act Project(s), as appropriate	5	
2	Qualifications / Experience of Proposed Staff		
a	Resumes appropriate to services required	5	
b	Organizational Chart	5	
3	Approach/Strategy to implement services/projects	5	
4	Current and Projected Workloads	5	
5	Financial Capacity	5	
	Subtotal, Capacity to Perform	30	

Proposed Cost

<u>Method to Evaluate Proposed Cost</u>			
"A" = The lowest priced proposal of all qualified respondents			
"B" = Respondents Proposed Price			
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1	Use values A and B above, in the equation below (A + B) X 20	20	

Total Score

	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
	Experience	30	
	Prior Work Performance / References	20	
	Capacity to Perform	30	
	Proposed Cost	20	
	Total Score	100	

Insert Certificate of Insurance

**Insert System for Award Management (SAM) record search for
company name and company principal**

American Rescue Plan Act (ARP Act) Program Administration Services - Description of Programs

Provider will assist in developing project scope(s) and complete the required ARP Act documentation. The Provider will work with the local government and Engineer, if applicable, to evaluate potential projects that provide desired benefits and are compliant with any eligibility criteria as established by the U.S. Treasury Department. Below is a description of anticipated programs that are eligible for funding through the ARP Act Program funded through the U.S. Department of the Treasury or other designated State or Federal Agency. As currently defined by U.S. Treasury guidance, selected Projects must use the allocated funds in one of the following ways:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

Recipient: <u>Bee County</u>	
Anticipated Program	American Rescue Plan Act

This form will be inserted into the RFP/RFQ Packets.

APPROVED BY:



County Judge
George P. Morrill III

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

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

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

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 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

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

2 ☐ 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.)

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

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. 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 ☐ No

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 ☐ No

5 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.

6 ☐ 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 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 _____
Signature of vendor doing business with the governmental entity Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

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 an 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 paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Printed Name and Title of Contractor's Authorized Official

Date

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

This disclosure form shall be completed by the reporting entity, whether subawardee 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 subawardee, e.g., the first subawardee 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 "Subawardee," 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 the agency name, if known. For example, the 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.

(b) 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).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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

Disclosure of Lobbying Activities

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

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 _____ Subawardee Tier _____, if Known: Congressional District, if known:		If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known:
Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
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: _____	
Federal Use Only	Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)	

(To be completed by awarded vendor)

CERTIFICATE OF INTERESTED PARTIES		FORM 1295																																					
<p>Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.</p>		<div style="border: 1px solid black; padding: 5px;">OFFICE USE ONLY</div>																																					
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.																																							
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.																																							
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.																																							
4 Name of Interested Party		<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th colspan="2" style="text-align: left; padding: 5px;">City, State, Country (place of business)</th><th colspan="2" style="text-align: left; padding: 5px;">Nature of Interest (check applicable)</th></tr><tr><th style="width: 50%;"></th><th style="width: 50%;"></th><th style="width: 50%; text-align: center; padding: 5px;">Controlling</th><th style="width: 50%; text-align: center; padding: 5px;">Intermediary</th></tr></thead><tbody><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td><td></td></tr></tbody></table>		City, State, Country (place of business)		Nature of Interest (check applicable)				Controlling	Intermediary																												
City, State, Country (place of business)		Nature of Interest (check applicable)																																					
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5 Check only if there is no Interested Party. <input type="checkbox"/>																																							
6 UNSWORN DECLARATION My name is _____, and my date of birth is _____. My address _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country). I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of _____, on the _____ day of _____, 20_____. _____ (month) (year) <div style="text-align: right; margin-top: 10px;">_____ Signature of authorized agent of contracting business entity (Declarant)</div>																																							
ADD ADDITIONAL PAGES AS NECESSARY																																							

CONTRACT PROVISIONS

The non-Federal entity's contracts should contain 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 may contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. *Language as of May 21, 2021.

All Contracts

THRESHOLD	PROVISION	CITATION
>\$250,000 (Simplified Acquisition Threshold)	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 CFR 200 APPENDIX II (A)
>\$10,000	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.	2 CFR 200 APPENDIX II (B)
None	<p>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."</p> <p>41 CFR 60-1.4 Equal opportunity clause.</p> <p>(b) Federally assisted construction contracts. (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:</p> <p>The [recipient] hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:</p> <p>During the performance of this contract, the contractor agrees as follows:</p> <p>(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:</p> <p>Employment, upgrading, demotion, or transfer; recruitment or recruitment</p>	2 CFR 200 APPENDIX II (C) and 41 CFR §60-1.4(b)

advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any

	<p>subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:</p> <p>Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.</p> <p>The [recipient] further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the [recipient] so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.</p> <p>The [recipient] agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.</p> <p>The [recipient] further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the [recipient] agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the [recipient] under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such [recipient]; and refer the case to the Department of Justice for appropriate legal proceedings.</p>	
>\$2,000	<p>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</p>	<p>2 CFR 200 APPENDIX II (D)</p>

	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.	
>\$100,000	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.	2 CFR 200 APPENDIX II (E)
None	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 recipient 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 recipient 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.	2 CFR 200 APPENDIX II (F)
>\$150,000	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).	2 CFR 200 APPENDIX II (G)
None	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.	2 CFR 200 APPENDIX II (H)
>\$100,000	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.	2 CFR 200 APPENDIX II (I) and 24 CFR §570.303

	See 2 CFR §200.323.	2 CFR 200 APPENDIX II (J)
	See 2 CFR §200.316.	2 CFR 200 APPENDIX II (K)
	See 2 CFR §200.322.	2 CFR 200 APPENDIX II (L)
None	The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.	2 CFR 200.112
None	The <u>Federal awarding agency</u> and the <u>non-Federal entity</u> should, whenever practicable, collect, transmit, and store <u>Federal award-related</u> information in open and machine-readable formats rather than in closed formats or on paper in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system. The <u>Federal awarding agency</u> or <u>pass-through entity</u> must always provide or accept paper versions of <u>Federal award-related</u> information to and from the <u>non-Federal entity</u> upon request. If paper copies are submitted, the <u>Federal awarding agency</u> or <u>pass-through entity</u> must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.	2 CFR 200.336
None	Contracting with HUB, small and minority businesses, women's business enterprises, and labor surplus area firms. (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms 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.	2 CFR 200.321
None	Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period	2 CFR 200.334

	<p>of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a recipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:</p> <p>(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.</p> <p>(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.</p> <p>(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.</p> <p>(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.</p> <p>(e) Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.</p> <p>(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p>(2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>	
None	<p>CONTRACTS WITH COMPANIES ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR FOREIGN TERRORIST ORGANIZATION PROHIBITED. A governmental entity may not enter into a governmental contract with a company that is identified on a list prepared and maintained under Section 806.051, 807.051, or 2252.153. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such a term in Section 2252.151(2) of the Texas Government Code.</p>	<p>Texas Government Code 2252.152</p>
>\$100,000	<p>PROVISION REQUIRED IN CONTRACT. (a) This section applies only to a contract that:</p> <p>(1) is between a governmental entity and a company with 10 or more full-time</p>	<p>Texas Government Code 2271</p>

	<p>employees; and</p> <p>(2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.</p> <p>(b) A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:</p> <p>(1) does not boycott Israel; and</p> <p>(2) will not boycott Israel during the term of the contract.</p>	
Option Contract Language for contracts awarded prior to Grant Award	The contract award is contingent upon the receipt of ARP Act funds. If no such funds are awarded, the contract shall terminate.	Optional
	Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.	42 U.S.C. 6201