



**Town of Dauphin Island
1011 Bienville Boulevard
Dauphin Island, Alabama, 36528
Phone:(251)861-5525Fax(251)-861-2154**

**REQUESTFORQUALIFICATIONS(RFQ) FOR
TOWNOFDAUPHINISLAND**

**RFQ
EngineeringServices**

for

StormwaterMasterplanandDrainage Improvements

for

**AlabamaDepartmentofConservationandNaturalResources(ADCNR)
Grant Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived
EconomiesoftheGulfCoastStatesActof2012(RESTOREACT)**

Water Quality Grant

**MAYOR
Jeff Collier**

TOWN OF DAUPHIN ISLAND, AL

INVITATION REQUEST FOR QUALIFICATIONS (RFQ)

Sealed proposals will be received by the Town of Dauphin Island of Mobile County, Alabama, in the Town Hall offices, 1011 Bienville Boulevard, Dauphin Island, Alabama, 36528 until _____, 2024, and then publicly opened thereafter, for furnishing professional services required by the Town of Dauphin Island and described as follows:

RFQ for Engineering Services for Stormwater Master Plan and Drainage Improvements Project ADCNR Grant #B2WQ-DISM.

The Scope of Services will include the planning, engineering, design and permitting services to deliver a complete: Stormwater Master Plan and Drainage Improvements Project. This Project Scope of Work includes the following:

The Project consists of the development of a stormwater and drainage study and Master Plan for Dauphin Island and the engineering, design and permitting of the stormwater system for the Town of Dauphin Island Stormwater Master Plan and Drainage Improvements.

RFQ advertisement and other related documents will be posted on the Town of Dauphin Island website www.townofdauphinisland.org. Questions or comments pertaining to this proposal must be presented in writing, or sent as e-mail to the attention of Wanda Sandagger, Town Clerk, Dauphin Island Town Hall, 1011 Bienville Boulevard, Dauphin Island, AL 36528 e-mail: wsandagger@townofdauphinisland.org Seventy-two (72) hours prior to the proposal opening or may be forever waived.

The Town of Dauphin Island is an Equal Opportunity Employer and requires that all contractors comply with the Equal Employment Opportunity laws and the provisions of the Contract Documents in this regard. The Town also encourages and supports the utilization of Minority Business Enterprises on this and all public proposals. All procurement actions will be conducted in a manner consistent with the Federal Award, Gulf Coast Ecosystem Restoration Council Financial Assistance Standard Terms and Conditions, and all applicable federal, state, and local requirements including, but not limited to, provisions of 2 C.F.R. Part 200. Furthermore, applicable clauses set forth pursuant to 2 C.F.R. Part 200 will be included in all purchase orders, contracts, and agreements. "Applicants or bidders for a lower tier covered transaction (except procurement contracts for goods and services under \$25,000 not requiring the consent of a Treasury official) are subject to 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement)." In addition, applicants or bidders for a lower tier covered transaction for a subaward, contract, or subcontract greater than \$100,000 of Federal funds at any tier are subject to relevant statutes, including among others, the provisions of 31 U.S.C. 1352, as well as the common rule, "New Restrictions on Lobbying," published at §§ FR 6736 (February 26, 1990), including definitions, and the Office of Management and Budget "Governmentwide Guidance for New Restrictions on Lobbying," and notices published at 54 FR 52306 (December 20, 1989), 55 FR 24540 (June 15, 1990), 57 FR 1772 (January 15, 1992), and 61 FR 1412 (January 19, 1996)."

The Statement of Qualifications must include the Company's UEI number and evidence of the Company's active registration with the System for Award Management (SAM). SAM registration is required for businesses to contract with the federal government, and for confirmation of debarment/suspension status. Registration can be obtained through www.sam.gov. Contractor and all subcontractors must have a UEI and maintain active status with SAM.gov for the duration of the contract. A contract award will not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. part 180 that implement Executive Orders 12549 (3 C.F.R. part 1986 Comp., p. 189) and 12689 (3 C.F.R. part 1989 Comp., p. 235), "Debarment and Suspension".

Envelopes containing proposals must be sealed and labeled on the outside as follows: **"Proposal for RFQ Engineering Services, Stormwater Masterplan and Drainage Improvements Project"** and may be mailed to Wanda Sandagger, Town Clerk, Dauphin Island Town Hall, 1011 Bienville Boulevard, Dauphin Island, AL 36528. All proposals shall contain original signatures. Proposal must be received no later than 4:00 p.m. on _____, 2024. Firms submitting proposals are solely responsible for meeting submission deadlines. Proposals received after the stated deadline will be deemed non-responsive and will not be considered for any contract awarded as a result of this solicitation. Proposals deemed responsive will be evaluated and an award decision will be made by the Town Council. The Town of Dauphin Island is an Equal Opportunity Employer. A contract will be awarded to the qualified applicant whose proposal is determined to be the most advantageous to the Town of Dauphin Island. The Town reserves the right to reject any or all proposals, and to waive any irregularities or informalities in the proposal process.

The company that is awarded the contract must have Workman's Compensation Insurance on all of its employees if work is done on Town premises. General Liability Insurance must be maintained to hold the Town harmless in the event of an accident. Awarded Vendor must submit to the Town, Proof of Workman's Compensation Insurance if work is done on Town premises and General Liability Insurance specifying coverage.

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

Any contract awarded must comply with the Minority Business Enterprise and Women Business Enterprise contracting requirements outlined in "Attachment A" to this solicitation. MBE and/or WBE individuals/ firms are encouraged to respond to this solicitation.

Any contract awarded under this Request for Qualifications may be paid for in whole or in part with grant funding from the Gulf Coast Ecosystem Restoration Council (“RESTORE Council”, also “Council”) and the Alabama Department of Conservation and Natural Resources (“ADCNR”) under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). Any contract resulting from this solicitation will be subject to the terms and conditions of the funding award, the RESTORE Council Financial Assistance Standard Terms and Conditions, including any Special Award Conditions, the Standard Sub-Award Terms and Conditions, the RESTORE Act, 33 U. S. C. 1321(t) et seq., the U.S. Department of the Treasury Regulations 31 C. F. R. § 34 et seq., including 31 C. F. R. §§ 34, Subpart F, all applicable terms and conditions in 2 C. F. R. Part 200 of the Office of Management and Budget (“OMB”) Uniform Guidance for Grants and Cooperative Agreements, as amended, (including Appendix II to Part 200), and all other OMB circulars, executive orders or other federal laws or regulations, as applicable. Notwithstanding the above, neither ADCNR nor the RESTORE Council, or any of their agents, representatives, or employees, is or will be a party to this Request for Qualifications or any resulting contract. Further, any contractor awarded a contract under this Request for Qualifications shall not be deemed to be an agent, representative, employee or servant of ADCNR or the RESTORE Council.

REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES FOR TOWN OF DAUPHIN ISLAND MASTER PLAN AND DRAINAGE IMPROVEMENTS

PURPOSE

The Town plans to conduct a drainage evaluation of the area from Salt Creek to the Eastern side of the Bird Sanctuary. This area is comprised of approximately 1.8 square miles. Currently, the drainage in this area consists mostly of driveway culverts and cross drains, connected with open ditches that are tidally influenced since the outfalls run into small creeks or directly into the Bay. The goal of this project is to improve the overall drainage of the study area, promote better flow and reduce the amount of stagnate water and repetitive flooding. As part of the project, the area will be surveyed to create a model and GIS map that will be used to understand the natural flow patterns and identify areas of the stormwater infrastructure network that need to be improved. From there, a list of proposed drainage facility improvements will be engineered for future construction. Deliverables include 100% stamped engineering and design plan sets and a complete environmental compliance package for the designed improvements.

The Scope of Services will include the planning, engineering, design and permitting services to deliver a complete: Stormwater Master Plan and Drainage Improvements Project. This Project Scope of Work includes the following: The Project consists of the development of a Stormwater and Drainage Study and Master Plan for Dauphin Island, to include the engineering, design and permitting of the improvements to the stormwater system identified during the planning phase for the Town of Dauphin Island Stormwater Master Plan and Drainage Improvements. Deliverables include a Stormwater Master Plan, Engineering and Design Plans, Complete Permitting Package, Stormwater Model and Stormwater GIS Map.

1. A cost proposal is intentionally excluded from this submittal.
2. RFQ is not to be construed as a contract or a commitment of any kind, nor does it commit the Town of Dauphin Island to pay for any costs incurred in the preparation of a submission or of any costs incurred prior to the execution of a formal contract.

3. In the event that a mutually agreeable contract cannot be negotiated between the consultant and the Town, the Town reserves the right to select an alternate consultant.
4. The Town of Dauphin Island reserves the sole right to (1) evaluate submittals; (2) waive any irregularities therein; (3) select candidates for selection interviews; (4) request supplemental or additional information as deemed necessary; (5) contact others to verify information provided in the submittal; or (6) reject any and all submittal(s), should it be deemed in the best interest of the Town of Dauphin Island.
5. No debriefings by Town staff to unsuccessful submitters will occur until after the award of a contract by the Town Council to the recommended team.
6. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. (Please complete the certification form on page 15 and submit with the Company's proposal.) Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Request for Qualifications-Statement of Qualifications

ENGINEERING SERVICES: These tasks shall include planning, engineering, and environmental permitting services to deliver a complete Stormwater Masterplan and Drainage Improvements Project. A lump sum, fixed price fee will be required. **The period of performance will be within 24 months of a fully executed contract with the Town.** Examples of services which firm must be prepared and qualified to provide shall include but not be limited to the following: The provision of Stormwater Drainage Study/Master Plan, Planning and Engineering and Design Services. A completed Stormwater Drainage Study/ Master Plan and Bid Ready 100% E&D Plan Sets for drainage improvements will be provided to the Town. Proposals will be evaluated and ranked on the basis of the following criteria:

1. Qualifications, knowledge and expertise regarding the proposed Scope of Work - 20 points
2. Resources and availability - 20 points
3. Experience of proposed key personnel - 20 points
4. Understanding and familiarity with the needs and environment of the community - 20
5. Previous experience in working with locality - 20 points

Total possible points to be achieved: 100

Seven (7) copies of the proposal must be submitted by the deadline. Firms submitting proposals are solely responsible for meeting submittal deadlines. Proposals received after the stated deadline will be deemed nonresponsive and will not be considered for any contract awarded as a result of this solicitation. The statement of qualifications must include the Company's Unique Entity Identifier (UEI) number. If subcontractors are included in a contractor's proposal, the contractor must include Attachment A in contractor's Statement of Qualifications and supporting documentation to show compliance with the required affirmative steps listed in paragraphs (1) through (5) of this section

Written methods established for conducting technical evaluations:

All proposals will be evaluated and scored based on the criterion listed in the RFQ. The highest rated respondents will be contacted for interviews and/or further presentation. The most

highly qualified firm will be recommended to perform these services. This recommendation will be made to the Town Council who will make the final selection. A contract will be negotiated and awarded to the qualified applicant selected by the Town Council. No pre-submittal interviews are proposed. The top three respondents will be evaluated and selected for interviews on the basis of the written material submitted.

RESTORE Act Required Provisions

The fees associated with this project are part of the City's Subaward Grant Agreement with the Alabama Department of Conservation and Natural Resources (ADCNR) # **B2WQ-DISM** made available from the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). Any contract resulting from this solicitation will be subject to the terms and conditions of the Sub-Award Agreement between the Alabama Department of Conservation and Natural Resources ("ADCNR") and the Town of Dauphin Island, the terms and conditions of the Federal Award from the Gulf Coast Ecosystem Restoration Council, including any Special Award Conditions, the Standard Sub-Award Terms and Conditions, the RESTORE Council Financial Assistance Standard Terms and Conditions, the RESTORE Act, 33 USC § 1321(t) et seq., the U.S. Department of Treasury Regulations governing the RESTORE Act, 31 CFR § 34 et seq., all applicable terms and conditions in 2 CFR Part 200 of the Office of Management and Budget ("OMB") Uniform Guidance for Grants and Cooperative Agreements, as amended on August 13, 2020, including Appendix II to 2 CFR Part 200, and all other OMB circulars, executive orders or other federal laws or regulations applicable to the services provided under this contract. All of these terms and conditions apply to the Contractors, as well as any covered subcontractors or vendors whose work is funded as a result of this solicitation.

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

- (1) §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.
- (2) 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.

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.

Alabama Immigration Act Contract Requirements

1.0 Background

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No 2011-535, as amended by Act No 2012-491, Code of Alabama (1975) Section 31-13-1 through Section 31-43-30 (also known as and hereinafter referred to as "the Alabama Immigration Act") is applicable to contracts with the City of Loxley, Alabama. All business entities entering into contracts with the City of Loxley, Alabama will comply with the Alabama Immigration Act.

2.0 Definition

ALIEN. Any person who is not a citizen or national of the United States, as described in 8 U.S.C. § 1101, et seq., and any amendments thereto.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit. Business entity shall include but not be limited to the following:

- a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.
- b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, an any business entity that is operating unlawfully without a business license.

CONTRACTOR. A person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include, but not be limited to, a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity.

EMPLOYEE. Any person directed, allowed, or permitted to perform labor or service of any kind by an employer. The employees of an independent contractor working for a business entity shall not be regarded as the employees of the business entity, for the purposes of this chapter. This term does not include any inmate in the legal custody of the state, a county, or a municipality.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

E-VERIFY. The electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208,

Divisionc, Section 403 (a); 8 U.S.C. §1324(a) and operated by the United States Department of Homeland Security, or its successor program.

STATE-FUNDED ENTITY. Any governmental entity of the state or a political subdivision thereof or any other entity that receives any monies from the state or a political subdivision thereof; provided, however, an entity that merely provides a service or a product to any governmental entity of the state or a political subdivision thereof, and receives compensation for the same, shall not be considered a state funded entity.

SUBCONTRACTOR. A person, business entity, or employer who is awarded a portion of an existing contract by a contractor, regardless of its tier.

UNAUTHORIZED ALIEN. An alien who is not authorized to work in the United States as defined in 8 U.S.C. §1324a(h)

3.0 Mandatory Clause

All contracts or agreements to which the state, a political subdivision, or state-funded entity are a party shall include the following clause:

“By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.”

For purposes of this section, "contract" shall mean a contract awarded by the state, any political subdivision thereof, or any state-funded entity that was competitively bid or would, if entered into by the state or an agency thereof, be required to be submitted to the Contract Review Permanent Legislative Oversight Committee.

4.0 Contracts Involving Business Entity, or Employer

As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, the business entity or employer shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.

As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees within the state of Alabama, **the business entity or employer shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program.** During the performance of the contract, the business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations.

5.0 Contracts Involving Subcontracting

Any subcontractor on a project paid for by contract, grant, or incentive by the state, any political subdivision thereof, or any state-funded entity shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama and shall also enroll in the E-Verify program prior to performing any work on the project. Furthermore, during the performance of the contract, the subcontractor shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. This subsection shall only apply to subcontractors performing work on a project subject to the provisions of this section and not to collateral persons or business entities hired by the subcontractor.

6.0 Proof of E-Verify

Documentation will be in the form of a copy of the signed Memorandum of Understanding (MOU) generated upon completion of the E-Verify program. We will need the entire document for our files.

CERTIFICATION REGARDING LOBBYING

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf Of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

Organization: _____

Street address: _____

City, State, Zip: _____

CERTIFIED BY: (type or print) _____

TITLE: _____

_____ (signature) _____ (date)

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

Documentation of compliance with the following requirements is a matter of contractor responsibility. When subcontracting, the contractor must submit documentation of good faith efforts to meet the project's MBE/WBE requirements before contracted work can commence. (MBE/WBE requirements are outlined below and can be found at 2 C.F.R. 5200.321.) Failure on the part of the contractor to submit proper documentation may cause the Owner not to execute or to terminate the contract.

(a) The prime contractor must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area 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 small tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and,
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

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

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

Prior to contract execution, the prime contractor must submit:

- A written certification that no subcontracts will be issued.

-OR-

- The Subcontractor Listing Form detailing all subcontractors from whom quotes were received including name, contact person, address, phone, and status (MBE, WBE or Non).

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

- A certification from each MBE and/or WBE firm declaring its status as a MBE or WBE firm. A self-certification is acceptable, if the certification specifies the basis for MBE/WBE designation (e.g., the business is 51% owned and daily operation is controlled by one or more women or minority owners).

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

-For all subcontracts for which there are capable certified MBE/WBE firms existing to potentially perform the work, letters transmitted to MBE and WBE firms requesting quotes or proposals for specific subcontracting opportunities and encouraging inquiries for further details. Solicitations should have been sent in a timely manner, including allowed response time.

-A listing of certified MBE and WBE firms from whom quotes or proposals were received, if any, who were not awarded subcontracts.

- Evidence that each Non-MBE/WBE subcontractor selected for the scope of work, was lower in price than each MBE/WBE proposal (or that there is some other acceptable reason to select the Non-MBE/WBE) and that the scope of work was the same for both the MBE/WBE and Non-MBE/WBE. The contractor may utilize the following resources to assist in MBE/WBE affirmative outreach: The Alabama Department of Economic and Community Affairs' Office of Minority Business Enterprise's Certified MWBE List and the Alabama Department of Transportation's Certified Disadvantaged Business Enterprise List.

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

Pursuant to 2CFR Appendix II part 200, "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards," and in addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable:

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 USC 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 USC. 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 contractor 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 USC. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all

suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 USC 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 USC 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 USC 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 USC 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contractor 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 non-profit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 USC 7401-7671q.) and the Federal Water Pollution Control Act (33 USC 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 USC 7401-7671q.) and the Federal Water Pollution Control Act as amended (33 USC 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contain the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 USC 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 USC 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.323.

(K) See §200.216.

(L) See §200.322.

The following will be incorporated into the contract documents:

- Procurement of Recovered Materials - Section 6002 of the Solid Waste Disposal Act 2 CFR 200.323
- Prohibition on Contracting for Covered Telecommunications Equipment or Services 2 CFR 200.216
- Domestic Preference for Procurements 2 CFR 200.322

SUBCONTRACTOR LISTING FORM(v.10.22.2020)

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

Subcontractor Name and Contact Person	Subcontractor Address and Phone Number	Subcontractor SAM.gov UEI#	MBE (Y/N)	WBE (Y/N)	On Site during this period (Y/N)

COMPLETED BY: _____ **DATE:** _____