

**DEPARTMENTAL INPUT**  
**CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION**

New       OTR       Sole Source       Bid Waiver  
 Re-Bid       Other

Previous Contract/Project No. \_\_\_\_\_

LIVING WAGE APPLIES:     YES     NO

Requisition No./Project No.:    **RTQ-00867**

TERM OF CONTRACT    **Eight Years**

Requisition /Project Title:    **Emergency Debris Push & Clear and Debris Removal Services**

Description:    This Request to Qualify (RTQ) will establish a List of Prequalified Vendors (List) that will be used to solicit emergency debris push and clear services, debris hauling, stump removal, and removal of hazardous leaning trees and hanging limbs for Miami-Dade County (County). Placement on the List is **not** a contract between the County and the Vendor, but an acknowledgement that the Vendor meets the qualifications as outlined throughout this RTQ. Vendor Submittals will continue to be accepted throughout the term of the RTQ for placement on such List.

Issuing Department:    **ID**

Contact Person:    **Jessica Tyrrell**

Phone:    **305-375-4029**

Estimate Cost:    **\$ 410,000,000**

Funding Source:    **Federal – FEMA Reimbursement**

**ANALYSIS**

Commodity Codes:    **98836**    **99030**    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Contract/Project History of previous purchases three (3) years  
Check here  if this is a new contract/purchase with no previous history.

**EXISTING**

**2<sup>ND</sup> YEAR**

**3<sup>RD</sup> YEAR**

Contractor:    \_\_\_\_\_

Small Business Enterprise:    \_\_\_\_\_

Contract Value:    \_\_\_\_\_

Comments:    \_\_\_\_\_

Continued on another page (s):     Yes     No

**RECOMMENDATIONS**

	Set-aside	Sub-contractor goal	Bid preference	Selection factor
<b>SBE</b>	_____			

Basis of recommendation:    \_\_\_\_\_

Signed: Jessica Tyrrell

Date sent to SBD:    **5/23/18**

Date returned to PMS:    \_\_\_\_\_

**SECTION 2**  
**SPECIAL TERMS AND CONDITIONS**

**2.1 PURPOSE**

This Request to Qualify (RTQ) will establish a List of Prequalified Vendors (List) that will be used to solicit emergency debris push and clear services, debris hauling, stump removal, and removal of hazardous leaning trees and hanging limbs for Miami-Dade County (County). Placement on the List is **not** a contract between the County and the Vendor, but an acknowledgement that the Vendor meets the qualifications as outlined throughout this RTQ. Vendor Submittals will continue to be accepted throughout the term of the RTQ for placement on such List.

**2.2 DEFINITIONS**

**Debris Removal Crew** - Shall refer to properly trained personnel with appropriate equipment to perform debris removal services. Crews shall be comprised of: One (1) Front End Loader with Clam Shell or Leading Device and Operator, One (1) Hauling Truck with Operator, and Two (2) Chain Saws with One (1) Operator (one chain saw as a backup).

**Hazardous Hanging Limb Crew** – Shall refer to properly trained personnel with appropriate equipment to perform hazardous hanging limb removal services. Crews shall be comprised of the following: One (1) Bucket Truck with Aerial Lift and Operator, Two (2) Chain Saws with One (1) Operator (one chain saw as a backup), and Two (2) Pole Saws with One (1) Operator (one pole saw as a backup).

**Hazardous Leaning Tree Crew** - Shall refer to properly trained personnel with appropriate equipment to perform hazardous leaning tree services. Crews shall be comprised of the following: One (1) Bucket Truck with Aerial Lift and Operator, One (1) Front End Loader, Gradall, or Backhoe with Clam Shell and Operator, Two (2) Chain Saws with One (1) Operator (one chain saw as a backup), and Two (2) Pole Saws with One (1) Operator (one pole saw as a backup).

**Hazardous Stumps** – Shall refer to stumps with 50% or more of the root ball exposed that is an immediate threat to lives, public health and safety, or improved property.

**Invitation to Quote (ITQ)** – Shall refer to the solicitation of quotes from the List of Prequalified Vendors for a specific goods and/or service; and awarded based on lowest price, or other quantifiable criteria.

**List of Prequalified Vendors (List)** – Shall refer to business entities/individuals determined by the County's Internal Services Department, Procurement Management Division, as meeting the minimum standards of business competence, financial ability, and/or product quality for placement on the List of Prequalified Vendors, and who may submit quotes/proposals, at the time of need.

**Push and Clear Crews** – Shall refer to properly trained personnel with appropriate equipment to perform push and clear services. Crews shall be comprised of the following: A) 3-Member Crew: One (1) Front End Loader with Operator, One (1) Chain Saw with Operator, and One (1) Foreman with a Pick-up Truck; B) 4-Member Crew: One (1) Front End Loader with Operator, One (1) Chain Saw with Operator, One (1) Foreman with a Pick-up Truck, and One (1) Laborer; or C) 5-Member Crew: One (1) Front End Loader with Operator, Two (2) Chain Saw with Operators, One (1) Foreman with a Pick-up Truck, and One (1) Laborer.

**Stump Removal and Disposal Crews** – Shall refer to properly trained personnel with appropriate equipment to perform stump removal services. Crews shall be comprised of the following: One (1) Front End Loader, Gradall, or Backhoe with Clam Shell and Operator, One (1) Hauling Truck or Trailer with Operator, One (1) Dump Truck with Operator, and Two (2) Chain Saws with One (1) Operator (one chain saw as a backup).

**Submittal** - Shall refer to the forms submitted in response to this RTQ.

**Vendor** – Shall refer to a business entity/individual responding to this RTQ.

**2.3 TERM**

This List shall be established on the first calendar day of the month succeeding approval by the Board of County Commissioners, or designee, unless otherwise stipulated in the Blanket Purchase Order issued by the Internal Services Department, Procurement Management Division. The List shall expire on the last day of the eight (8) year term.

**2.4 QUALIFICATION CRITERIA**

Vendors shall meet the following criteria to be considered for placement on the List; and for participation in future competitions for the following groups:

Group 1: Debris Push and Clear

Group 2: Debris Hauling

Group 3: Stump Removal and Disposal

Group 4: Hazardous Leaning Trees and Hazardous Hanging Limbs

Qualifications for All Groups:

1. Vendor(s) shall provide the contact information of a designated representative to provide the County with support and information concerning orders placed and to receive future spot market competitions. Vendor shall provide the representative's name, phone number, and email address. The contact information provided must be available twenty-four (24) hours a day to provide support and to receive spot market quotations and orders from the County.

Additional Qualification for Group 1:

2. Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Front End Loaders and Pick-up Trucks), that comprises Push and Clear Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.

Additional Qualifications for Group 2:

3. Vendor(s) shall hold a current General Hauling Permit issued by Miami-Dade Department of Solid Waste Management (DSWM) for each vehicle that will be utilized to perform the services. Vendor(s) shall provide its current General Hauler Permit Approval and Decals letter(s) issued by DSWM as proof of compliance.
4. Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Front End Loaders with Clam Shells/Leading Devices and Hauling Trucks), that comprises Debris Removal Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.

Additional Qualifications for Group 3:

5. Vendor(s) shall hold a current General Hauling Permit issued by Miami-Dade Department of Solid Waste Management (DSWM) for each vehicle that will be utilized to perform the services. Vendor(s) shall provide its current General Hauler Permit Approval and Decals letter(s) issued by DSWM as proof of compliance.
6. Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Front End Loaders, Gradalls, Backhoes with Clam Shells, Hauling Truck or Trailer, and Dump

Trucks), that comprises Stump Removal and Disposal Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.

Additional Qualification for Group 4:

7. Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Bucket Trucks with Aerial Lifts, Front End Loaders, Gradalls, and Backhoes with Clam Shells), that comprises Hazardous Leaning Tree Crew(s) and/or Hazardous Hanging Limb Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.

Vendors shall provide all of the specified information, documents and attachments listed above with their Submittal as proof of compliance with the requirements of this RTQ. However, the County may, at its sole discretion and in its best interest, allow Vendors to complete, supplement or supply the required documents throughout the term of the RTQ. It shall be the sole right of the County to determine the number of Vendors who will be included in the List. During the term of the RTQ, the County reserves the right to add or delete Vendors as it deems necessary and in its best interest.

**2.5 SPOT MARKET QUOTES**

Vendors on the List will be invited to participate in spot market competitions, as needed. When a requirement to procure services listed under a specific group is identified, Vendors on the List under that group will be invited to quote. When a requirement to procure services falls under multiple groups, Vendors on the List under the combination of groups will be invited to quote. The County, at its sole discretion and in its best interest, may choose to quote services in the combination that best meets its needs.

The spot market competitions will be in the form of an ITQ that will include the specific services required, and may include provisions, as applicable, such as:

- Special Conditions
- Scope of Services
- Procedures
- Response Times
- Work Locations
- Crew Sizes Required
- Liquidated Damages
- Subcontracting

**2.6 INSURANCE REQUIREMENTS**

The following replaces language located in Section 1.22 A, Insurance Requirements:

The Vendor shall furnish to the Vendor Services Section of PMS, 111 NW 1<sup>st</sup> Street, Suite 1300, Miami, Florida 33128, Certificate(s) of Insurance which indicate that insurance coverage has been obtained which meets the requirements as outlined below:

- A. Worker's Compensation Insurance for all employees of the Vendor as required by Florida Statute 440.
- B. Commercial General Liability Insurance in an amount not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage. **Miami-Dade County must be shown as an additional insured with respect to this coverage.**
- C. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the work, in an amount not less than \*\$1,000,000 combined single limit per occurrence for bodily injury and property damage.

**\*Under no circumstances are Vendors permitted on the Aviation Department, Aircraft Operating Airside (A.O.A) at Miami International Airport without increasing automobile coverage to \$5 million. Only vehicles owned or leased by a company will be authorized. Vehicles owned by individuals will not be authorized. \$1 million limit applies at all other airports.**

## **2.7 USE OF FEDERAL FUNDING**

Since the services that will be acquired under this solicitation will be purchased, in part or in whole, with federal funding, it is hereby agreed and understood that Section 60-250.4, Section 60-250.5 and Section 60-741.4 of Title 41 of the United States Code, which addresses Affirmative Action requirements for disabled workers, is incorporated into this solicitation and resultant contract by reference.

## **2.8 EXEMPTION OF CERTAIN CLAUSES**

As a Federally-funded agency, the following clauses from Section 1, General Terms and Conditions shall be exempted from solicitations issued under this RTQ:

- Local Preferences: Section 2-8.5 of the Miami-Dade County Code, which provides that preference shall be given to local businesses shall NOT apply.
- County User Access Program (UAP) - The fee in the amount of two percent (2%) shall NOT apply.
- Small Business Enterprises (SBE) Measure- shall NOT apply.
- Local Certified serviced-Disable Veteran's Business Enterprise Preference - shall NOT apply.
- First Source Hiring Referral Program ("FSHRP") - shall NOT apply.
- Prompt Payment Terms - Payment terms under Sections 2-8.1.1.1.1 or 2-8.1.1.1.2, respectively, that are a SBE contract set-aside, bid preference or contain a subcontractor goal, shall NOT apply.

## **2.9 OFFICE OF INSPECTOR GENERAL**

The cost of random audits of one quarter (1/4) of one (1) percent will be NOT be incorporated into subsequent solicitations issued under this RTQ. All else remains the same.

## **2.10 FEDERAL STANDARDS**

Successful Bidders hereby assures and certifies to the County that it will comply with:

- (1) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327, et seq., requiring that mechanics and laborer so (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work week; and
- (2) Federal Fair Labor Standards Act, 29 U.S.C. s. 201, et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work-week; and
- (3) The Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7671q and the Federal Water Pollution Control Act, 33 U.S.C. 1251-1387; and
- (4) The 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, P.L. 94-163; and
- (5) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)— In accordance with 31 U.S.C. 1352, the Contractor must provide a certification to the Procuring Agency that the Contractor has not and will not use Federal appropriated funds to pay any person or organization to influence or attempt to influence an officer or employee of any Federal department or 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.) (Exhibit FED-LB1) A bid, which does not include this certificate, may be considered non-responsive.

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.

- (6) Any requirements of 2 CFR pt. 200.318.
- (7) Procurement of recovered materials See §200.322.  
The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.
- (8) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency (Complete certification attached)
- (9) The Bidder shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre- approval.
- (10) This is an acknowledgement that FEMA financial assistance will be used to fund the contract only. The Bidder will comply will all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.
- (11) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Bidder, or any other party pertaining to any matter resulting from the contract.

## 2.11 **MAINTENANCE OF TRAFFIC (MOT)**

The applicable portions of the Public Works Manual, Part I, as it pertains to the maintenance of traffic, and the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD) and subsequent revisions and addenda, as published by the U.S. Department of Transportation, Federal Highway Administration shall apply.

Successful Bidders shall install and maintain from beginning to end of the maintenance operation, warning signs and/or any other warning and safety devices advising motorists of work being done in the area. All signs shall be temporary and must be removed at the end of the work operation, or at the end of the day whichever comes first. For additional information link to:

[http://mutcd.fhwa.dot.gov/kno\\_2009r1r2.htm](http://mutcd.fhwa.dot.gov/kno_2009r1r2.htm) : <http://www.dot.state.fl.us/rddesign/DS/17/STDs.shtm>  
<http://www.motadmin.com/find-a-training-provider.aspx?pageNum=2&orderBy=TwoDecimalRating>

Failure to comply with any of these requirements may result in immediate suspension of work.

## 2.12 **SHANNON MELENDI ORDINANCE**

The Successful Bidder(s) shall comply with Miami-Dade County Ordinance No. 08-07, Chapter 26, "Miami-Dade County Park and Recreation Department Rules and Regulations, Article III, The Shannon Melendi Act". The Successful Bidder(s) shall retain all records demonstrating compliance with the background screening required herein for not less than three (3) years beyond the end of the Contract term and shall provide the County with access to these records upon request of the County. The Successful Bidder(s) shall also ensure that all Successful Bidder's management, staff, and volunteers:

- Have had nationwide criminal background checks conducted by a Professional Background Screener.

- Have been screened through the Florida Department of Law Enforcement Sexual Predator/Offender Database, and a check of the National Sex Offender Public Registry.
- Have been verified as being United States Citizens or having legal immigrant status employment.
- Complete an affidavit affirming that no work or volunteer duties will be performed on Park property owned or operated by Miami-Dade County in violation of this Ordinance and that an arrest will be reported to the Successful Bidder(s) within forty-eight (48) hours of such arrest.
- Wear picture identification at all times while on County property and when in direct contact with patrons and the general public.

**SECTION 3**  
**SCOPE OF WORK**

**3.1 SCOPE OF WORK**

It is the intent of this solicitation to identify and make available to the County emergency debris push and clear services, debris hauling, stump removal, and removal of hazardous leaning trees and hanging limb services.

**3.2 SERVICES TO BE PROVIDED**

All services include, but are not limited to, supervision, labor, materials, equipment, machinery, tools, etc. to provide fast mobilization and efficient services immediately following an emergency for the following groups:

**Group 1: Push and Clear**

Services include, but are not limited to, pushing of vegetative debris and other debris from roadways, bridges, right-of-ways, etc. utilizing machinery such as front end loaders or other machinery typically utilized on roadways with rubber wheels to mitigate damage to roadways, bridges, right-of-ways, transit, parks, park waterways, etc. while observing proper Maintenance of Traffic control requirements and utilizing three, four, or five-member Debris Push and Clear Crews.

**Group 2: Debris Hauling**

Services include, but are not limited to, hauling of vegetative debris from roadways, bridges, right-of-ways, transit, parks, park waterways, etc. utilizing machinery such as front end loaders, clamshells, hauling trucks, or other machinery typically utilized on roadways with rubber wheels to mitigate damage to roadways, bridges, right-of-ways, parks, etc. while observing proper Maintenance of Traffic control requirements and utilizing Debris Removal Crews.

**Group 3: Stump Removal and Disposal**

Services include, but are not limited to, removal of Hazardous Stumps utilizing Hazardous Stump Removal Crews and backfilling of holes left by removal of stumps.

**Group 4: Hazardous Leaning Trees and Hazardous Hanging Limbs**

Services include, but are not limited to, removal of leaning trees, stacking of debris, cutting of hazardous hanging tree limbs, utilizing the applicable Hazardous Leaning Tree Crews and/or Hazardous Hanging Limb Crews.



**SECTION 4  
SUBMITTAL FORM**

**VENDOR:** \_\_\_\_\_

<b>Vendor(s) shall indicate which group they are seeking prequalification by checking the box to the right of the group description.</b>			
<u>Group 1:</u> Debris Push and Clear	<input type="checkbox"/>	<u>Group 2:</u> Debris Hauling	<input type="checkbox"/>
<u>Group 3:</u> Stump Removal and Disposal	<input type="checkbox"/>	<u>Group 4:</u> Hazardous Leaning Trees and Hazardous Hanging Limbs	<input type="checkbox"/>

<b>QUALIFICATION CRITERIA TO BE COMPLETED BY ALL VENDORS</b>		
<b>Refer to the Qualification Criteria Section to ensure that Submittal and attachments comply with solicitation requirements.</b>		
Reference	Vendor Requirements	Copy Attached
2.4 (1) <i>All Groups</i>	<p>Vendor shall provide the contact information of a designated representative to provide the County with support and information concerning orders placed and to receive future spot market competitions. Vendor shall provide the representative's name, phone number, and email address. The contact information provided must be available twenty-four (24) hours a day to provide support and to receive spot market quotations and orders from the County.</p> <p>Representative Name: _____</p> <p>Phone Number: _____</p> <p>E-Mail Address: _____</p>	
2.4 (2) <i>Group 1</i>	Vendor(s) shall provide proof of ownership or lease of all heavy equipment (ex: Front End Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Front End Loaders and Pick-up Trucks), that comprises Push and Clear Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.	<input type="checkbox"/>
2.4 (3) <i>Group 2</i>	Vendor(s) shall hold a current General Hauling Permit issued by Miami-Dade Department of Solid Waste Management (DSWM) for each vehicle that will be utilized to perform the services. Vendor(s) shall provide its current General Hauler Permit Approval and Decals letter(s) issued by DSWM as proof of compliance.	<input type="checkbox"/>
2.4 (4) <i>Group 2</i>	Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Front End Loaders with Clam Shells/Leading Devices and Hauling Trucks), that comprises Debris Removal Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.	<input type="checkbox"/>

<p>2.4 (5) Group 3</p>	<p>Vendor(s) shall hold a current General Hauling Permit issued by Miami-Dade Department of Solid Waste Management (DSWM) for each vehicle that will be utilized to perform the services. Vendor(s) shall provide its current General Hauler Permit Approval and Decals letter(s) issued by DSWM as proof of compliance.</p>	<p><input type="checkbox"/></p>
<p>2.4 (6) Group 3</p>	<p>Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Front End Loaders, Gradalls, Backhoes with Clam Shells, Hauling Truck or Trailer, and Dump Trucks), that comprises Stump Removal and Disposal Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.</p>	<p><input type="checkbox"/></p>
<p>2.4 (7) Group 4</p>	<p>Vendor(s) shall provide proof of ownership or lease of heavy equipment that will be used to provide services to the County (ex: Bucket Trucks with Aerial Lifts, Front End Loaders, Gradalls, and Backhoes with Clam Shells), that comprises Hazardous Leaning Tree Crew(s) and/or Hazardous Hanging Limb Crew(s) defined in Section 2.2. The number of complete crews identified will be used to determine a Vendor's capacity.</p>	<p><input type="checkbox"/></p>

**Suspension and Debarment Certification Form**

(1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by the County. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the County, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.”

Signature of Contractor's Authorized Official

\_\_\_\_\_

Name and Title of Contractor's Authorized Official

\_\_\_\_\_

Date

\_\_\_\_\_

**Byrd Anti-Lobbying Amendment Certification Form**

Contractors who apply or bid for an award of \$100,000 or more shall 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 shall 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 recipient.”

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

The undersigned [Contractor] certifies, to the best of his or her knowledge, 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 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.
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 Form to Report Lobbying,” in accordance with its instructions.
3. The undersigned shall require that the language of this 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 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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 pre-qualified Bidder 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: \_\_\_\_\_

Name and Title of Contractor’s Authorized Official: \_\_\_\_\_

Date: \_\_\_\_\_