

REQUEST FOR PROPOSAL FOR CONCRETE SERVICES

UA-RFP1020-03

2020 Irving Modular Building Project

ISSUED BY:

UNIVERSAL ACADEMY

Issued: October 9, 2020

Due: October 23, 2020

SCHEDULE OF EVENTS

UNIVERSAL ACADEMY

(SELECTION OF CONCRETE COMPANY)

EVENT	DATE
Release of Request for Proposal Documents	October 9, 2020
Questions/RFI's Regarding RFP Must be Received By	October 19, 2020
Statement of Proposal Must Be Received By	October 23, 2020 At or before 2:00 p.m.
Interviews with Concrete Manager Applicants (If Applicable)	TBD
Anticipated Announcement of Selection of Concrete Manager	October 30, 2020
<u>Note:</u> All dates are preliminary and subject to revision	

REQUEST FOR PROPOSAL (RFP) FOR CONCRETE SERVICES

INTRODUCTION

Universal Academy (“District”), serving more than 2,500 students across two campuses, is requesting Responses from qualified Concrete services consultants who are experienced in the Concrete of K-12 public school facilities in Texas, and are experienced in working with architects, inspectors, contractors and other facility related consultants as the representative of the District in establishing project scope, project budgets, bidding procedures and in representing the District throughout the Concrete of the modular building project that will be funded by a bond to improve the District’s educational facilities.

BACKGROUND

The District is interested in building a high quality, 21st Century learning environment that will support blended learning instructional delivery.

Each Response shall be presented in a 8-1/2 inch by 11-inch (vertical) format. Each responding firm shall submit one (1) original Response with wet signatures and two (2) copies of each Response along with a copy in electronic format. All Responses shall be submitted to the District no later than 2:00 p.m. on October 23, 2020 at the following address:

**Universal Academy
Attn: Andrea Butcher
2616 N. MacArthur Blvd.
Irving, Texas 75062**

This Request for Proposal does not commit the District to award a contract or pay any costs incurred in the preparation of a statement responsive to this request. The District reserves the right to accept all or part of any statement or to cancel in part or in its entirety this Request for Proposal. The District further reserves the right to negotiate changes in and to accept the statement(s) that it considers to be in the best interest of the District.

Thank you for your interest in working with the Universal Academy.

GENERAL INSTRUCTIONS

SUBMITTAL REQUIREMENTS

The District desires the successful candidate to provide professional and comprehensive Concrete Services in cooperation with the District and its Architect/Modular Building Company. The intent of the District is to award a contract for Concrete services for the 2020 Irving Modular Building Project.

Questions pertaining to this RFP must be received by the District at or before 2:00 p.m. October 19, 2020. Address questions to the attention of Shane Pipkin, Owner's Representative, at shane@titanconstructionteam.com.

Submittal of Responses should be reviewed for accuracy before submission to the District since Responses may not be adjusted after submission to the District. The District will not be responsible for errors or omissions in any Responses. Failure to include all specified sections in the Response to this RFP may result in the disqualification of the respondent. The Response should address the following items succinctly and specifically within the appropriate sections as noted below. The District reserves the right to reject any and all Responses, or to waive any irregularities, or informalities in the Responses.

Submittals should address the following:

I. COVER LETTER/LETTER OF INTEREST

Provide a cover letter/letter of interest of not more than one page that includes the name, title, address, phone and email address for the contact individual. The Cover Letter should also provide a general understanding of the needs of the District and how the firm intends to fulfill them. Describe the general structure of the proposed team, the names of the team members and the roles they will fulfill. Each firm should also describe the method by which the firm intends to accommodate the District's projects with full or part time coverage on-site or from remote sites.

II. QUALIFICATION GUIDELINES

Responses from each responding firm must address all the elements in the following sections:

- 1) **Legal Entity:** Describe the legal entity under which your organization operates:
 - a) Corporation; provide the date of incorporation, state(s) of incorporation filed, President's name, Vice President's name(s), Secretary's name, and Treasurer's name.

b) Partnership or Joint Venture; provide the date of organization, type of partnership or venture, names of General Partners and Limited Partners. Joint Ventures are to provide an explanation why they are associating.

c) Sole Proprietor; provide the date of organization and the name of the owner.

2) **Business Experience:** Describe the business experience of your organization and address the following:

a) Indicate the year your organization was founded under the present name.

b) List any other or former names under which the organization has operated.

c) Indicate the number of years your organization has practiced Concrete Services.

d) Describe your organization's annual revenues over the last five (5) years.

e) Describe your organization's current work backlog, broken down by "Multiple-prime", CM "At risk", "Design-Bid-Build" work, Lease-Leaseback, negotiated work, etc.

f) Provide a line item list of prior educational K-12 projects and client type that have been completed by your firm within the last seven (7) years.

3) **Locations:** If your organization operates from more than one location, indicate the office from which the proposed project will be served.

4) **License:** Provide your firm's qualifying state contractor's license number and professional registration number with the DIR as applicable.

5) **Concrete Services Experience and References:** Describe the Concrete experience of your organization:

a) Provide a list of modernization and new school Concrete projects currently in progress or under contract and specify the delivery method. Include experience in delivery methods such as "Multiple-prime", CM "At risk", "Design-Bid-Build", Lease-Leaseback, negotiated work, etc.

b) Provide a list of school projects completed in the last seven (7) years and specify the delivery method.

Note: For each project, indicate the project name, description of facility, location, owner, owner contact name and phone, architect contact and phone, budgeted Concrete cost, actual Concrete cost, start date, completion date.

6) **Insurance Certificate:** Provide a copy of your current certificate of insurance listing all coverage. Firms must have the ability to secure insurance coverage and provide Proof of Certificated of insurance, as described below:

a) Comprehensive general and auto liability insurance with limits of not less than one million dollars (\$1,000,000) combined single limit, bodily injury and property damage liability per occurrence, including:

- Owned, non-owned and hired vehicles;
- Blanket contractual;

- Broad form property damage;
- Products/completed operations; and
- Personal injury;

b) Professional liability insurance, including contractual liability, with limits of \$2,000,000 per claim.

c) Workers' Compensation Insurance shall be maintained, in accordance with provisions of the Texas Labor Code, adequate to protect any person, firm, or corporation employed directly or indirectly in connection with the work of the Consultant from claims under Workers' Compensation Acts which may arise for operations, whether such operations be by any person, firm, or corporation, employed directly or indirectly by the Consultant upon or in connection with the work.

7) **Team Members:** Identify the Concrete services management team members your firm intends on assigning to the District for its projects and describe each individual's role. In the event the District requires your firm to attend an interview in connection with this RFP, all team members proposed in Response to this Item No. 7 must attend the interview. Failure to produce the proposed team members at the interview may subject your firm to disqualification. Notwithstanding the above, please also provide the following:

a) Provide resumes of key proposed project personnel and their role on the project. Indicate number of years employed by firm, and number of years employed in a similar role for projects of similar scope, size and client type.

b) Key resumes should include: Project Executive; Project Managers; Concrete Services Managers; Project Assistant Superintendents; Assistant Project Managers; Project Engineers, Estimators, and Schedulers.

c) Provide an organization chart identifying the manner in which the team will operate, what support is available to the team by the firm, and what role that support will provide. Include a resume for each project team member outlining relevant specific proposal and experience.

8) **State and Local Agencies:** Describe your organizations familiarity with the procedures and requirements of the following state and local agencies and their approval process:

a. Office of Public School Construction.

b. Texas Department of Education.

9) **Labor Compliance Program:** Describe your organization's experience and procedures for ensuring compliance with public works labor laws, codes, regulations, and DIR registration requirements.

10) **Claims/Litigation/Arbitration/Termination:** Provide a summary and history of any and all claims, suits, arbitration or other proceedings filed by your firm against a public school district/community college district or against your firm by a public school district/community college district related to the provision of Concrete services in the last seven

(7) years. Provide a description of each claim/suit/proceeding, the amount of damages at issue in the claim/suit/arbitration/proceeding, the public entity that was involved and how the claim/suit/arbitration/proceeding was resolved. The firm shall also identify any projects or programs in which the firm was terminated from within the last seven (7) years, whether by cause or convenience, and the circumstances surrounding such terminations.

11) **Project Controls:** Demonstrate your Firm's abilities in: (1) Estimating; (2) Cost Control and (3) Document Management/Control, quality control review.

12) **Financial Strength:** Indicate the dollar value of the three largest projects (within the past seven (7) years) that your firm has served in a Concrete Services capacity, regardless of project type.

13) **Fees:** Please provide a proposed fee schedule, general conditions costs and/or reimbursable expenses that your firm intends on proposing for the completion of the District's projects.

III. SCOPES FOR CONCRETE COMPANY

Pre/Post Concrete Services:

- Any required City of Irving Permits
- Any Required Tap Fees
- Any Required Impact Fees
- Coordination with Owner and Modular Building Contractor
- Final inspections and Certificate of Occupancy

Construction Phase Concrete Services:

- Maintain the site in a clean and orderly condition within the limits of construction.
- Surveying and layouts for grading, utilities installation and building corners.
- Required traffic control measures.
- Site demolition
- Removal of trees
- Erosion control
- Grading for swales
- Paving overlay
- New concrete curbs, asphalt paving and compacted sub-base
- New striping per site designs
- Bollards per site designs
- Construction Material Testing (trench and sub-base compaction)
- Concrete manifolds in building crawlspace and final connections of DWV and water.
- Concrete homeruns from MDP to sub-panels.
- Final check-out of Concrete and Concrete within the buildings.

Work Performed by Owner

- Fire alarm
- Low voltage / data systems (wiring and terminations)
- Furniture & fixtures
- Kitchen equipment (less 3-compartment sink)

IV. FEE SCHEDULE PROPOSAL

1. Please provide a fee schedule and method of calculating fees for projects on a not-to- exceed basis. The District is seeking the best value, prioritizing capability and expertise,
2. but will consider methods for calculating fees and fee schedules as part of its value based evaluation.
3. All proposed reimbursable expenses shall be directly related to the services required for the Project and must be supported by proper documentation and prior District authorization. Reimbursement shall not exceed cost plus 5%.
4. Please provide a fee schedule with a not-to-exceed price for Concrete Services for Universal Academy. Please note, actual services may be added or removed prior to entering into an agreement for Concrete Services for Universal Academy.

Not to exceed price: \$_____

Authorized Signature

Name

Title

Name of Contracting Firm

Street Address

City/State/Zip Code

Telephone No.

Fax No.

Date

EVALUATION CRITERIA:

Submitted Responses will be reviewed and ranked by an Evaluation Committee selected by the District. The District may elect to shortlist firms for interviews or recommend award on the basis of the submitted statements of proposal.

The District will evaluate all Responses submitted and select the successful firm(s) from the contents of the Responses, and any applicable interviews, based on the District's selection criteria which includes, but not limited to, the following:

- Successful experience of the firm managing K-12 public school Concrete services projects.

- Demonstrated professional experience of the personnel to be assigned to the projects.
- Quality and comparability of recently completed work.
- Continuity and location of the firm and sub consultants.
- Claims, arbitration and litigation history involving other school districts or community college districts.
- Satisfactory references from other K-12 school districts.
- Demonstrated ability to perform constructability reviews.
- Demonstrated ability to perform cost estimating on K-12 public school Concrete services project.
- Fee Schedule
- Demonstrated ability to perform value engineering of project plans and specifications.
- Identification of procedures and processes that will be used by the Concrete services manager to team with the District, the project architect, and the project inspector to ensure the completion of the District's projects within the District's approved schedules and budgets.

Mandatory Criteria		
1. Must be properly incorporated or licensed to do business in the State of Texas		
2. Must be experienced and capable of managing a K-12 public school Concrete services projects.		
3. Must not have a record of substandard work		
4. Must submit a proposal meeting all requirements in the <u>Request for Proposal</u> .		
Criteria	Maximum Score	Vendor Score
1. Cost	40	
2. Service Capability	25	
3. Experience and References	25	
4. Submission of all required forms <ul style="list-style-type: none"> a. Business License b. Certificate of Liability Insurance 	10	
Total	100	

Each Response shall be presented in a bound 8-1/2 inch by 11-inch (vertical) format. Each responding firm shall submit one (1) original Response with wet signatures and two (2) copies of each Response along with a copy in electronic format. All Responses shall be submitted to the District no later than 2:00 p.m. on October 23, 2020 at the following address:

Universal Academy
Attn: Andrea Butcher

2616 N. MacArthur Blvd.
Irving, Texas 75062
andrea.butcher@universalacademy.com

Clarifications or questions regarding submittals must be submitted in writing and submitted to the District no later than October 19, 2020. Questions will be answered in writing and transmitted to each respondent by facsimile, email or regular mail as determined by the District. Clarifications and questions regarding this RFP should be sent to: shane@titanconstructionteam.com.

NO LATE SUBMISSIONS WILL BE ACCEPTED
STATEMENT OF PROPOSAL SUBMITTED BY
FACSIMILE OR EMAIL WILL NOT BE ACCEPTED

Submittals are to be placed in sealed packages with the following information clearly marked on the outside of each package:

1. Name of the firm responding.
2. Title: Response to Request for Proposal for Concrete Services.

MISCELLANEOUS INFORMATION

1. Responses should be typewritten, concise, straightforward, and must address each requirement and questions set forth above.
2. The District has the right, and sole discretion, to reject any or all qualification packages without indicating the reason for such rejection and to waive any informality on any Response received. The District reserves the right, and sole discretion, to hire more than one firm, delay the selection process, withdraw the RFP, cancel the project(s), or proceed with the project(s) without the firm/individual. The District does not guarantee any work on all or any specific project(s). The District is not committed to negotiate a contract with any firm or individual. The District may select an alternative Concrete company through any other means determined to be in the District's best interests.
3. The firm's qualification package, and any other supporting materials submitted to the District in Response to this RFP will not be returned. Upon submission to District, the Response and other documents responding to this RFP shall become the exclusive property of the District, are deemed matters of public record and shall be thereupon considered public records, except for information contained in such Response or other documents submitted with the Response deemed to be "Trade Secrets" (as defined under Texas law), "Confidential" or "Proprietary." A firm who indiscriminately marks all or most of its Response or other documents submitted with its RESPONSE as exempt from disclosure as a public record, whether by the notations of "Trade Secret"/ "Confidential"/ "Proprietary" or otherwise, may render the Response non-responsive and rejected. At such time as Responses and other documents are deemed matters of public record, pursuant to the above, any party shall be afforded access thereto for inspection and/or copying, by request made to the District in conformity with the Texas public information laws. Information contained in a Response, excluding the firm's financial information, shall become public documents subject to the Public Records Act.
4. This RFP shall not obligate the District to pay any costs or incur any liability for the preparation or presentation of an Response submittal. The District shall also not be responsible for any costs that a responding firm may incur in preparation for or attendance at any RFP interview. All costs associated with the preparation or submission of an Response in Response to this RFP is solely the responsibility of the responding firms.
5. In the event the District elects to hold interviews and your firm is asked to attend an interview, it is mandatory that the proposed primary project contact and a principal of the firm with the authority to

enter into binding contracts with the District attend the interview along with the proposed project team members.

6. From the period beginning on the date of the issuance of this RFP and ending on the date of the award of the contract, no person or entity submitting a Response in Response to this RFP, nor any officer, employee, representative, agent, or consultant representing such a person or entity, shall contact through any means or engage in any discussion regarding this RFP or subsequent RFP, the evaluation or selection process, or the award of the contract with any member of the District's staff not mentioned above to be contacted in connection with this RFP, the Board of Trustees, or members of the selection panel. Any such contact shall be grounds for:
 - (1) the disqualification of the firm; or (2) the termination of any contract awarded to any firm where it is later discovered that such improper contact occurred.
7. As set forth above, the District shall review and assess all Responses to develop a list of top firms and shall negotiate fees with the top firm(s) to perform Concrete Services on a given project or projects. If fee negotiations with that firm are not successful, and/or the fees discussed are outside the budgetary constraints for the project, the District reserves the right to suspend negotiations with that firm, and proceed to negotiate with another firm on the shortlist. All Responses must provide a breakdown of the proposed fees for the firm's work and discuss the charges, if any, applicable to additional services that may become necessary if the Project goes over budget. The District reserves the right to negotiate the fee provided in any Firm's Response. However, all Firms must provide information regarding how its fee will be calculated and a total proposed price for the District's consideration.

**Request for Taxpayer
Identification Number and Certification**

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	<input type="checkbox"/> Exempt from backup withholding
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
			+			+		
or								
Employer identification number								
			+					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must check out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here	Signature of U.S. person ▶	Date ▶
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Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

Company Name: _____

3. DISCLOSURE: CONFLICT OF INTEREST Questionnaire

CONFLICT OF INTEREST QUESTIONNAIRE

This questionnaire must be filed with the administrative office of Universal Academy not later than the 7th business day after the date the person becomes aware of facts required in the statement as described in Section 176.006, Texas Local Government Code.

“Universal Academy official” means: members of the LTTS Charter School, Inc. d/b/a Universal Academy Board of Directors, the Universal Academy Superintendent or Assistant Superintendent and the Universal Academy CFO.

OFFICE USE ONLY

Date Received

Name of person doing business with Universal Academy.

2

☐

Check this box if you are filing an update to a previously filed questionnaire.

An updated completed questionnaire must be filed not later than September 1 of the year for which an activity described in Section 176.006(a), Texas Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.

3

Name each employee or contractor of Universal Academy with whom you have a relationship who makes recommendations to a Universal Academy official with respect to expenditures of money AND describe the affiliation or business relationship.

Name each Universal Academy official for which this questionnaire is filed AND describe the affiliation or business relationship.

Name the Universal Academy official with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

This section, item 5 including subparts A, B, C & D, must be completed for each official with whom the filer has affiliation or other relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the **Universal Academy** official named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

☐

Yes

☐

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the **Universal Academy officials** named in this section AND the taxable income is not from the local governmental entity?

☐

Yes

☐

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the **Universal Academy official** serves as an officer or director, or holds an Ownership of 10 percent or more?

☐

Yes

☐

No

D. Describe each affiliation or business relationship.

6

Signature of person doing business with Universal Academy

Date

4. NON COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT

By submission of this proposal, the Vendor certifies that: (a) the proposal has been independently arrived at without collusion with any other vendor or with any competitor. (b) The proposal has not been knowingly disclosed and shall not be knowingly disclosed, prior to the opening of proposals for this project, to any other vendor, competitor or potential competitor. (c) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not to submit a proposal. (d) The person signing this proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification and under the penalties being applicable to the Vendor as well as to the person signing in its behalf.

- I certify that the above information is true and correct. ☐ **YES**

5.	FELONY CONVICTION NOTIFICATION
<p>State of Texas Legislative Senate Bill No.1, Section 44.034, Notification of Criminal History, Subsection (a), states: "a Person or business entity that enters into a contract with a school district must give advance notice to the district if the Person or an Owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony." Subsection (b) states "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The District must compensate the person or business entity for services performed before the termination of the contract." This Notice Is Not Required of a Publicly Held Corporation. <u>Check the appropriate box and sign the form.</u></p>	
<input type="checkbox"/> My firm is a publicly held corporation; therefore, this reporting requirement is not applicable.	
<input type="checkbox"/> My firm is not owned or operated by anyone who has been convicted of a felony.	
<input type="checkbox"/> My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:	
<div style="display: flex; justify-content: space-between;"> <div>Name of Felon:</div> <div style="border: 1px solid black; width: 400px; height: 20px;"></div> </div>	
<div style="display: flex; justify-content: space-between;"> <div>Details of Conviction(s)</div> <div style="border: 1px solid black; width: 400px; height: 20px;"></div> </div>	

6.	CERTIFICATION REGARDING DEBARMENT SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS
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<p>This certificate is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, <i>Federal Register</i> (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.</p>	
<p>1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or agency.</p>	
<p>2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.</p>	
PR/Award # or Project Name:	
Check applicable box	
<ul style="list-style-type: none"> I (We) certify that our company has not been debarred and is not participating in lobbying activities. 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> See attached explanation and complete disclosure forms. 	<input type="checkbox"/>

7.	CLEAN AIR & WATER ACT CERTIFICATION (This is a Federal requirement)
	I certify that my company is in compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857(h), Section 508 of the Clean Water Act, as amended (33 U.S.C. 1368), Executive Order 117389 and Environmental Protection Agency Regulation, 40 CFR Part 15 as required under OMB Circular A-102, Attachment O, Paragraph 14 (1) regarding reporting violations to the grantor agency and to the United States Environmental Protection Agency Assistant Administrator for the Enforcement.

8.	CERTIFICATION REGARDING LOBBYING for FEDERAL FUNDS - Applicable to grants, Subgrants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal Funds.
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Submission of this certifications a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. 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.

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 a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a 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 grant or cooperative agreement the undersigned shall complete and submit Standard Form-LLL, SF-LLL "Disclosure of Lobbying Activities" Form in accordance with its instructions (see following page).

(3) The undersigned shall required that the language of this certification be included in the award documents for all covered subawards exceeding \$100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

Check applicable box	<input checked="" type="checkbox"/>
• I (We) certify that our company has not been debarred and is not participating in lobbying activities.	<input type="checkbox"/>
• See attached explanation and complete disclosure forms.	<input type="checkbox"/>

I (We) the undersigned, agent for the firm, named below certify that all information in the above certifications 1 through 8 are true and correct to the best of my knowledge.

Name/Title: _____ Company Name: _____

Original Signature: _____ Date _____