**RD Idaho Attachment 2**

**Idaho-Specific Amendments to**

**Instructions to Bidders (EJCDC C-200, 2018 Edition),**

**Bid Form (EJCDC C-410, 2018 Edition), and**

**Supplementary Conditions of the Construction Contract (EJCDC C-800)**

These Supplementary Conditions amend or supplement the Instructions to Bidders (EJCDC C-200, 2018 Edition), Bid Form (EJCDC C-410, 2018 Edition), and the Supplementary Conditions of the Construction Contract (EJCDC C-800, 2018 Edition) and other provisions of the Contract Documents as indicated below. All provisions that are not so amended or supplemented remain in full force and effect. These amendments are intended to be used in conjunction with RUS Bulletin 1780-26 dated June 16, 2020. Idaho Amendments take precedence over RUS Bulletin 1780-26.

**Advertisement for bids supplements**

Development of the Instructions to Bidders must be based on EJCDC C-200, 2018, as modified below:

Add at the end of EJCDC C-111, prior to “This Advertisement is issued by:”

Domestic Preference

This project is subject to the American Iron and Steel (AIS) requirements mandated by Section 746 if Title VII of the Consolidated Appropriations Act of 2017 (and subsequent statutes) and the Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021. This means all of the iron, steel, manufactured products, and construction materials used in the project must be produced in the United States.

**Instructions to bidders supplements**

Development of the Instructions to Bidders must be based on EJCDC C-200, 2018, as modified below:

* Article 10.02 – Insert after the sentence that starts “Each such request must comply with…
  + “Each such request shall include the Manufacturers’ Certification for Compliance with Domestic Preference requirements. Refer to the Manufacturer’s Certification form provided in these construction Contract Documents.”

* Article 10.02 – Add to the end of this paragraph:
  + “Substitutes and “or-equal” materials and equipment may be proposed by Contractor in accordance with Paragraphs 7.05 and 7.06 of the General Conditions after the Effective Date of the Contract. Each such request shall include a Manufacturer’s Certification letter documenting compliance with American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021. Refer to Manufacturer’s Certification form provided in these Contract Documents.”
* Delete paragraph 15.03 in its entirety and insert the following in its place:

15.03 After the date and time Bids are opened, a bid may only be withdrawn in accordance with Idaho Code 54-1904. This provision to withdraw a Bid without forfeiting the Bid security does not apply to Bidder’s errors in judgment in preparing the Bid.

* Delete paragraph 21.01 in its entirety and insert the following in its place:

21.01 Contractor shall pay all sales, consumer, use, and other similar taxes required to be paid by Contractor in accordance with the Laws and Regulations of the place of the Project which are applicable during the performance of the Work.

* Article 23.03 – Replace Article 23.03 with the following:
  + 23.03 - American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021 apply to this project.

**bid form supplements**

Development of the Bid Form must be based on EJCDC C-410, 2018, as modified below:

* Amend paragraph 2.01 by adding the following to end of the paragraph 2.01.G:

The RD 400-6 Form is included in the RD Modifications document below. By signing the bid form, the bidder represents that (s)he is also signing the RD 400-6 Form, if applicable, depending on the bid amount.

* Amend paragraph 2.01 by adding the following to end of the paragraph 2.01.H:

The AD-1048 Form is included in the RD Modifications document below. By signing the bid form, the bidder represents that (s)he is also signing the AD-1048 Form, if applicable, depending on the bid amount.

* Amend paragraph 2.01 by adding the following to end of the paragraph 2.01.I:

The 1940-Q, Exhibit A-1 Form is included in the RD Modifications document below. By signing the bid form, the bidder represents that (s)he is also signing the 1940-Q, Exhibit A-1 Form, if applicable, depending on the bid amount.

* Amend paragraph 2.01 by adding the following to end of the paragraph 2.01.K:

Naming of Subcontractors

The sub-contractors to whom sub-contracts will be awarded if the bidder is awarded a contract are: (Insert “self” if properly licensed and so intended. Insert “Not required” if such specialty work is not required)

Plumbing Contractor

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | | |
| Address: | |  | |
| Contractor License | | |  |
| Number: | |  | |

Heating and Air Conditioning Contractor

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | | |
| Address: | |  | |
| Contractor License | | |  |
| Number: | |  | |

Electrical Contractor

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | | |
| Address: | |  | |
| Contractor License | | |  |
| Number: | |  | |

(Note: If the owner is a City, County or School District, failure to name the plumbing, HVAC and electrical subcontractors may render the bid “non-responsive” under State Law IC 67-2310)

* Article 8.01.A.3 – Delete the period at the end of Article 8.01.A.3 and insert the following language:
  + “, including all American Iron and Steel and Build America, Buy America requirements.”
* Amend paragraph 8.02 by adding the following at the end of paragraph 8.02.A:

|  |  |  |
| --- | --- | --- |
| DUNNS No: |  | |
| Employer’s Tax ID | |  |
| No.: |  | |

* Insert the following paragraph after paragraph 8.02.A:

8.02. B. Federal Certifications

For convenience the “Compliance Statement & Certification of Non-Segregated Facilities” (Form RD 400-6), “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions” (Form AD-1048), and RD Instruction 1940-Q, Exhibit A-1, “Certification for Contracts, Grants, and Loans” are included as part of this bid form (Note: Lower Tier, means lower tier to the owner). By signing the bid form, the bidder represents that (s)he is also signing the below documents, as they apply, depending on the bid amount.

If the bid amount exceeds $10,000, then Compliance Statement (RD 400-6) applies (8.02.B.1 of this part);

If the bid amount exceeds $25,000, then Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions (AD-1048) also applies (8.02.B.2 of this part);

If the bid amount exceeds $100,000, then RD Instruction 1940-Q, Exhibit A-1, Certification for Contracts, Grants, and Loans also applies (8.02.B.3 of this part).

1. Compliance Statement

|  |
| --- |
| USDA Form Approved, COMPLIANCE STATEMENT, **Form RD 400-6** |

This statement relates to a proposed contract with {}, who expects to finance the contract with assistance from the Rural Utilities Service (RUS) or their successor agencies, United States Department of Agriculture (whether by a loan, grant, loan insurance, guarantee, or other form of financial assistance). I am the undersigned bidder or prospective contractor, I represent that:

1. I □have, □have not, participated in a previous contract or subcontract subject to Executive Order No. 11246 (regarding equal employment opportunity), as amended by Executive Order No. 13672, 79 Fed. Reg. 42971 (July 21, 2014) or a preceding similar Executive Order.
2. If I have participated in such a contract or subcontract, I □have, □have not, filed all compliance reports that have been required to file in connection with the contract or subcontract.
3. If the proposed contract is for $50,000 or more and I have 50 or more employees, I also represent that: I□ have, □ have not previously had contracts subject to the written affirmative action programs requirements of the Secretary of Labor.
4. If I have participated in such a contract or subcontract, I □have, □have not developed and placed on file at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor.

I understand that if I have failed to file any compliance reports that have been required of me, I am not eligible and will not be eligible to have my bid considered or to enter into the proposed contract unless and until I make an arrangement regarding such reports that is satisfactory to either the RHS, RBS or RUS, or to the office where the reports are required to be filed.

I also certify that I do not maintain or provide for my employees any segregated facilities at any of my establishments, and that I do not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I certify further that I will not maintain or provide for my employees any segregated facilities at any of my establishments, and that I will not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I agree that a breach of this certification is a violation of the Equal Opportunity clause in my contract. As used in this certification, the term “segregated facilities” means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin, because of habit, local custom, or otherwise. I further agree that (except where I have obtained identical certifications for proposed subcontractors for specific time periods) I will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that I will retain such certifications in my files; and that I will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR CERTIFICATIONS OF NON-SEGREGATED FACILITIES

A certification of Non-segregated Facilities, as required by the May 9, 1967, order (32F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e. quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

1. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

U.S. DEPARTMENT OF AGRICULTURE

|  |
| --- |
| CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY  AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS  **USDA Form AD-1048** |

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552(a), as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 C.F.R. §§ 180.300, 180.355, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction. According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud privacy, and other statutes may be applicable to the information provided.

Before signing the bid form, read instructions for Form AD-1048, available for download at: [https://www.ocio.usda.gov/sites/default/files/docs/2012/AD1048\_LowerTierCoveredTransactions\_final.pdf](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ocio.usda.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2F2012%2FAD1048_LowerTierCoveredTransactions_final.pdf&data=02%7C01%7C%7C088b49c274ab4beb678308d7e61c0d63%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C1%7C637230880473282481&sdata=pyvblA%2Bg1w%2B63sRRXR%2FLslt73K%2B20Dkf7iFFUglaeEk%3D&reserved=0)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(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.

1. Certification for Contracts, Grants and Loans

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| --- |
| CERTIFICATION FOR CONTRACTS, GRANTS AND LOANS  **RD Instruction 1940-Q, Exhibit A-1** |

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant or Federal loan, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant or loan.
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 or loan, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including contracts, subcontracts, and sub grants under grants and loans) and that all sub recipients 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.

**Supplementary conditions of the construction contract supplements**

Development of the Supplementary Conditions must be based on EJCDC C-800, 2018, as modified below:

* SC-1.01.A.52 – Replace SC-1.01.A.52 with the following “Domestic Preference

Definitions” immediately after Paragraph 1.01.A.51:

* 52.a American Iron and Steel (AIS) - Requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent statutes mandating domestic preference for iron and steel products.
* 52.b Build America, Buy America (BABA) - Requirements mandated by the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) mandating domestic preference that all iron and steel, manufactured products, and construction materials are produced in the United States.
* 52.c Construction Materials - Those articles, materials, or supply — other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives— that are or consists primarily of: non-ferrous metals, plastic and polymer- based products, glass, lumber or drywall.
* 52.d Engineer’s Certification - Documentation submitted by the Engineer that Drawings, Specifications, and Bidding Documents comply with Domestic Preference requirements of American Iron and Steel and Build America, Buy America.
* 52.e Manufactured Product – Items assembled out of components, or otherwise made or processed from raw materials into finished products. Manufactured products must be manufactured (assembled) in the United States, and the cost of components that were mined, produced, or manufactured in the United States must be greater than 55 percent of the total cost of all components of the product.
* 52.f Manufacturer’s Certification - Documentation provided by the Manufacturer stating that Domestic Preference requirements of American Iron and Steel and Build America, Buy America have been satisfied for all provided items. If items are purchased via a Supplier, distributor, vendor, etc. from the Manufacturer directly, then the Supplier, distributor, vendor, etc. will be responsible for obtaining and providing these certifications to the parties purchasing the products.
* Delete paragraph SC-2.02 in its entirety and insert the following in its place:

SC-2.02 Revise Paragraph 2.02.A. to read as follows:

Owner shall furnish to the Contractor one copy of the Contract Documents (including one fully signed counterpart of the Agreement) in electronic portable document format (PDF). Printed copies will be furnished upon request at the cost of reproduction.

* Delete the first optional paragraph SC-6.04 A. that begins with, “Owner shall purchase and maintain builder’s risk insurance…”
* Add the following paragraph:

SC-6.05.A.1 Revise paragraph 6.05.A.1 to read as follows:

Contractor waives all rights against the Owner and the respective officers, directors, members, partners, employees, agents, consultants, and subcontractors of each and any of them, for all losses and damages arising out of, or resulting from any of the perils, risks, or causes of loss covered by such policies and any other property insurance applicable to the Work; and, in addition, waives all such rights against Engineer, its consultants, all individuals or entities identified in the Supplementary Conditions as builder’s risk or installation floater insureds, and the other officers, directors, members, partners, employees, agents, consultants, and subcontractors of each and any of them, under such policies for losses and damages so caused.

* Add the following paragraph:

SC-6.05.B Delete paragraph 6.05.B in its entirety.

* SC-7.04.D – Add the following new paragraph immediately after Paragraph 7.04.C:
  + D. All products must meet the American Iron and Steel and Build America, Buy America domestic preference requirements.
* SC-7.05.B – Add the following at the end of paragraph:
  + Contractor shall include a Manufacturer’s Certification, or waiver, for compliance with American Iron and Steel and Build America, Buy America requirements and supporting data, as applicable. Refer to Manufacturer’s Certification provided in these Contract Documents.
* SC-7.06.A.3.a.4 – Add the following new paragraph immediately after Paragraph 7.06.A.3.a.3:
* 4. Comply with American Iron and Steel and Build America, Buy America by providing Manufacturer’s Certification, or waiver, as applicable. Contractor to coordinate with Manufacturers, distributors, or suppliers to correct deficiencies in Manufacturer’s Certifications, as applicable. Refer to Manufacturer’s Certification provided in these Contract Documents.
* Delete SC-7.10 in its entirety.
* SC-7.16.A.1.c – Amend paragraph by deleting the last period and adding:
* , and include the Manufacturer’s Certification, or waiver, for any item in the submittal subject to American Iron and Steel and Build America, Buy America requirements. Refer to Manufacturer’s Certification provided in these Contract Documents.
* SC-7.16.C.9 – Add new paragraph immediately after Paragraph 7.16.C.8:
  + 9. Engineer’s review and approval of a Shop Drawing or Sample shall include review of Manufacturers’ Certifications and/or waivers to document compliance with American Iron and Steel and Build America, Buy America requirements, as applicable.
* SC-7.17.F – Add new paragraph immediately after Paragraph 7.17.E:
  + F. Contractor shall certify upon Substantial Completion that all Work and Materials have complied with American Iron and Steel and Build America, Buy America domestic preference requirements. Contractor shall provide Certification to Owner and Agency. Refer to Contractor’s Certification provided in these Contract Documents.
* SC-11.05.B – Add the following at the end of this paragraph:
* For Owner-authorized changes in the Work, the Contractor will provide the Manufacturer’s Certification, or waiver, for materials subject to American Iron and Steel and Build America, Buy America requirements except when a sole source item is specified, in which case the Engineer will provide the Manufacturer’s Certification, or waiver.
* SC-11.09.B.2.c – Add new paragraph immediately after Paragraph 11.09.B.2.b:
  + c. For change orders involving materials subject to American Iron and Steel and Build America, Buy America domestic preference requirements, Contractor shall include a Manufacturer’s Certification, or waiver, as applicable. Refer to Manufacturer’s Certification provided in these Contract Documents.
* SC-14.03.G – Add new paragraph immediately after Paragraph 14.03.F:
  + G. Installation of materials that are non-compliant with American Iron and Steel and Build America, Buy America domestic preference requirements shall be considered defective work, to be replaced at Contractor’s expense. Contractor should ensure that Engineer has an approved Manufacturers’ Certification, or waiver, prior to any domestic preference complaint item being delivered to the project site.
* SC-15.01.B.6 – Add new paragraph immediately after Paragraph 15.01.B.5:
  + 6. By submitting an Application for Payment, based in whole or in part on furnishing equipment or materials, Contractor certifies that such equipment and materials are compliant with American Iron and Steel and Build America, Buy America domestic preference requirements. Manufacturer’s Certification for material(s) satisfy these requirements. Refer to Manufacturer’s Certification, provided in these Contract Documents.
* SC-15.03.A – Modify by adding the following after the last sentence:
  + Contractor shall also submit the Contractor’s Certification of Compliance certifying that to the best of the Contractor’s knowledge and belief all Iron and Steel Products, Manufactured Products, and Construction Materials proposed in the Shop Drawings, Change Orders, Partial Payment Estimates, and those installed for the Project, comply with the American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and the Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021, or are the subject of an approved waiver.
* Amend the first sentence of paragraph SC-18.11 as follows: In the first sentence, delete the words, “the [insert name of Tribe]” and insert “any Federally recognized”.
* SC-19.14 – Replace Article 19.14 with the following:
  + 19.14 Domestic Preference
    - A. Iron and Steel Products, Manufactured Products, and Construction Materials used in this project comply with the American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and the Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021.

* Amend the Supplementary Conditions to add the following pages at the end of the document:

INFORMATIONAL CHECKLIST FOR PROJECT-SPECIFIC WAIVER REQUESTS

*Notes to User: This exhibit is a checklist that is to be completed by the Owner and/or Engineer to help ensure that all appropriate and necessary information is submitted with the request to USDA. All information presented in waiver requests are subject to evaluation. Waiver requests deliberately containing false information will be rejected.*

INFORMATIONAL CHECKLIST FOR PROJECT SPECIFIC WAIVER REQUEST

|  |  |
| --- | --- |
| **Information** | □ |
| General   * Waiver request includes the following information:   + Description of the foreign and domestic Construction Materials   + Unit of measure   + Quantity   + Price   + Date that product is needed (e.g. time of delivery or availability)   + Location of the construction project   + Name and address of the proposed Supplier   + A detailed justification for the use of foreign Construction Materials * Waiver request was submitted according to the instructions in the memorandum * Assistance recipient made a good faith effort to solicit bids for domestic Iron and Steel products, as   demonstrated by language in requests for proposals, contracts, and communications with the prime | □  □  □  □  □  □  □  □  □  □ |
| Public Interest Waiver Request   * Applicants and their Engineers will submit a written justification demonstrating definitive impacts on the community if a specified product is not utilized. | □ |
| Cost Waiver Requests   * Waiver request includes the following information:   + Comparison of overall cost of project with domestic products to overall cost of project with foreign products   + Relevant excerpts from the bid documents used by the Contractors to complete the comparison quantity   + Supporting documentation indicating that the Contractor made a reasonable survey of the market, such as a description of the process for identifying Suppliers and a list of contacted Suppliers | □  □  □ |
| Availability Waiver Requests   * Waiver request includes the following supporting documentation necessary to demonstrate the availability, quantity, and /or quality of the materials for which the waiver is requested:   + Supplier information or pricing information from a reasonable number of domestic Suppliers indicating availability/delivery date for the product   + Documentation of the assistance recipient's efforts to find available domestic sources, such as a description of the process for identifying Suppliers and a list of contacted Suppliers.   + Date that product is needed (e.g. time of delivery or availability)   + Relevant excerpts from project Drawings, Specifications, and permits indicating the required quantity and quality of the product * Waiver request includes a statement from the prime Contractor and/or Supplier confirming the non-availability of the domestic product for which the waiver is sought * Has the State received other waiver requests for the materials described in this waiver request for comparable projects? | □  □  □  □  □  □ |

CONTRACTOR’S CERTIFICATION OF COMPLIANCE

*Notes to User: This exhibit is the sample General (Prime) Contractor’s Certification of Compliance with the American Iron and Steel and Build America, Buy America domestic preference requirements to be provided by the General (Prime) Contractor to Engineer for delivery to the Owner at Substantial Completion.*

Project Name:

Owner / Applicant:

Contract Number (if applicable):

I hereby certify that to the best of my knowledge and belief all Iron and Steel Products, Manufactured Products, and Construction Materials installed for this project by my company and by any and all subcontractors and Manufacturers my company has contracted with for this project comply with the American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and the Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021 (Pub.L. 117-58,§§ 70901-70953), or are the subject of a waiver approved by the Secretary of Agriculture or designee.

Name of Construction Company (PRINT)

By Authorized Representative (SIGNATURE)

Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

MANUFACTURER’S CERTIFICATION OF COMPLIANCE

*Notes to User: This is a sample Manufacturer’s Certification of Compliance with American Iron and Steel and Build America, Buy America domestic preference requirements. Contractor should ensure that Engineer has an approved Manufacturers’ Certification prior to any domestic preference item being delivered to the project site.*

Company Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Company Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subject: Domestic Preference Requirements Certification for:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Owner’s Name and Project Name including City, State]

I hereby certify that all manufacturing processes for the following product(s) and / or material(s) shipped or provided for the subject project occurred in the United States and the product(s) or material(s) are in full compliance with the American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and the Build America, Buy America (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021 (Pub.L. 117-58,§§ 70901-70953).

Common Name of Items, Products and/or Materials:

1.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Such processes took place at the following location:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Authorized Company Representative (Signature)

Date

ENGINEER’S CERTIFICATIONS

Project Name:

*Notes to User: This certification consists of several statements to be initialed and signed by the Engineer of Record; it should be submitted with the bid package to the State Engineer for concurrence for authorization to bid by Agency. This certification is not intended to be a warranty in any way, but rather the designer’s professional opinion that to the best of their knowledge the documents comply. This certification does not need to be included in the contract documents.*

The final Drawings and Specifications, construction Contract Documents, Bidding Documents, procurement documents, and any other final design phase deliverables, comply with all federal requirements including the American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes, and the Build America, Buy America (BABA) domestic preference requirements mandated by Title IX of the Infrastructure Investment and Jobs Act of 2021 (Pub.L. 117-58,§§ 70901-70953), or are the subject of a waiver approved by the Secretary of Agriculture or designee. This includes the following:

initial

initial

initial

initial

initial

The Engineers Joint Contract Documents Committee (EJCDC) documents have been used, and all revisions identified in this Bulletin have been made using bold and strikethrough, clearly indicating additions and deletions. Any revisions outside of Agency required modifications are included as bold and strikethrough font and listed in a separate attachment to be concurred in by the State Engineer.

Any building(s) designed for this Project will comply with the requirements of the Architectural Barriers Act (ABA) of 1968, the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and any federal, state, or local accessibility standards.

Any building(s) designed for this Project will comply with the Seismic Safety of Federally Assisted New Building Construction requirements of 7 CFR 1792, and any federal, state, or local standards.

All referenced Products and Construction Materials in the Drawings, Specifications, and Bidding Documents for this Project comply with AIS and BABA.

All referenced Products and Construction Materials to be referenced in the Addenda, executed Contracts, and Change Orders will comply with AIS and BABA

Engineer Signature Date

Name and Title Engineering Company Name

CERTIFICATE OF OWNER’S ATTORNEY AND AGENCY CONCURRENCE

*Notes to User: This exhibit consists of two certificates, on a single page, to be attached to the Contract and signed upon execution. The first is a certificate to be signed by the Owner’s attorney and the second is the concurrence to be signed by the State Engineer. This page is to be inserted after the Agreement between Owner and Contractor for Construction Contract (Stipulated Price) (EJCDC C-520, 2018) in the Construction Contract Documents.*

CERTIFICATE OF OWNER’S ATTORNEY PROJECT NAME:

CONTRACTOR NAME AND CONTRACT NUMBER:

I, the undersigned, , the duly authorized and acting legal representative of , do hereby certify as follows: I have examined the attached Contract(s) and performance and payment bond(s) and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements is adequate and has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legally binding obligations upon the parties executing the same in accordance with the terms, conditions, and provisions thereof.

Name Date

AGENCY CONCURRENCE

As lender or insurer of funds to defray the costs of this Contract, and without liability for any payments thereunder, the Agency hereby concurs in the form, content, and execution of this Agreement.

Agency Representative Date

Name