

DOCUMENT NUMBER 00699

DEPARTMENT OF ECOLOGY CENTENNIAL CLEAN WATER FUND AND SRF INSERT FORMS



**WASHINGTON STATE DEPARTMENT OF ECOLOGY  
CENTENNIAL CLEAN WATER FUND  
SPECIFICATIONS INSERT**

**General**

Partial funding of this project is being provided by the State of Washington Centennial Clean Water Fund (Chapter 70.146 RCW; Chapter 173-90 WAC).

**Compliance with State and Local Laws**

The construction of the project, including the letting of subcontracts in connection therewith, shall conform to the applicable requirements of state and local laws and ordinances.

**Utilization of Minority and Women Business Enterprises**

All bidders are encouraged to utilize certified minority-owned and women-owned businesses to the extent possible in the performance of this contract. All prospective bidders or persons submitting qualifications should take the following steps, when possible.

1. Include qualified minority and women's businesses on solicitation lists.
2. Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.
3. Divide the total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by qualified minority and women's businesses.
4. Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
5. Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

All prospective bidders must provide a list of the MBE/WBE subcontractors they intend to use during the project. This list must be provided with the bid package.

**Compliance with Washington State Public Works Act (Prevailing Wage Law)**

The contractor shall comply with the Washington State prevailing wage laws. Copies of a pamphlet explaining the prevailing wage law are available from the following:

Department of Labor and Industries  
ESAC Division  
PO Box 44500  
Olympia WA 98504-4400  
(360) 956-5316

Revised 3-17-08



**WATER QUALITY PROGRAM  
STATE REVOLVING FUND SPECIFICATION INSERTS**

[Revised: February 27, 2003]

ENCLOSURE

DESCRIPTION

1. DISCLOSURE OF LOBBYING ACTIVITIES
2. SMALL, MINORITY AND WOMEN BUSINESS ENTERPRISE UTILIZATION REQUIREMENTS AND EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS  
**NOTE: The following forms included in Enclosure 2 shall be completed in full and submitted with the bid proposal:**
  - ATTACHMENT "A" - SMALL, WOMEN, AND MINORITY BUSINESS ENTERPRISES TO BE UTILIZED ~ (Page 9)
  - ATTACHMENT "B" - SWORN STATEMENT OF COMPLIANCE WITH SMALL, WOMEN AND MINORITY BUSINESS UTILIZATION REQUIREMENTS ~ (Page 10)
  - APPENDIX "B" - CONTRACTOR'S COMPLIANCE STATEMENT (EXECUTIVE ORDER #11246) ~ (Page 11)
  - APPENDIX "C" - CERTIFICATION OF NONSEGREGATED FACILITIES ~ (Page 12)
3. CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS  
**NOTE: EPA Form 5700-49 included in Enclosure 3 (Page 24) shall be completed in full and submitted with the bid proposal:**

All other forms are to be completed and submitted by the successful bidder upon Award of Contract.

## ENCLOSURE 1

### DISCLOSURE OF LOBBYING ACTIVITIES NOTIFICATION TO APPLICANTS/BIDDERS

Section 1352 of Public Law 101-121, which was signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. Certain provisions of the law also apply to Federal commitments for loan guarantees and insurance; however, it provides exemptions for Indian tribes and tribal organizations.

Effective December 22, 1989, current and prospective recipients (and their subtier contractors and/or subgrantees) will be prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement or loan. In addition, for each award action in excess of \$100,000 (or \$150,000 for loans) on or after December 22, the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payments to lobbyists, (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom recipients or their subtier contractors or subgrantees will pay with profits or nonappropriated funds on or after December 22, and (3) to file quarterly updates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for noncompliance.

On or before December 22, the Office of Management and Budget will issue guidance for implementing and complying with the law. Sometime later, the provisions of the law will be put into a regulation through the government-wide common rule process.

If you are a current recipient of Federal funding or have an application, proposal, or bid pending as of December 22:

- o You are prohibited from using appropriated funds (other than profits from Federal contracts) on or after December 22 for lobbying Congress or any Federal agency in connection with a particular contract, grant, cooperative agreement, or loan;
- o You will be required to execute the required certification at the time of or before any future award action in excess of \$100,000 (\$150,000 for loans); and
- o You will be required to complete the lobbying disclosure form if the disclosure requirements apply to you.

This notification is being sent to you for purposes of information only. The Environmental Protection Agency will provide you with the appropriate forms if and when an award action or loan in excess of the \$100,000/\$150,000 thresholds is anticipated.

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned 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, 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 or a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standards 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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 352  
(See verse for public burden disclosure)

<p>1. Type of Federal Action:</p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p>2. Status of Federal Actions</p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p>3. Report Types</p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change  For Material Change Only:  year _____ quarter _____  date of last report _____</p>
<p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee  Tier _____, if known:</p> <p>Congressional District, if known:</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>	
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable: _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known:</p> <p>\$ _____</p>	
<p>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MK):</p>	<p>b. Individuals Performing Services (including address of different from No. 10a) (last name, first name, MI):</p>	
<p>11. Amount of Payment (check all that apply):</p> <p>\$ _____      <input type="checkbox"/> actual    <input type="checkbox"/> planned</p>	<p>13. Type of Payment (check all that apply):</p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other, specify: _____</p>	
<p>12. Form of Payment (check all that apply):</p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind: specify: nature _____  value _____</p>		
<p>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted for Payment indicated in Item 11:</p>		
<p>15. Continuation Sheet(s) SF-LLL-A attached:    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>		
<p>16. Information requested through this form is authorized by code 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reference was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be subject to civil penalty of not more than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____  Print Name: _____  Title: _____  Telephone No. _____ Date _____</p>	

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1<sup>st</sup> tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code, of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Included all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (03-48-00-46), Washington D.C. 20503.

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_ of \_\_\_\_



## ENCLOSURE 2

### SMALL, MINORITY AND WOMEN BUSINESS ENTERPRISE UTILIZATION REQUIREMENTS AND EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

#### I. GENERAL

##### A. POLICY

Consistent with the President's Policy Statement on Minority Business Enterprise dated December 17, 1983, Executive Order 12432 and the Environmental Protection Agency's Procurement Under Assistance Agreements Regulation (40 CFR 31.36) dated March 11, 1988, all bidders shall be required to comply fully with these bid specifications toward the goal of equitable utilization of Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Small Business Enterprises (SBEs).

Such utilization may be through prime contracting, subcontracting, joint-venture, procurement of supplies, material or equipment, or other business participation utilized in performing this project. In this regard all contractors shall take all necessary and reasonable steps to ensure MBE/WBE/SBEs have the maximum opportunity to compete for and/or perform contracts. Contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of EPA assisted projects.

##### B. REQUIREMENTS

Bidders must take the following affirmative steps in awarding subcontracts for supplies, construction or services:

- (1) include qualified small, minority, and women's businesses on solicitation lists;
- (2) insure that small, minority and women's businesses are solicited whenever they are potential sources;
- (3) divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation of small, minority, and women's businesses;
- (4) establish delivery schedules, where requirements of the work permit, which will encourage participation of small, minority, and women's businesses;

- (5) use the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce as appropriate.

The bidder shall complete a Sworn Statement of Compliance (Attachment B) which has been made a part of the proposal.

## II. REQUIRED SUBMITTALS

### A. PROSPECTIVE BIDDERS

Prospective bidders must provide and submit the following documents with bid.

1. Small, Minority, and Women Business Enterprises to be utilized. (See Attachment A.)
2. Small, Minority, and Women Businesses Compliance Statement. (See Attachment B.)
3. The Contractor's Compliance Statement (41 CFR 60-1.7(b)). (See Appendix B.)
4. The Non-segregated facilities statement (41 CFR 60-1.8). (See Appendix C.)

### B. SUCCESSFUL BIDDER

The successful bidder must provide and comply with the following additional requirements.

1. Notice to labor unions or other organization of worker's non-discrimination in employment (41 CFR 50-1.4(3)). See Appendix D.
2. Include an EEO clause, or section, in the construction contract and subcontracts (41 CFR 60-1.4). (See Appendix G.)
3. Submit to EPA Standard Form 100 (EEO-1) within 30 days of contract award, unless such a report has been filed within 12 months preceding the contract award date. The EEO-1 report is to be submitted annually during the life of the project (41 CFR 50-1.7(a)). (See Appendix E.)
4. Comply with affirmative action if the contractor has 50 or more employees, and has a contract of \$50,000 or more (41 CFR 60-1.4). (See Appendix H)

5. State clearly and expressly in solicitations and advertisements for employees that all qualified applicants receive consideration for employment without regard to race, color, religion, sex, age, or physical handicap. (41 CFR 50-1.4(l)).
6. Executive Order 11246 must be complied with in the hiring of minorities and women on the construction project. Goals are established for the purpose. (Please contact Office of Federal contract compliance Programs for the goals in your area.) (See appendix F.)
7. Submit SBE/MBE/WBE subcontracts and supply contracts within 15 days of execution.

By submission of its bid, all bidders acknowledge that they understand and agree to be bound by the equal opportunity requirements of Executive Order 11246, U.S. Department-of Labor (OFCCP) Regulations, Part 41 CFR 60-4 and 41 CFR 60-4.3(a), and EPA's Grant Regulations 40 CFR 33.240 Small, Minority, and Women Business Utilization. All of which shall be applicable throughout the duration of this project. Each bidder agrees that, if awarded this contract, the bidder will similarly bind contractually each subcontractor by the inclusion in the subcontract of all subcontractors the foregoing policies and regulations.

III. EPA AND STATE OF WASHINGTON FAIR SHARE MBE AND WBE GOALS

The established goals for MBE and WBE participation are as follows:

Construction/Public Works	10% MBE	6% WBE
Architecture/Engineering	10% MBE	6% WBE
Purchased Goods	8% MBE	4% WBE
Purchased Services	10% MBE	4% WBE
Professional Services	10% MBE	4% WBE

IV. FAIR SHARE

Fair Share is a reasonable amount of funds commensurate with the total project funding, demographic factors and the availability of minority and women's businesses. A fair share does not constitute an absolute goal, but a commitment on the part of the bidder to attempt to use minority and women's businesses by carrying out the five affirmative steps described under 40 CFR 31.36 (e2) I through V.

ATTACHMENT A

SMALL, WOMEN, AND MINORITY BUSINESS ENTERPRISES TO BE UTILIZED

Project: \_\_\_\_\_

Name of Bidder \_\_\_\_\_

\*\*\*\*\*

Name of Firm: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Description of Work Element or Supplies:  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount to be contracted \$ \_\_\_\_\_

- \_\_\_ MBE
- \_\_\_ SBE
- \_\_\_ WBE
- \_\_\_ Joint Venture \_\_\_%
- \_\_\_ Other
- \_\_\_ Subcontractor
- \_\_\_ Supplier
- \_\_\_ Manufacturer

Name of Firm: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Description of Work Element or Supplies:  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount to be contracted \$ \_\_\_\_\_

- \_\_\_ MBE
- \_\_\_ SBE
- \_\_\_ WBE
- \_\_\_ Joint Venture \_\_\_%
- \_\_\_ Other
- \_\_\_ Subcontractor
- \_\_\_ Supplier
- \_\_\_ Manufacturer

Name of Firm: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Description of Work Element or Supplies:  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount to be contracted \$ \_\_\_\_\_

- \_\_\_ MBE
- \_\_\_ SBE
- \_\_\_ WBE
- \_\_\_ Joint Venture \_\_\_%
- \_\_\_ Other
- \_\_\_ Subcontractor
- \_\_\_ Supplier
- \_\_\_ Manufacturer

\*\*\*\*\*

Contractor \_\_\_\_\_

Signature \_\_\_\_\_

Use additional pages if necessary

[THIS FORM SHALL BE COMPLETED IN FULL AND SUBMITTED WITH THE BID PROPOSAL]

**ATTACHMENT B**

**SWORN STATEMENT OF COMPLIANCE WITH SMALL WOMEN  
AND MINORITY BUSINESS UTILIZATION REQUIREMENTS**

To be eligible for award of this contract, each bidder must execute, and submit, as part of their proposal, and together with their bid, the following certification relating to SBE/WBE/MBE participation. The certification below shall be deemed a part of the resulting contract.

The bidder has taken the following affirmative steps in awarding subcontracts:

- (1) include qualified small, minority, and women's businesses on solicitation lists;
- (2) insure that small, minority and women's businesses are solicited whenever they are potential sources;
- (3) divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation of small, minority, and women's businesses;
- (4) establish delivery schedules, where requirements of the work permit, which will encourage participation of small, minority, and women's businesses;
- (5) use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce as appropriate.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title of signer (please type)

**[THIS FORM SHALL BE COMPLETED IN FULL AND SUBMITTED WITH THE BID PROPOSAL]**

**APPENDIX B**

**CONTRACTOR'S COMPLIANCE STATEMENT  
(EXECUTIVE ORDER #11246)**

Date \_\_\_\_\_

This statement relates to a proposed contract with \_\_\_\_\_

\_\_\_\_\_  
(Name of grantee)

who expects to finance the contract with assistance from the Environmental Protection Agency. I am the undersigned bidder or prospective contractor. I represent that:

I have \_\_\_\_\_ I have not \_\_\_\_\_ participated in a previous contract or subcontract subject to Executive Order 11246 of September 24, 1965 (regarding equal employment opportunity) or a preceding similar Executive Order. I agree to comply with all the provisions of this Executive Order and the rules, regulations and relevant orders of the Secretary of Labor. (60-1.4(b)(4))

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title of signer (please type)

**[THIS FORM SHALL BE COMPLETED IN FULL AND SUBMITTED WITH THE BID PROPOSAL]**

**APPENDIX C**

**CERTIFICATION OF NONSEGREGATED FACILITIES**

(Applicable to federally assisted construction contracts and related subcontracts exceeding \$10,000 which are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certified, further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work area, rest rooms 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 area, in fact, segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed contractors for specific time periods) he 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, and that he will retain such, certification in this file.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title of signer (please type)

**[THIS FORM SHALL BE COMPLETED IN FULL AND SUBMITTED WITH THE BID PROPOSAL]**

**APPENDIX "D"**

**NOTICE TO LABOR UNIONS OR OTHER ORGANIZATION OF WORKERS  
NON-DISCRIMINATION IN EMPLOYMENT**

TO: \_\_\_\_\_  
(name of union or organization of worker)

The undersigned currently holds contract(s) with \_\_\_\_\_  
(name of applicant)  
\_\_\_\_\_ involving funds or credit of the U.S. Government or (a)  
subcontract(s) with a prime contractor holding such contract(s).

You are advised that under the provisions of the above contract(s) or subcontract(s) and in accordance with Section 202 of Executive Order 11246 dated September 24, 1965, the undersigned is obliged not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin. This obligation not to discriminate in employment includes, but is not limited to, the following:

EMPLOYMENT, UPGRADING, TRANSFER OR DEMOTION

RECRUITMENT AND ADVERTISING

RATES OF PAY OR OTHER FORMS OF COMPENSATION

SELECTION FOR TRAINING INCLUDING APPRENTICESHIP, LAYOFF OR  
TERMINATION

This notice is furnished you pursuant to the provisions of the above contract(s) or subcontract(s) and Executive Order 11246.

Copies of this notice will be posted by the undersigned in conspicuous places available to employees or applicants for employment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(contractor or subcontractor(s))

\_\_\_\_\_  
(Date)



## APPENDIX E

### STANDARD FORM 100 (EEO-1)

- Each construction and non-construction contractor and subcontractor who has 1) 50 or more employees and 2) signs a contract, subcontract or purchase order amounting to \$50,000 or more, shall file complete and accurate reports on Standard Form 100 (EEO-1) in triplicate to EPA within 30 days after the award to him of such a contract or purchase order, unless such person has submitted such a report within 12 months preceding the date of award. Subsequent reports shall be submitted annually on or before the 31st day of March.

- Failure to file timely, complete and accurate reports as required constitutes noncompliance with contractors' or subcontractors' obligations under Executive Order 11246, as amended, and is grounds for the imposition of sanctions authorized by Executive Order 11246 and other rules and regulations issued pursuant thereto.

- Contractors and subcontractors may obtain EEO-1 reporting forms by writing to:

Joint Reporting Committee  
P.O. Box 779  
Norfolk, VA 23501  
757-461-1213

# EQUAL EMPLOYMENT OPPORTUNITY

Joint Reporting  
Committee

## EMPLOYER INFORMATION REPORT EEO-1

• Equal Employment  
Opportunity Commission  
• Office of Federal  
Contract Compliance  
Programs

### Section A – TYPE OF REPORT

Refer to instructions for number and types of reports to be filed.

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX).

(1)  Single-establishment Employer Report

Multi-establishment Employer:

(2)  Consolidated Report

(3)  Headquarters Unit Report

(4)  Individual Establishment Report (submit one for each establishment with 25 or more employees)

(5)  Special Report

2. Total number of reports being filed by this Company (Answer on Consolidated Report only) \_\_\_\_\_

### Section B – COMPANY IDENTIFICATION (To be answered by all employers)

1. Parent Company

OFFICE  
USE  
ONLY

a. Name of parent company (owns or controls establishment in item 2) omit if same as label)

Name of receiving office

Address (Number and street)

a.

City of town	County	State	ZIP code	b. Employer Identification No.									
--------------	--------	-------	----------	--------------------------------	--	--	--	--	--	--	--	--	--

b.

2. Establishment for which this report is filed. (Omit if same as label)

a. Name of establishment

Address (Number and street)	City of town	County	State	ZIP code
-----------------------------	--------------	--------	-------	----------

c.

d.

b. Employer Identification No.

(If same as label, skip.)

3. Parent company affiliation  
(Multi-establishment Employers  
Answer on Consolidated Report only)

a. Name of parent-affiliated company

b. Employer Identification No.

Address (Number and street)	City or town	County	State	ZIP code
-----------------------------	--------------	--------	-------	----------

### Section C – EMPLOYERS WHO ARE REQUIRED TO FILE (To be answered by all employers)

Yes  No

1. Does the entire company have at least 100 employees in the payroll period for which you are reporting?

Yes  No

2. Is your company affiliated through common ownership and/or centralized management with other entities in an enterprise with a total employment of 100 or more?

Yes  No

3. Does the company or any of its establishments (a) have 50 or more employees AND (b) is not exempt as provided by 41 CFR 60-1.5, AND either (1) is a prime government contractor or first-tier subcontractor, and has a contract, subcontract, or purchase order amounting to \$50,000 or more, or (2) serves as a depository of Government funds in any amount or is a financial institution which is an issuing and paying agent for U.S. Savings Bonds and Savings Notes?

NOTE: If the answer is yes to ANY of these questions, complete the entire form, otherwise skip to Section G.

**SECTION D – EMPLOYMENT DATA**

Employment at this establishment—Report all permanent, temporary, or part-time employees including apprentices and on-the-job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

JOB CATEGORIES	NUMBER OF EMPLOYEES										
	OVERALL TOTALS (SUM OF COL B THRU K) A	MALE					FEMALE				
		WHITE (NOT OF HISPANIC ORIGIN) B	BLACK (NOT OF HISPANIC ORIGIN) C	HISPANIC D	ASIAN OR PACIFIC ISLANDER E	AMERICAN INDIAN OR ALASKAN NATIVE F	WHITE (NOT OF HISPANIC ORIGIN) G	BLACK (NOT OF HISPANIC ORIGIN) H	HISPANIC I	ASIAN OR PACIFIC ISLANDER J	AMERICAN INDIAN OR ALASKAN NATIVE K
Officials and Managers											
Professionals											
Technicians											
Sales Workers											
Office and Clerical											
Craft Workers (Skilled)											
Operatives (Semi-Skilled)											
Laborers (Unskilled)											
Service Workers											
<b>TOTAL</b>											
Total employment reported in previous EEO-1 report											
(The trainees below should also be included in the figures for the appropriate occupational categories above)											
Formal On-the-job trainee	White collar										
	Production										

- |   |  |
|---|--|
| <p>1. NOTE: On consolidated report, skip questions 2-5 and Section E</p> <p>2. How was information as to race or ethnic group in Section D obtained?</p> <p>1 <input type="checkbox"/> Visual Survey      3 <input type="checkbox"/> Other—Specify .....</p> <p>2 <input type="checkbox"/> Employment Record      .....</p> | <p>4. Pay period of last report submitted for this establishment _____</p> <p>5. Does this establishment employ apprentices?</p> <p>This year? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No</p> <p>Last year? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No</p> |
|---|--|
3. Dates of payroll period used - \_\_\_\_\_

**Section E – ESTABLISHMENT INFORMATION**

<p>1. Is the location of the establishment the same as that reported last year?</p> <p>1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No      3. <input type="checkbox"/> Did not report last year.</p>	<p>2. Is the major business activity at this establishment the same as that reported last year?</p> <p>1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No      3. <input type="checkbox"/> No report last year      4. <input type="checkbox"/> Reported on combined basis.</p>	OFFICE USE ONLY
<p>3. What is the major activity of this establishment? (Be specific, i.e., manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or type of service provided, as well as the principal business or industrial activity.</p>		

**Section F – REMARKS**

Use this item to give any identification data appearing on last report which differs from that given above, explain major changes in composition or reporting units and other pertinent information.

**Section G – CERTIFICATION (See Instructions G)**

<b>Check one</b>	1 <input type="checkbox"/> All reports are accurate and were prepared in accordance with the instructions (check on consolidated only)		
	2 <input type="checkbox"/> This report is accurate and was prepared in accordance with the instructions		
Name of Certifying Official	Title	Signature	Date
Name of person to contact regarding this report (Type or print)		Address (Number and street)	
Title	City and State	ZIP code	Telephone Area Code
		Number	Extension

All reports and information obtained from individual reports will be kept confidential as required by Section 709 (e) of Title VII

## APPENDIX F

### (EXECUTIVE ORDER 11246)

#### REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

41 CFR 60.4.2(a)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the Standard Federal Equal Employment Opportunity Construction Contract Specifications.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade can be obtained from the Department of Labor, Office of Federal Contract Compliance Programs.

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.

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, specification affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a). And its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. 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 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 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The prime contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs, and Director of the Office of Small & Disadvantaged Businesses, EPA, 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 following:

1. Name of contractor.
2. Address.
3. Telephone number.
4. Employer identification number.
5. Estimated dollar amount of subcontract.
6. Estimated starting and completion dates.
7. Geographical area in which the contract is to be performed; i.e., city, county, state, etc.
8. Copy of the tabulations of bids or offerors and the name of each offeror or bidder.

Send information to:

Director  
Office of Federal Contract  
Compliance Programs  
Department of Labor  
200 Constitutional Avenue  
Washington, DC 20210

Director  
Office of Small &  
Disadvantaged Businesses  
Crystal Mall 2  
1921 Jefferson-Davis Hwy.  
Room 118  
Arlington, VA 20460

The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

- a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
- b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations where the Contractor or its unions have employment opportunities available, and maintain a record of the organizations responses.
- c. Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor along with whatever additional actions the Contractor may have taken.
- d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractors efforts to meet its obligations.
- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minority and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under b above.
- f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and

female employees at least once a year; and by posting company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative actions obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foremen, etc; prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meeting, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to the discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractors recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment sources, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignment and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are non-segregated except that in separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

## APPENDIX G

### EQUAL OPPORTUNITY CLAUSE

41CFR 60-1.4(b) Federally Assisted Construction Contracts (Prime Contractors & Subcontractors)

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:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants 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. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (2) 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 considerations for employment without regard to race, color, religion, sex, or national origin.
- (3) 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 advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) 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.
- (5) 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 thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination 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 or federally assisted construction 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.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) and (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 administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: 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 administering agency the contractor may request the United States or enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant: and refer the case to the Department of Justice for appropriate legal proceedings.



## **APPENDIX H**

### **AFFIRMATIVE ACTION PROGRAM**

(a) Each non-construction prime contractor and subcontractor who has 50 or more employees and has a government contract of \$50,000 or more must develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in its affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of any applied (because of length of time in the job or other factors), the applicable rates rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(b) Utilization evaluation. The evaluation of utilization of minority group personnel shall include the following:

(1) An analysis of minority group representation in all job categories.

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories.

(3) An analysis of upgrading, transfer and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) Maintenance of programs. Within 120 days from the commencement of the contract, each contractor shall maintain a copy of separate affirmative action compliance programs for each establishment, including evaluations of utilization of minority group personnel and the job classification tables, at each local office responsible for the personnel matters of such establishment. An affirmative action compliance program shall be part of the manpower and training plans for each new establishment and shall be developed and made available prior to the staffing of such establishment. A report of the results of such program shall be compiled annually and the program shall be updated at that time. This information shall be made available to representatives of the Director upon request and the contractor's affirmative action program and the result it produces shall be evaluated as part of compliance review activities.

## ENCLOSURE 3

### CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

#### Instructions

Under Executive Order 12549, an individual or organization debarred or excluded from participation in Federal assistance or benefit programs may not receive any assistance award under a Federal program, or a subagreement thereunder for \$25,000 or more.

Accordingly, each prospective recipient of an EPA grant, loan, or cooperative agreement and any contract or subagreement participant thereunder must complete the attached certification or provide an explanation why they cannot. For further details, see 40 CFR 32.510, Participants' responsibilities, in the regulation.

#### Where to Submit

The prospective EPA grant, loan, or cooperative agreement recipient must return the signed certification or explanation with its application to the appropriate EPA Headquarters or Regional office, as required in the application instructions.

A prospective prime contractor must submit a completed certification or explanation to the individual or organization awarding the contract.

Each prospective subcontractor must submit a completed certification or explanation to the prime contractor for the project.

#### How to Obtain Forms:

EPA includes the certification form, instructions, and a copy of its implementing regulation \* (40 CFR Part 32) in each application kit. Applicants may reproduce these materials as needed and provide them to their prospective prime contractor, who, in turn, may reproduce and provide them to prospective subcontractors.

Additional copies/assistance may be requested from:

Office of Grants and Debarment  
Suspension and Debarment Division  
U.S. Environmental Protection Agency  
401 M. Street, S.W.  
Washington, D.C. 20460  
(Telephone: 202-564-5389)

EPA Form 5700-49 (11-88)

\* Regulations available upon request

**Certification Regarding  
Debarment, Suspension and Other Responsibility Matters**

The prospective 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 antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently 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.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

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Typed Name & Title of Authorized Representative

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Signature of Authorized Representative

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Date

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I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

**[NOTE: THIS FORM SHALL BE COMPLETED IN FULL AND SUBMITTED WITH THE BID PROPOSAL]**