

COLUMBIA GORGE COMMUNITY COLLEGE

Invitation to Bid

Renovation of the Health and Sciences Simulation Lab

Bid Due Date and Time:
December 11, 2023 @ 2pm

Issuing Office:
Columbia Gorge Community College
Daniel Saldivar
400 E Scenic Drive
The Dalles, OR, 97058
Phone 541-980-8202
dsaldivar@cgcc.edu

Website: <https://www.cgcc.edu/purchasing/bid-announcements>

Notice of Invitation to Bid

Columbia Gorge Community College Invitation to Bid for Renovation of the Health and Sciences Simulation Lab

Bids Due on December 11, 2023 at 2pm

Columbia Gorge Community College (the "College") is soliciting bids for the renovation of the College's Health and Sciences Simulation Lab. Project components include interior renovations to approximately 2,576 sq. ft. on a single floor of the existing building used for the health sciences programs at the College.

Complete minimum specifications and required bid documents can be obtained from the project contact and <https://www.cgcc.edu/purchasing/bid-announcements>. Bids must be delivered to the following office no later than the date and time noted above:

Columbia Gorge Community College
Daniel Saldivar
400 E Scenic Drive
Building 1, Facilities
The Dalles, OR, 97058
Phone 541-980-8202
dsaldivar@cgcc.edu

Website: <https://www.cgcc.edu/purchasing/bid-announcements>

Bids will be publicly opened at the above-noted location immediately following the bid deadline. Late bids will not be considered.

Bids may be rejected for not complying with all prescribed public bidding procedures or for good cause on a finding by the College that it is in the public interest to do so. The College reserves the right to reject any bids and to waive irregularities.

The contract awarded under this invitation to bid is subject to the payment of prevailing wages under ORS 279C.800 to 279C.870 and the Davis-Bacon Act (40 USC §§ 3141 to 3148). Applicable prevailing Davis-Bacon wage rate determinations for this solicitation are included with the solicitation documents

Prequalification of bidders is ☐ Required / ☒ Not Required.

A non-mandatory prebid conference will be held on Wednesday, November 22, 2023 at 10am for bidders to familiarize themselves with the site conditions.

Bid Information

I. Introduction.

Columbia Gorge Community College (the "College") is a community College in the state of Oregon. The College creates opportunities and enriches communities by providing high-caliber, culturally-appropriate educational offerings, technical skills and lifelong learning. With campuses in The Dalles and Hood River, as well as online, the College offers a flexible schedule of affordable credit and non-credit courses taught by faculty members who have studied, taught, researched and volunteered around the globe. Each year, an average of 180 students graduate with certificates and degrees that prepare them for further study or to enter our local workforce.

The College intends to enter into a contract (the "Contract") under this invitation to bid (this "ITB") for the renovation of the College's Health and Sciences Simulation Lab. The selected bidder that executes the Contract may be referred to in this ITB as the "Contractor."

This project will be partially funded with Federal funds from the United States Department of Commerce, Economic Development Administration and therefore is subject to the Federal laws and regulations associated with that program.

II. ITB Schedule.

Release of Bid Document	November 6, 2023
Advertisement of Bid Document	November 15, 2023
Prebid Conference (if any)	Non-mandatory November 22, 2023 @ 10am
Prequalification Applications Due (if required)	Not required
Written Questions, Protests, and Request for Change Due Date	December 4, 2023 Q&A responses will be posted to the CGCC Website
Last Day to Issue Addenda	December 6, 2023
Bid Due Date and Time (the "Bid Closing")	December 11, 2023 @ 2pm
Bid Opening	December 11, 2023
First-Tier Subcontractor Disclosure Due Date and Time (Must be two hours after Bid Opening)	December 11, 2023 @ 4pm
Notice of Intent to Award the Contract	December 18, 2023 (7 days after close)
Contract Delivery Due Date	December 26, 2023 (7 days after NOIA)
Anticipated Project Start Date	January 3, 2023
Anticipated Project Substantial Completion	August 31, 2024
Anticipated Project Completion Date	September 30, 2024

III. Contact Details. All questions, clarifications, or protests of bid terms must be in writing and directed to:

Columbia Gorge Community College
Daniel Saldivar
400 E Scenic Drive
The Dalles, OR 97058
Phone 541-980-8202

IV. Prebid Conference. The College ☒ will / ☐ will not hold a prebid conference. If held, the prebid conference will take place at Building 1, 4th Floor, Room 1452. Attendance at the conference by prospective bidders ☐ is / ☒ is not mandatory. No statement made by the College at a prebid conference is binding unless it is confirmed in a written addendum to this ITB.

V. Prequalification. Prequalification under this ITB is: ☐ Required / ☒ Not Required. If required, bidders must be prequalified to perform work in the following classes: insert classes of work. Applications for prequalification must be filed at the address listed in Section III no later than insert date and time.

VI. Description of the Project. Project components include interior renovations to approximately 2,576 sq. ft. on a single floor of the existing building used for the health sciences programs at the College. This is an older facility constructed in the 1960s. The project components include selective demolition and replacement of existing walls, ceilings, floors and casework that will be replaced with new interior construction including new floor finishes, new paint wall finishes, new ceiling tiles, and new windows to account for the additional students being brought into the health sciences programs. The building is located on the main College campus and its expansion will permit both increase class sizes and the placement of training equipment required for educational programs.

The Project will be partially funded with federal funds from the United States Department of Commerce, Economic Development Administration ("EDA") and therefore is subject to federal laws and regulations associated with that program. Because the Project is receiving federal grant funding, the Project, and the selected Proposer, will be subject to certain federally-imposed requirements..

VII. Bid Requirements.

A. Submittal Requirements.

1. In order to be considered, bids are due at the location identified below by the Bid Closing. Bids must conform to the requirements of this ITB and be signed in ink by a person who is authorized to make such commitments on behalf of the bidder. Each bid must be submitted in a sealed opaque envelope that is addressed as follows:

Project Name: Renovation of the Health and Sciences Simulation Lab
Columbia Gorge Community College
400 E Scenic Drive
The Dalles, OR 97058
Attn: Daniel Saldivar

Facilities, Basement of Building 1

Note: Bids submitted by fax or e-mail will not be accepted.

2. **Each bid must include one fully completed and executed copy of the Bid Form attached as Exhibit A and meet all the requirements set forth in it.** The title of the bid and the bidder's name and address must be printed on the envelope. 1 copy is required.

3. Bidder's signature on the Bid Form constitutes a certification that the bidder has read and fully understands all bid terms. No consideration will be given to any claim resulting from proposing without comprehending all requirements of the bid documents.

4. Each bid must include one fully completed and executed copy of the forms attached as Exhibits B, D, and E.

5. The College is not responsible for the proper identification and handling of any bid that is not submitted with the required information clearly marked on the envelope. The College will not consider any bid received after the Bid Closing, which will be returned unopened.

6. Bids that do not provide all required information may be rejected.

B. Modifications to Bid. A bidder may modify a bid in writing by submitting the modification to the address identified in Section III. The modification must state that it amends and supersedes the previous bid, be marked "Bid Modification," and include the solicitation document that the modification is associated with.

C. Bid Withdrawals. Bids may be withdrawn in writing on company letterhead signed by an authorized representative if received by the College before the Bid Closing. Bids may also be withdrawn in person before the Bid Closing upon presentation of appropriate identification.

D. Contract. The selected bidder must promptly execute a contract in substantially the form set forth in Exhibit C. The Contractor must comply with all State of Oregon Public Contracting Code provisions and other applicable laws and terms.

VIII. Bid Process.

A. Bid Documents. Complete minimum specifications and required bid documents may be obtained from the contact and online as identified in Section III. Each bid will be irrevocable for a period of 60 days from the date of the bid opening. An award of a contract to any bidder does not constitute a rejection of any other bid.

B. Protests of and Request for Changes to the Bid Documents. Any bidder that believes that a term of this ITB is unclear, conflicts with another term of this ITB, otherwise requires clarification, or that believes that terms of this ITB are unnecessarily restrictive, limit competition, or otherwise do not comply with applicable law or any contracting rule of the College, may submit a protest or request for clarification in writing to the contact identified in Section III.

1. The protest must include a detailed statement of the legal and factual grounds for the protest; a description of the resulting prejudice to the bidder; and a statement of the desired changes to the contract terms, including any specifications.

2. The protest must be marked "Bid Document Protest" or "Bid Document Request for Clarification" and identify the solicitation document that the request is associated with.

3. The College will promptly respond in writing to each written protest and when appropriate issue any revisions, substitutions, or clarifications by written addendum to all interested bidders. All changes or clarifications must be by written addendum to be valid and binding on the College.

4. No protest or request for clarification will be considered unless the College has received it at least 5 days before the Bid Closing. All issues relating to clarification or objection to any term of this ITB must be raised under this Section VIII.B. Any issue that could have been raised under Section VIII.B, but is not, cannot be a ground for protest of award.

IX. Addenda to Bid. If it becomes necessary to revise or clarify any part of this ITB, written notification of addenda will be provided to all known bidders by email. Addenda will be posted electronically at <https://www.cgcc.edu/purchasing/bid-announcements>. Bidders must acknowledge receipt of all addenda in the appropriate area of the Bid Form at Exhibit A, which must be returned as part of the bid. All addenda issued during the bid period will be incorporated into the Contract. No modification or clarification is binding on the College unless it is confirmed in a written addendum to this ITB.

X. Preferences.

As required by ORS 279A.125, the College will prefer goods that are certified as made from recycled materials if the recycled product is available, meets applicable standards, can be substituted for a comparable nonrecycled product, and the cost does not exceed the costs of nonrecycled products by more than five percent, or a higher percentage if the College has made a written determination to that effect. The Contractor must use recyclable products to the maximum extent economically feasible in the performance of the work under this ITB.

XI. Nondiscrimination. Bidders must submit a certification of nondiscrimination, as required by ORS 279A.110(4). Bidders must certify that they have not and will not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a disadvantaged business enterprise, a minority-owned, women-owned, or service-disabled-veteran-owned business, or an emerging small-business enterprise, as each is defined in ORS 200.005.

XII. Public Disclosure.

A. Pursuant to ORS 279C.365(4), bids will not be made available for public inspection until after opening.

B. After opening, any information provided to the College under this ITB is subject to public disclosure under Oregon's Public Records Laws (ORS 192.311 to 192.478), unless it is specifically exempt from disclosure under ORS 192.338 to 192.355.

C. Any bidder that desires the College to treat certain information as exempt from disclosure must plainly mark each page of such information as confidential and include the citation to the Public Records Law exemption that the bidder believes to apply to the information. Marked pages should be placed in a group separate from the remainder of the bid. Information that has not been properly marked and segregated will be deemed subject to disclosure by the College.

D. The College retains the right to make an independent determination of whether marked information is exempt under the Public Records Law. All bidders understand that any decision by the College to withhold information is subject to appeal and that the College will comply with any order to disclose.

XIII. Award of Contract.

A. Standard of Award. Award of the Contract will be made to the lowest bidder whose bid substantially complies with the terms set forth in this ITB, who is a "responsible bidder" under the criteria set forth in ORS 279C.375(3), and who is in compliance with any other required public procurement procedure or term.

B. Award Notice. The College will mail a written notice of award to all bidders. The written notice of award of the Contract constitutes a final decision of the College to award the contract unless the College receives a written protest of the notice of award within 7 days of the mailing of the notice of award. If a protest is timely filed, the notice of award will be a final decision of the College on issuance of a written decision denying the protest and affirming the award.

C. Award Protest. Any bidder who is adversely affected by the College's notice of award of the Contract may file a written protest of award. A bidder is "adversely affected" only if the bidder is eligible for award of the Contract as the next lowest responsible bidder and is next in line for award. In other words, the protesting bidder must claim that all lower bidders are ineligible for award because their offers were nonresponsive; or the College committed a substantial violation of this ITB or of an applicable procurement statute or administrative rule, and the protesting bidder was unfairly evaluated and would have, but for such substantial violation, been the responsible bidder offering the lowest bid.

1. A protest of award must be filed with the contact set forth in Section III within 7 days after issuance of the notice of intent to award. The College will not consider a protest submitted after 5:00 p.m. on the seventh day.

2. The written protest must specify the grounds on which the protest is based. An issue that could have been but was not raised as a request for clarification or protest of the bid documents is not grounds for a protest of award.

3. The College will resolve all the written protests in writing.

XIV. Reservation of Rights.

The College expressly reserves the following rights:

1. To reject any bids, as permitted by ORS 279C.395 or the ITB if in the public interest.

2. To reject any bid that is not in compliance with all prescribed public bidding procedures, including the requirement to demonstrate the bidder's responsibility under ORS 279C.375(3)(b).

3. To reject any bid that does not meet the specifications set forth in this ITB.

4. To waive any irregularities in any submitted bid.

5. To award any items or services contained in the bid.

6. To consider the competency and responsibility of bidders in making any award.

7. To re-award the Contract to the next-lowest responsible and responsive bidder if any bidder to whom the Contract is awarded defaults in executing it or providing a satisfactory performance bond within the time and in the manner required.

XV. Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) located at 41 CFR § 60-4.2:

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
	3.8%	6.9%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is Oregon, Wasco County, The Dalles.

EXHIBIT A

BID FORM

Enclose in a separate sealed opaque envelope.

Project Name: **Renovation of the Health and Sciences Simulation Lab**

Due Date: **December 11, 2023 @ 2pm**

Bid From: _____

The undersigned hereby proposes to provide to the College all materials, services, and labor necessary to perform all work in connection with the project in strict accordance with the terms of the Invitation to Bid.

In submitting this bid, the undersigned agrees:

- a. To provide all goods, equipment, and services to perform under the Contract.
- b. To hold this bid open for 60 days from the date of the bid opening and to accept the provisions of the ITB regarding bid security.
- c. To execute the Contract relating to this bid if the bid is selected.
- d. To perform under the Contract according to the agreed-upon schedule.

1. Price Bid:

The price bid must include one lump-sum cost for the proposed project.

_____ Dollars (\$_____).

The amount must be written in both words and figures. If there is a discrepancy between the two, the amount written in words will govern.

Bidder must respond to each of the yes/no prompts below, otherwise the bid will not be considered.

2. First-Tier Subcontractor Disclosure:

☒ Required¹ ☐ Not Required

If required, bidders must disclose information about certain first-tier subcontractors under ORS 279C.370 on the Form attached as Exhibit D. A bidder must disclose first tier subcontractors that: (a) will be furnishing labor or will be furnishing labor and materials in connection with the public improvement contract; and (b) will have a contract value that is equal to or greater than five percent of the total project bid or

¹ Disclosure of First-Tier Contractors must be required if the contract is for a public improvement with an estimated cost of more than \$100,000, unless the public improvement contract has been exempted from competitive bidding requirements under ORS 279C.335(2).

\$15,000, whichever is greater, or \$350,000 regardless of the percentage of the total project bid.

3. **References:**

☒ Required ☐ Not Required

The Bidder Reference Form at Exhibit B must be completed and submitted as part of the bid.

4. **Addenda:**

Complete this section if any Addenda were issued and received.

Bidder has received Addenda bidder must insert addenda numbers through bidder must insert the issue date of the most recently received addendum.

5. **Bid Security:**

☒ Required ☐ Not Required

Each bid must be accompanied by a certified or cashier's check payable to Columbia Gorge Community College, or a bond naming Columbia Gorge Community College as an obligee, in an amount of 10% of the total bid amount. Surety companies must be listed in Circular 570. Bidder agrees that (a) the Bid Security accompanying this bid will be held in escrow by the College to compensate for damages (including expenses and related attorney fees) that the College sustains as a result of the selected bidder's failure to execute and deliver the Contract and Performance and Payment Bond, and (b) if the selected bidder defaults in either executing the Contract or providing a Performance or Payment Bond within 10 days of receipt of the Notice of Award of the Contract, then the Bid Security may become the property of the College at its option. If, however, this bid is not accepted within 60 days of its submission date, or if the bidder executes and timely delivers the Contract and Performance and Payment Bonds, the Bid Security will be returned to the bidder.

6. **Performance, Payment, and Public Works Bonds:**

☒ Required ☐ Not Required

No later than 10 days after the receipt of the Notice of Award, the selected bidder must be prepared to execute the Contract provided by the College and to deliver performance and payment bonds to the College to the extent required under ORS 279C.380. The bidder must have also filed a public works bond with the Contractors Construction Board to the extent required under ORS 279C.836.

7. **Prevailing Wages Certification:**

This Contract is a "Public Works" contract within the meaning of ORS 279C.800 and is therefore subject to the following requirements.

- a. The contract awarded under this invitation to bid is subject to the payment of prevailing wages under ORS 279C.800 to 279C.870 and the Davis-Bacon Act (40 USC §§ 3141 to 3148). The hourly rate of wage to be paid by Contractor and any Subcontractor to

workers in each trade or occupation required for the public works employed in the performance of the contract shall not be less than the specified minimum rate of wage in accordance with ORS 279C.838 and ORS 279C.840 and the Davis-Bacon Act, whichever is higher. In other words, in accordance with ORS 279C.830, the Contractor and any subcontractors must pay the higher of the applicable state or federal prevailing rate of wage to all workers in each trade or occupation required for the public works employed in the performance of the contract.

- b. The latest prevailing wage rates for public works contracts in Oregon are contained in the following publications: The July 5, 2023 Prevailing Wage Rates for Public Works Projects in Oregon, as amended on October 5, 2023 and the October 5, 2023 PWR Apprenticeship Rates. Such publications can be reviewed electronically at <https://www.oregon.gov/boli/employers/Pages/prevailing-wage-rates.aspx> and are hereby incorporated as part of the Contract Documents. The current prevailing Davis-Bacon wage rate determination is attached as Exhibit B.

By signing below, bidder certifies that bidder will pay the specified minimum rate of wage in accordance with ORS 279C.838 and ORS 279C.840 and the Davis-Bacon Act, whichever is higher.

8. **Nondiscriminatory Subcontractor Participation:**

Bidder certifies that it has not and will not discriminate against disadvantaged business enterprises, minority-owned, women-owned, or service-disabled-veteran-owned businesses, or emerging small-business enterprises in awarding any subcontract relating to this ITB or any contract awarded under it.

☐ Yes ☐ No

9. **Resident Bidder:**

Bidder certifies that bidder is a "resident bidder" as defined in ORS 279A.120:

☐ Yes ☐ No

10. **Construction Contractors Board or Landscape Contractors Board Registration:**

☒ Required ☐ Not Required

The College will not consider a bid from a bidder that is not registered with the Oregon Construction Contractors Board, if required by ORS 701.021, or the Oregon Landscape Contractors Board, if required by ORS 671.530.

Construction Contractors Board

Registration Number: _____ Expiration Date: _____

Landscape Contractors Board

Registration Number: _____ Expiration Date: _____

11. **Asbestos Abatement:**

☐ Required ☒ Not Required

Bidder must be licensed under ORS 468A.710 to perform asbestos abatement.

12. **Conflicts of Interest.**

Proposer certifies that no officer, agent, or employee of the College that has a pecuniary interest in the proposal has participated in the contract negotiations on the part of the College; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other proposer in connection with this RFP; and that the proposer is competing solely on its own behalf without connection with or obligation to any undisclosed person or firm.

13. **Oregon Office for Business Inclusion and Diversity Certification:**

Please indicate whether your business is certified under ORS 200.055 as any of the following:

☐ Minority Business Enterprise ☐ Women Business Enterprise
☐ Emerging Small-Business Enterprise ☐ Service-Disabled-Veteran Enterprise

14. **Bidder's Signature and Identification:**

I hereby certify that this bid is genuine and that I have not entered into collusion with any other entity or person relating to this bid.

Name of Proprietor, Partnership, or Corporation: _____

Authorized Official Name and Title (Please Print): _____

Signature of Authorized Official: _____ Date Signed: _____

Street Address

City, State, and Zip Code

Mailing Address (if different from street address)

City, State, and Zip Code

Phone Number

Employer Federal ID Number

EXHIBIT B

BIDDER REFERENCE FORM

Provide a minimum of three references from different projects that the College may contact regarding the quality of workmanship or service that you or your firm has provided on projects of comparable size and scope. The list of references must include the following information:

1. Company Name: _____

Contact Name and Phone #: _____

Address: _____

Dates of Service: _____

Contract Amount: _____

2. Company Name: _____

Contact Name and Phone #: _____

Address: _____

Dates of Service: _____

Contract Amount: _____

3. Company Name: _____

Contact Name and Phone #: _____

Address: _____

Dates of Service: _____

Contract Amount: _____

EXHIBIT C

FORM OF PROPOSED CONTRACT

SEE ATTACHED DOCUMENT FILES

EXHIBIT D

FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM (ORS 279C.370)

PROJECT NAME: _____

BID #: _____ BID CLOSING: DATE: _____ TIME: _____

This form must be submitted at the location specified in the Invitation to Bid on the advertised closing date and within two (2) working hours of the advertised bid closing date after the advertised bid closing time.

List below the name of each subcontractor that will be furnishing labor or will be furnishing labor and materials and that is required to be disclosed, the category of work that the subcontractor will be performing, and the dollar value of the subcontract. Enter "NONE" if there are no subcontractors that need to be disclosed. (Attached additional sheets if needed.)

NAME	DOLLAR VALUE	CATEGORY OF WORK
1.	\$	
CCB #		
2.	\$	
CCB #		
3.	\$	
CCB #		

FAILURE TO SUBMIT THIS FORM BY THE DISCLOSURE DEADLINE WILL RESULT IN A NON-RESPONSIVE BID. A NON-RESPONSIVE BID WILL NOT BE CONSIDERED FOR AWARD.

Form submitted by (Bidder Name): _____

Contact Name: _____ Phone #: _____

UNLESS OTHERWISE STATED IN THE ORIGINAL SOLICITATION, THIS DOCUMENT MAY NOT BE FAXED. IT IS THE RESPONSIBILITY OF BIDDERS TO SUBMIT THIS DISCLOSURE FORM AND ALL ADDITIONAL SHEETS, WITH THE BID NUMBER AND PROJECT NAME CLEARLY MARKED, AT THE SAME LOCATION AS REQUIRED FOR THE BID BY THE SPECIFIED DISCLOSURE DEADLINE. SEE SECTION II OF THE "BID INFORMATION" DOCUMENT.

EXHIBIT E

Lobbying Restriction Form

CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS

Applicants should review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying."

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that 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 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 section 1352, title 31, U.S. 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 occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

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

In any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF APPLICANT

AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE