



Town of Summerville Community Development Block Grant Program Bidder Certification Forms

The West Second North Street Sidewalk project outlined in this solicitation is being primarily funded by the U.S. Department of Housing and Urban Development through Community Development Block Grant # B-16-MC-45-0013. As such, all participants must agree to comply with certain federal regulations pertaining to the administration and execution of the solicited project.

All bidders must review and fully complete the attached forms and return them as part of their bid proposal packet. **Firms who do not submit or fully complete all required forms will be disqualified from further participation.**

The awarded contract will be made based on the criteria outlined in the bid solicitation package. Funds available for project completion **will not** be made available to potential candidates during the bid solicitation period.

Questions pertaining to the completion of these forms should be directed to:

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Grants Writer
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E-Mail: khalberg@summervillesc.gov

The Town of Summerville's Community Development Block Grant Program is funded by the U.S. Department of Housing and Urban Development. The Town of Summerville does not discriminate on the basis of age, color, religion, gender, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION
AND
OTHER MATTERS RELATED TO PUBLIC TRANSACTIONS**

- (1) The prospective contractor/firm certifies to the best of its knowledge and belief, that it and its principals:
- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
 - c. Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions terminated for cause or default.
- (2) Where the prospective contractor/firm is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name	<u>Town of Summerville, SC</u> Local Government Agency
Title	
Firm/Contractor	Project Name/Title
Street Address	
City, State, Zip Code	
Signature	Date

STATISTICAL INFORMATION

The information reported on this page is for statistical purposes only. All information will remain confidential and will be used only for reporting information **required** by the U.S. Department of Housing and Urban Development.

Note: To qualify as a minority contractor, or female-owned business, the business must be **owned by at least 51%** minority or female persons.

Please indicate below the information that is applicable to the **ownership** of the business:

Race

- | | |
|--|---|
| <input type="checkbox"/> White | <input type="checkbox"/> Native Hawaiian/Other Pacific Islander |
| <input type="checkbox"/> Black/African American | <input type="checkbox"/> Other Race |
| <input type="checkbox"/> Asian | <input type="checkbox"/> Two or More Races |
| <input type="checkbox"/> American Indian/Alaska Native | |

Ethnicity

- Hispanic
- Non-Hispanic

Sex

- Male
- Female

Other

- Minority
- Disabled
- Veteran
- N/A

****Information provided on this form will in no way be used to provide preference to qualified bidders during bid solicitation review or awarding of the project contract.****

OTHER GRANT RELATED CONDITIONS

I, _____ the undersigned, certify that _____
Print Name *Print Business Name*

agrees to comply with the following "Grant Related Conditions," as they pertain to administration and execution of the solicited project:

DAVIS BACON AND RELATED ACTS

The Contractor certifies that it will comply with all requirements and regulations of Federal Labor Standards Provisions including Davis Bacon and Related Acts (DBRA) and will require full compliance with DBRA from any of its subcontractors. DBRA requires all contractors and subcontractors performing work on federally assisted contracts in excess of \$2,000 to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits for corresponding classes of laborers and mechanics employed on similar projects in the area. The prevailing wage rates and fringe benefits are the most current, as determined by the Secretary of Labor, for inclusion in this DBRA covered contract. **The Department of Labor Wage Determination applicable to this project is SC41 (Highway Construction Type)** for Dorchester County and should be posted at the job site in a location easily accessible to all project workers. Applicable Wage Determination can be viewed at: <http://www.wdol.gov/dba.aspx>. The wage decision and wage rate will be locked-in on the bid opening date provided the contract is awarded within 90 days. If the contract is not awarded within 90 days, the wage rate will be locked-in on the date of award.

Furthermore, in order to assist the Town with meeting the requirements of the Community Development Block Grant program, **the Contractor agrees to submit signed copies of each of its and its subcontractor's weekly certified payrolls, via form WH-347 or equivalent, to the Town's Grants Administrator each week during the duration of the project contract. The Town reserves the right to withhold invoice payments to the Contractor for failure to submit certified payrolls and any other DBRA documentation that may be requested.** The Contractor also certifies that it will make project workers available for interviews by Town of Summerville staff in order to verify that the Contractor is complying with the Federal Davis-Bacon prevailing wage requirements.

All Federal Labor Standards Provisions applicable to this project can be viewed at: <http://www.hud.gov/offices/adm/hudclips/forms/files/4010.pdf>.

A guide on Federal Labor Standards related to CDBG projects and Davis-Bacon and Related Acts can be found here: <https://www.hudexchange.info/resources/documents/Making-Davis-Bacon-Work-Contractors-Guide-Prevailing-Wage-Requirements.pdf>

SUBCONTRACTORS

If the Contractor proposes to use personnel who are not employed by the Contractor in a full time capacity, the Contractor must specifically designate what portions(s) of the project the personnel will be responsible for and what percentage, in terms of time, of the project will be

performed by such personnel. The Contractor shall be professionally liable for the work of such personnel and shall provide assurances to the Town that such personnel will devote sufficient time, to properly carry out the designated project work. All subcontracts must be approved by the Town to insure that they are not debarred or suspended by the Federal Government.

AUDITS AND REVIEWS

At the Town's request, the Contractor shall, throughout the life of the contract and one year subsequent to the completion of the contract, participate in any Federal audits or monitoring visits. The Contractor's support shall include, but not be limited to, producing documentation, gathering data, preparing reports or correspondence, and assisting the Town in responding to questions associated with the contracted project. The Contractor will also be required to maintain contract records including financial records, supporting documents, and statistical records for a minimum of five years after the final close-out report.

EQUAL EMPLOYMENT OPPORTUNITY

In carrying out the scope of work outlined in this solicitation, the Contractor shall not discriminate against any employee or applicant for employment based on race, color, religion, age, sex, familial status, disability or national origin.

UTILIZATION OF SMALL AND MINORITY FIRMS

It is national policy to award a fair share of contracts to small and minority and women's owned businesses. Accordingly, affirmative steps must be taken to assure that small, minority and women owned businesses are utilized when possible as sources of supplies, equipment, construction and services. Affirmative steps shall include the following:

- (1) Including qualified small and minority businesses on solicitation lists;
- (2) Assuring that small, minority and women owned businesses are solicited whenever they are potential sources;
- (3) Whenever economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small, minority and women owned businesses' participation;
- (4) Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority businesses; and
- (5) Using the services and assistance of the Small Business Administration, the Governor's Office of Small and Minority Business Assistance, the

SECTION 3, COMPLIANCE AND PROVISION OF TRAINING, EMPLOYMENT, AND BUSINESS OPPORTUNITIES

The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC 1701u. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD

assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The parties to this said contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

The contractor will certify that any vacant employment positions including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.

The contractor agrees to submit such reports as required to document compliance with Part 135. Noncompliance with the regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

For a list of registered minority-owned businesses please visit:

<https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness>

AMERICANS WITH DISABILITIES ACT (ADA)

The Contractor certifies that it will comply with all requirements of Title I of the Americans with Disabilities Act of 1990, as applicable.

POLITICAL ACTIVITY

The Contractor shall comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7321-7326) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

RESTRICTIONS FOR LOBBYING

In accordance with 31 U.S.C. 1352, funds received under this contract may not be expended to pay any person, or influence, or attempt to influence, an officer, or employee of any agency, a member of Congress, an officer or employee of any agency, or an employee of a member of Congress in connection with any of the following covered Federal actions: 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. This restriction is applicable to all subcontractors and must be included in all subcontracts.

Printed Name

Title

Signature

Date