

CUMBERLAND COUNTY

Maine

Request for Proposals County Health Improvement Plan

These services are being solicited to assist the County in its implementation of one or more contracts financed and eligible under The American Rescue Plan Act (ARPA) of 2021 Coronavirus State and Local Fiscal Recovery Funds (SLFRF)

RFP Release date	December 8, 2021
Deadline for submitting questions	12:00PM December 17, 2021
Proposal Due	4:00PM January 12, 2021

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I**Introduction & Overview**

In response to the COVID-19 pandemic, Cumberland County has invested American Rescue Funds towards meeting our communities' public health needs. The intent in using the American Rescue Funds is to reduce gaps and improve public health efforts to address the negative health impacts of the COVID-19 pandemic. Cumberland County Government is seeking contracted services to assist our Public Health Department in the development of a 4-year Cumberland County Health Improvement Plan (CHIP).

The pandemic has exacerbated the existing health inequities for the County's historically underserved people, families, and communities. The goal of the County Public Health Department in seeking contracted services is to conduct and create a coordinated county health improvement plan that will support and expand existing efforts to improve the health of people and communities in Cumberland County and reduce health inequities.

The role of the contracted services will be to: create presentations on existing data and current public health efforts for the identified priority health concerns; research possible strategies to meet the gaps in current public health efforts; provide administrative, technical, and facilitation support to engage organizations, community groups, and people most impacted by the gaps in public health efforts to create a plan; and support the writing of a 4-year CHIP.

II**Background**

Cumberland County: Home to roughly 303,000 residents, Cumberland County is the most populous and most diverse county in Maine. Twenty percent of the state's population lives in Cumberland County. Greater Portland has many urban and suburban communities and is home to over 25,000 immigrants from countries around the world. Many towns in the western part of the county meet the USDA rural development classification of "rural". While the overall rate of poverty in Cumberland County is 7.8%, well below the state average of 11%, there are towns in Cumberland County with poverty rates as high as 16%. While the county population as a whole has relatively low levels of disease and a high life expectancy, there are great health inequities; with many groups, communities, and neighborhoods experiencing high rates of disease and early death. While there is specific funding to address a small number of specific health problems within the county, there is a limited public health infrastructure to address these inequities in a systematic way. To support a more comprehensive public health infrastructure, Cumberland

County Government recently created a Public Health Manager position, tasked with creating and managing a public health department and developing a 3-5 year workplan.

Assessment: Every three years, a Cumberland County Community Health Needs Assessments (CHNA) is completed by local hospitals. In 2017, the Cumberland District Public Health Council completed a 2-year district health improvement plan to address a few of the key priorities identified in the 2016 CHNA. Since that time there have been various assessments conducted in the county, including the [2021 Cumberland County Health Profile](#), [2018 Minority Health Assessment](#), and [The Health of Portland Report](#). While there are various assessments and additional public health data available, there is a need for the whole county to have a guiding health improvement plan to support more coordinated and connected public health efforts and to address widening health inequities.

Contractor: Through this RFP, the Cumberland County Public Health Manager seeks a qualified contractor to support the Cumberland County Public Health Manager and the Cumberland County CHIP Advisory Committee, in the development of a 4-year Cumberland County Health Improvement Plan (known as the CHIP), with a budget of no more than \$35,000 to be completed by June, 2022. The role of the contractor will be to: create presentations on existing data and current public health efforts for the identified priority health concerns; research possible strategies to meet the gaps in current public health efforts; provide administrative, technical, and facilitation support to engage organizations, community groups, and people most impacted by the gaps in public health efforts; and support the writing of a 4-year CHIP.

Public Health Manager: In order to complete a countywide CHIP in six months, the Cumberland County Public Health Manager will provide leadership and oversight of the CHIP process. The Manager will:

- Facilitate the Advisory Committee meetings (see below for details on the Advisory Committee role).
- Provide thought partnership to the contractor on the creation of the data presentations and the community engagement plan.
- Fund interpreter services, community health worker services, and/or cultural broker services when necessary for preparation and completion of community engagement events.
- Share facilitation of community engagement meetings with contractor when necessary.
- Provide feedback on CHIP drafts.

The CHIP process and completed document will support the development of a workplan for the newly formed Cumberland County Public Health Department. The creation of this workplan will be completed outside the scope of this RFP.

Advisory Committee: An Advisory Committee made up of key public health leaders in Cumberland County has already been identified and brought together to support the CHIP. The group will meet monthly during the CHIP process to:

- Create a vision and parameters for the CHIP.
- Identify the priority health concerns and goals to be addressed in the CHIP.
- Create criteria for choosing strategies.
- Identify organizations, community groups, and people with lived experience for engagement on possible strategies.
- Provide guidance on ways of engaging the different groups and ensuring a healing-centered approach to engagement.
- Review and provide feedback on drafts of the CHIP.

III

SCOPE OF WORK

Overview:

The successful contractor supporting the CHIP should represent their capability to support the following scope of services and produce the deliverables outlined below:

A. Data Presentations:

- For each priority health concern identified by the Advisory Committee, analyze existing assessments, population-level data sets, and any other data related to health inequities.
- Create short data presentations to be delivered to organizations, community groups, and people most impacted by the gaps in public health efforts to ensure that during the community engagement phase, people have some background public health data and research to inform the discussions.

B. Public Health Strategy Research:

- Catalogue the strategies that are already being used to address the priority health concerns.
- Using the criteria identified by the Advisory Committee, conduct research on possible strategies to address the priority health concerns.

C. Community Engagement:

- Based on guidance provided by the Advisory Committee, develop a plan for receiving input on current and possible strategies from organizations, community groups, and people most impacted by the gaps in public health efforts. The plan could include work groups, key informant interviews, focus groups, community meetings and/or surveys.
- Based on the plan for receiving input, develop community engagement questions, agendas and/or surveys.
- Provide administrative, technical, and some facilitation support for work group meetings, key informant interviews, focus groups, and/or community meetings.

- If applicable, administer surveys.

D. CHIP Development:

- Write drafts of CHIP that include objectives based on the SMART model: Specific, Measurable, Achievable, Realistic or Relevant, and Time-limited.
- Create a mechanism for receiving feedback on CHIP drafts from the Public Health Program Manager and Advisory Committee members.

Deliverable:

Complete a final report that includes an overview of the CHIP process, criteria used for selecting strategies, and a final 4-year County Health Improvement Plan.

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Qualifications

Overview:

To be considered, electronic copy in PDF format must be received no later than **4:00 pm on Wednesday, January 12th, 2022**. Submissions should be sent to Cumberland County Public Health Manager, Liz Blackwell-Moore, at this email: blackwell-moore@cumberlandcounty.org. Submissions received after this time will not be considered.

Format:

The format of proposals should adhere to the following standards:

1. CONTACT INFORMATION:

Organization Name:

Contact Name and Title:

Address:

Email:

Phone Number

Type of Organization*:

State if Incorporation, if Applicable:

Federal Tax ID:

Authorized Signature:

Date:

* Type of organization may be partnership, corporation, individual, or other (please describe if “other”)

2. PROJECT APPROACH:

- Describe how your proposal will address the stated project purpose, scope of services, and deliverables.
- Describe your general approach to organizing and managing the project.

- Describe how you will collaborate with the Public Health Manager and the Advisory Committee.
 - List the tasks you will need to take in order to see the project from inception to completion.
 - Describe a proposed approach for engaging people who have been most impacted by gaps in public health efforts.
 - Include a work plan with an estimated timeline for completion. Project should be completed by June 2022.
3. QUALIFICATIONS OF THE ORGANIZATION AND STAFF:
- Summary of the organization’s history, resources and experience performing similar work.
 - Describe experience working in Cumberland County, Maine.
 - Provide specific information on previous experience assessing, creating plans for, and/or addressing health inequities.
 - List specifically the staff of the organization performing work on this project, their qualifications and experience in this field.
4. PRIOR EXPERIENCE:
- Include references from at least three clients of your organization, preferably those who have contracted with the organization for services similar to those sought by this RFP. Each reference should include, on a single page, the following:
 - Name, address and telephone number of the contracting agency
 - Contact person
 - Project budget that remained consistent with original bid proposal
 - Term of the contract
 - Brief description of the specific services provided
5. BUDGET: The budget should not exceed \$35,000.
- Provide a budget aligned to project workplan, costs, and tasks.

Scoring and Selection Criteria:

The County will review all proposals for completeness. If a proposal is determined by the County to be incomplete, that proposal may no longer be considered. The County will review all complete proposals and score them by section. Possible points per section are outlined below.

The total possible points is 100.
Project Approach: *40 points*
Qualifications of the Organization: *20 points*
Prior Experience: *15 points*
Budget: *25 points*

The County at its discretion, may interview the top ranked organizations. The County reserves the right to solicit information about the Consultant for all sources available to the County and to request additional information from the Consultant. The County will negotiate terms for a contract to complete the tasks with the top ranked firm. If a satisfactory agreement cannot be reached, negotiations with that firm will be suspended and negotiations opened with the second highest ranked firm. The process will continue until agreement is reached and a contract is executed.

After the evaluation of the proposals and selection of the successful contractor, all bidders will be notified in writing of the selected firm.

Questions:

All questions regarding this RFP shall be submitted via email. Questions will be accepted and answered according to the terms and conditions of this RFP. All questions shall be submitted on or before **Wednesday, December 17, 2021 at noon** and shall be emailed to the Public Health Manager, Liz Blackwell-Moore, Blackwell-moore@cumberlandcounty.org . The County will provide written responses that will be posted to the website by December 20th.

V

Timing & Disclaimers

As previously mentioned, Cumberland County is utilizing The Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. The Coronavirus State and Local Fiscal Recovery Funds provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout and lay the foundation for a strong and equitable recovery. These funds have expenditure deadlines and compliance measures the County must adhere to. Please see attached Appendix A.

Timing:

12/17/21 by noon: Questions should be submitted to Liz Blackwell-Moore

12/20/21: Questions will be answered and posted on website

1/12/22 by 4:00pm: Proposals due to Liz Blackwell-Moore

1/19/22: Notice of Award

Beginning of February: Work begins.

June 2022: Completion of the work

Disclaimers:

- The County reserves the right to accept or reject any or all submittals received, cancel or modify the RFP in part or in its entirety, or change the RFP guidelines, when the County believes it is in their best interest to do so.
- The County reserves the right to accept or reject any and all Statements of Qualifications received in response to the RFP and to re-advertise for new submittals.
- The County will not be responsible for any costs incurred by the respondent in the preparation of a response to this Request for Proposals.
- The County reserves the right to delay or discontinue this selection process at any time during the process.
- The County will not be held responsible if, in its opinion, the best interests of the project will be served by not awarding all or parts of the project as defined in this Request for Proposals.
- The County reserves the right to:
 - Request the submission of Statements modifications at any time before the selection is made, if the County believes it is in their best interest. Consider Statements or modifications received at any time before the selection is made, if the County believes it is in their best interest.
 - Request clarification and/or additional information from the Respondent during the evaluation process.
 - Utilize ideas submitted in the Statements received, regardless of whether the Respondent is selected.
 - Negotiate with the selected Respondent(s) to include further services not identified in this RFP.

VI

Appendix A:

See Federal Provisions.



***FEDERALLY REQUIRED PROVISIONS PURSUANT TO THE
AMERICAN RESCUE PLAN ACT***

If you have any questions while completing this paperwork

Please contact:

Cumberland County Compliance and Audit Manager
142 Federal Street Room 100
Portland ME, 04101
207-209-4940

warren@cumberlandcounty.org

Required Document Checklist

The American Rescue Plan Act

Each bidder, prospective contractor or proposed subcontractor shall state as an initial part of the bid or negotiations of any federal award or contract, compliance with PART 200 - Uniform Administrative Requirements, Cost Principles, & Audit Requirements for Federal Awards. **All bidders' submissions** must contain all of the following documents, signed and completed

For all contractors:

1. Certification of contractors regarding equal employment opportunity **(page 4)**
2. Certification of contractor regarding segregated facilities **(page 5)**
3. Certification of the contractor regarding Disbarment **(page 6)**

For all subcontractors*:

***Note:** It is the **full responsibility** of the primary contractor to ensure subcontractors properly complete and submit all forms listed below

EEO/Seg Facilities/DBE

1. Certification of contractors regarding equal employment opportunity **(Page 7)**
2. Certification of the contractor regarding segregated facilities **(Page 8)**
3. Certification of the contractor regarding Disbarment **(page 9)**

What are the Required Bidder forms and why are they needed?

The reason we ask you to complete equal employment opportunity documents

Presidential Executive Order 11246 (30 F.R. 12319-25) requires that any contractor looking to utilize federal funds tell the organizations who administer those federal funds whether they've had to comply with Equal Employment Opportunity laws on a prior project. In other words, we at the County are required under 2CFR Part 200 to have an Equal Employment Opportunity report on file for every contractor/subcontractor we work with.

The reason we ask you to complete segregated facilities documents

(P.L. 88-352), as amended, (42 USC 2000d) and the requirements imposed by the Regulations of the Department of Commerce (15 CFR Part 8), require that all Federal administrators ensure their contractors refrain from discriminating on the basis of any type of identity during their hiring processes. Thus, we need a document on file that we can use to prove to U.S Treasury you have committed not to discriminate while hiring for the project this packet pertains to.

The reason we ask you to complete Suspension & Debarment documents

Procurement, Suspension & Debarment. As outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. The County must ensure adherence to all applicable local, state, and federal procurement laws and regulations.

NOTE: CONTRACTORS MUST READ THE REQUIREMENTS ENUMERATED ON PAGES 10-16 OF THIS PACKET PRIOR TO BIDDING ON THIS PROJECT

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COMPLIANCE AND AUDITING MANAGER

CERTIFICATION OF CONTRACTOR REGARDING
EQUAL EMPLOYMENT OPPORTUNITY

Certification by Bidders

Name of prime contractor: _____

Address of prime contractor: _____

Tax ID # of prime contractor: _____

1. Bidder has participated in a previous contract or subcontract subject to the EEO Clause.
 Yes No
2. Compliance reports were required to be filed in connection with such contract or subcontract.
 Yes No
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.
 Yes No
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?
 Yes No

Note: If you have never before filed an Equal Employment Opportunity compliance report, and are subject to said provision you must do so within seven calendar days of the date our bidding period's starts. **We are not allowed to award a contract to anyone for whom we don't have an EEO compliance report on file.**

By signing below, you are certifying your answers to the four questions above were truthful:

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date of Signature

**Certification of Contractor Regarding
Segregated Facilities**

Name of Prime Contractor: _____

Project Name: _____

Project Number: _____

By signing below, you are certifying that, as required by Title VI of the Civil Rights Act of 1964*, you will maintain no segregated facilities throughout the course of this project.

***Note:** Title VI of the Civil Rights Act can be found at the top of page 34 of this packet

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date of signature

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COMPLIANCE AND AUDITING MANAGER

CONTRACTOR DISBARRED OR SUSPENSION
Applicable to Vendors

Contractor: _____ **Telephone:** _____ **Ext.** _____

Contact Person: _____ **Fax:** _____

E-mail: _____ **Tax ID:** _____

BID PRICE: \$ _____ **BID DATE:** ____ / ____ / ____

PROJECT LOCATION: _____ **PROJECT #** _____

THIS CERTIFICATION IS REQUIRED BY THE REGULATIONS IMPLEMENTING EXECUTIVE ORDER 12549, DEBARMENT AND SUSPENSION, 29 CFR PART 98, SECTION 98.510, PARTICIPANTS' RESPONSIBILITIES. THE REGULATIONS WERE PUBLISHED AS PART VII OF THE MAY 26, 1988 FEDERAL REGISTER (PAGES 19160-19211).

(BEFORE SIGNING THIS CERTIFICATION, PLEASE READ THE ATTACHED INSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

1. THE PROSPECTIVE PRIMARY PARTICIPANT 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 THEM 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 ANTI-TRUST STATUTES OR COMMISSION OF EMBEZZLEMENT, THEFT, FORGERY, BRIBERY, FALSIFICATION OR DESTRUCTION OF RECORDS, MAKING FALSE STATEMENTS, OR RECEIVING STOLEN PROPERTY;
- C) ARE NOT PRESENTLY INDICTED FOR OR OTHERWISE CRIMINALLY OR CIVILLY CHARGED BY A GOVERNMENT 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 (FEDERAL, STATE OR LOCAL) TERMINATED FOR CAUSE OR DEFAULT.

2. WHERE THE PROSPECTIVE PRIMARY PARTICIPANT IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH PROSPECTIVE PARTICIPANT SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

NAME AND TITLE, AUTHORIZED REPRESENTATIVE

SIGNATURE & DATE

CUMBERLAND COUNTY
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COMPLIANCE AND AUDITING MANAGER

**CERTIFICATION OF SUBCONTRACTOR REGARDING
EQUAL EMPLOYMENT OPPORTUNITY**

(For ALL Subcontracts)

*Note: It is the **full responsibility** of the primary contractor to ensure subcontractors properly complete and submit this form

Certification of Subcontractors

Name of subcontractor: _____

Address of subcontractor: _____

Tax ID # of subcontractor: _____

1. Bidder has participated in a previous contract or subcontract subject to the EEO Clause.
 Yes No
2. Compliance reports were required to be filed in connection with such contract or subcontract.
 Yes No
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.
 Yes No
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?
 Yes No

Note: If you have never before filed an Equal Employment Opportunity compliance report, and are subject to said provision you must do so within seven calendar days of the date our bidding period's starts. **We are not allowed to award a contract to anyone for whom we don't have an EEO compliance report on file.**

By signing below, you are certifying that your answers to the four questions above were truthful:

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date of signature

CUMBERLAND COUNTY
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COMPLIANCE AND AUDITING MANAGER

**CERTIFICATION OF SUBCONTRACTOR REGARDING
SEGREGATED FACILITIES**

(For ALL Subcontracts)

*Note: It is the **full responsibility** of the primary contractor to ensure subcontractors properly complete and submit this form

Name of Subcontractor: _____

Project Name: _____

Project Number: _____

By signing below, you are certifying that, as required by Title VI of the Civil Rights Act of 1964, you will maintain no segregated facilities throughout the course of this project.

*Note: Title VI of the Civil Rights Act can be found at the top of page 34 of this packet

Name and Title of Authorized Representative (print or type)

Signature of Authorized Representative

Date of signature

CUMBERLAND COUNTY
Maine

COMPLIANCE AND AUDITING MANAGER

CERTIFICATION OF SUBCONTRACTOR REGARDING
DISBARRED OR SUSPENSION

Contractor: _____ **Telephone:** _____ **Ext.** _____

Contact Person: _____ **Fax:** _____

E-mail: _____ **Tax ID:** _____

BID PRICE: \$ _____ **BID DATE:** _____ / _____ / _____

PROJECT LOCATION: _____ **PROJECT #** _____

THIS CERTIFICATION IS REQUIRED BY THE REGULATIONS IMPLEMENTING EXECUTIVE ORDER 12549, DEBARMENT AND SUSPENSION, 29 CFR PART 98, SECTION 98.510, PARTICIPANTS' RESPONSIBILITIES. THE REGULATIONS WERE PUBLISHED AS PART VII OF THE MAY 26, 1988 FEDERAL REGISTER (PAGES 19160-19211).

(BEFORE SIGNING THIS CERTIFICATION, PLEASE READ THE ATTACHED INSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

1. THE PROSPECTIVE PRIMARY PARTICIPANT 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 THEM 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 ANTI-TRUST STATUTES OR COMMISSION OF EMBEZZLEMENT, THEFT, FORGERY, BRIBERY, FALSIFICATION OR DESTRUCTION OF RECORDS, MAKING FALSE STATEMENTS, OR RECEIVING STOLEN PROPERTY;
 - C) ARE NOT PRESENTLY INDICTED FOR OR OTHERWISE CRIMINALLY OR CIVILLY CHARGED BY A GOVERNMENT ENTITY (FEDERAL, STATE OR LOCAL) WITH COMMISSION OF ANY OF THE OFFENSES ENUMERATED IN PARAGRAPH I.B OF THIS CERTIFICATION; AND
 - D) HAVE NOT WITHIN A THREE-YEAR PERIOD PRECEDING THIS APPLICATION/PROPOSAL HAD ONE OR MORE PUBLIC TRANSACTIONS (FEDERAL, STATE OR LOCAL) TERMINATED FOR CAUSE OR DEFAULT.
2. WHERE THE PROSPECTIVE PRIMARY PARTICIPANT IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH PROSPECTIVE PARTICIPANT SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

NAME AND TITLE, AUTHORIZED REPRESENTATIVE

SIGNATURE & DATE

CUMBERLAND COUNTY
Maine
COMPLIANCE AND AUDITING MANAGER

FEDERAL REQUIREMENTS

1. **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**
(P.L. 88-352), as amended, (42 USC 2000d) and the requirements imposed by the Regulations of the Department of Commerce (15 CFR Part 8) issued pursuant to that Title. In accordance therewith no person in the United States shall, on the grounds of race, handicap, color, sex, national origin or familial status be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under any program or activity which is paid for with federal funds. The Owner further adds that there shall not be any form of discrimination by any party in any ARPA contract on the basis of familial status, sexual orientation or sex.
2. **REHABILITATION ACT OF 1973**
29 USC 794, Executive Order 11914, Section 504. No otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.
3. **SECTION 202 OF EXECUTIVE ORDER 11246** Applicable to Federally assisted construction contracts and related subcontracts. During the performance of this contract, the contractor agrees as follows:
 - A. The contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of Compensation; and selection for training, including apprenticeship.
 - B. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this non-discrimination clause. The Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
 - C. Contractors shall incorporate foregoing requirements in all subcontracts.
 - D. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration without regard to race, color, religion, sex, or national origin.
 - E. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representative of the contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - F. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
 - G. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules regulations and orders of the Secretary of Labor, or pursuant

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thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- H. In the event of the contractor's noncompliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - I. The contractor will include the provisions of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provision, including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department the contractor may request the United States to enter into such litigation to protect the interest of the United States.
 - J. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on -the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:
 - (b)The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor; state that all qualified applicants WM receive considerations for employment without regard to race, color, religion, sex, or national origin.
 - (c) The contractor will send to each labor union or representative of workers. With which he has a collective bargaining agreement or other contract.
4. **Debarment & Suspension.** Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or

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otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

5. **CERTIFICATION OF NONSEGREGATED FACILITIES AS REQUIRED BY THE MAY 19, 1967, ORDER (32 F.R. 74390 ON ELIMINATION OF SEGREGATED FACILITIES, BY THE SECRETARY OF LABOR.** Prior to the award of any construction contract or subcontract, the Contractor shall submit signed Certification of Nonsegregated Facilities Forms for him/herself and all subcontractors.

6. **THE AGE DISCRIMINATION ACT OF 1975**

No person in the United States shall, on the basis of age, be excluded from participation or be denied the benefits of, or be subjected to discrimination under, any program or activity undertaken with federal funds.

7. **LABOR STANDARDS**

Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

- A. Specific to ARAP and when it is the sole source of federal funds, Davis Bacon is application **only to Projects over 10 Million dollars For projects over \$10 million:**
- B. recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as “baby Davis-Bacon Acts”). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
 - (a) The number of employees of contractors and sub-contractors working on the project;
 - (b) The number of employees on the project hired directly and hired through a third party;
 - (c) The wages and benefits of workers on the project by classification; and
 - (d) Whether those wages are at rates less than those prevailing.

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- (e) The County must maintain sufficient records to substantiate this information upon request.
 - (f) A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).
8. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)**. All laborers and mechanics employed by contractors or subcontractors shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act, and the contractors and subcontractors shall comply with all regulations issued pursuant to these acts and with other applicable Federal laws and regulations pertaining to labor standards. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
9. **Rights to Inventions Made Under a Contract or Agreement**. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
10. **Copeland Anti-Kickback Act** requires that workers be paid at least once a week, and without any deductions or rebates except permissible deductions. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency
11. **SPECIAL CONDITIONS PERTAINING TO HAZARDS, SAFETY STANDARDS AND ACCIDENT PREVENTION TITLE IV OF THE LEAD BASED PAINT POISONING PREVENTION ACT**
- A. Lead-Based Paint Hazards**(Applicable to contracts for construction or rehabilitation of residential structures) The construction or rehabilitation of residential structures is subject to the HUD Lead-Based Paint regulations, 24 CFR Part 35. The contractor and Subcontractors shall comply with the provisions for the elimination of lead-based paint hazards under sub-part B of said regulations. The Owner will be responsible for the inspections and certifications required under Section 35.14(f) thereof.

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B. Use of Explosives When the use of explosives is necessary for the prosecution of the work, the Contractor shall observe all local, state and federal laws in purchasing and handling explosives. The Contractor shall take all necessary precautions to protect completed work, neighboring property, water lines, or other underground structures. Where there is danger to structures or property from blasting, the charges shall be reduced and the material shall be covered with suitable timber, steel or rope mats. The Contractor shall notify all owners of public utility property of intention to use explosives at least eight hours before blasting is done, close to such property. Any supervision or direction of use of explosives by the Engineer does not in any way reduce the responsibility of the Contractor or his Surety for damages that may be caused by such use.

C. Danger Signals and Safely Devices

The Contractor shall make all necessary precautions to guard against damages to property and injury to persons. He shall put up and maintain in good condition, sufficient red or warning lights at night, suitable barricades and other devices necessary to protect the public. In case the Contractor fails or neglects to take such precautions, the Owner may have such lights and barricades installed and charge the cost of this work to the Contractor. Such action by the Owner does not relieve the Contractor of any liability incurred under these specifications or contract.

12. **THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970.** (P.L. 91-646 as amended), 15 CFR Part 916 including amendments thereto and regulations there under, as provided by 1. M.R.S.A 901 et seq. The Contractor and Grantee will ensure that all work performed under this Agreement will be done in accordance with this act.

13. **THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (P.L. 90-190); THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (80 Stat 915, 16 USC 470); AND EXECUTIVE ORDER NO. 11593 OF MAY 31, 1971.** The chief executive officer of the Grantee consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified in 24 CTR 58, which further the purposes of NEPA in the areas of historic preservation, noise control floodplains, coastal zones and wetlands, air quality, water quality, wildlife, endangered species, solid waste disposal, and environmental effects abroad. The chief executive officer is authorized and consents on behalf of the Grantee and himself to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

14. **THE FLOOD DISASTER PROTECTION ACT OF 1963 (P.L. 93-234), AS AMENDED.** The Grantee will fulfill any flood insurance requirements under this Act and any regulations issued there under which NOAA may issue.

15. **ARCHITECTURAL BARRIERS ACT (P.L. 90-480), 42 USC 4151, AS AMENDED, and the regulations issued or to be issued there under, prescribing standards for the design and construction of any building or facility intended to be accessible to the public or which may result in the employment of handicapped persons therein.**

16. **THE CLEAN AIR ACT AS AMENDED, 42 USC 1857 ED SEQ.9 THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended from time to time.** Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal

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award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). In no event shall any amount of the assistance provided under this Agreement be utilized with respect to a facility, which has given rise to a conviction under section 113(c) (1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act.

17. **MINORITY BUSINESS ENTERPRISES** Referenced in Executive Order #11625, OMEB Circular A-102 Attachment 0 Procurement Standards. Grantees are to give priority to Minority Business Enterprises in purchase of supplies, equipment, construction, and services.
18. **SECTION 319 OF PUBLIC LAW 101-121**The grantee shall comply with the requirements of Section 319 of Public Law 101-121 regarding government wide restrictions on lobbying.
19. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - 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. See: § 200.323. See § 200.216. See § 200.322. [78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]
20. **Remedial Actions**. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
21. **Hatch Act**. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
22. **False Statements**. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
23. **Publications**. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
24. **Debts Owed the Federal Government**. Any funds paid to Recipient
 1. in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award;
 2. that are determined by the Treasury Office of Inspector General to have been misused; or
 3. that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.

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27. **Disclaimer.** The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.

b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

28. **Protections for Whistleblowers.**

a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

b. The list of persons and entities referenced in the paragraph above includes the following:

i. A member of Congress or a representative of a committee of Congress;

ii. An Inspector General;

iii. The Government Accountability Office;

iv. A Treasury employee responsible for contract or grant oversight or management;

v. An authorized official of the Department of Justice or other law enforcement agency;

vi. A court or grand jury; or

vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

29. **Increasing Seat Belt Use in the United States.** Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

30. **Reducing Text Messaging While Driving.** Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.