

supplies, equipment, construction, and services; (2) assuring that small, minority and women's businesses are solicited whenever they are potential sources; (3) dividing total requirements when economically feasible, into small tasks or quantities to permit maximum participation of small, minority and women's businesses; (4) establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority and women's businesses; (5) using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; (6) requiring each party to a subcontract to take the affirmative steps of this section; and (7) Contractor is encouraged to procure goods and services from labor surplus area firms.

By the submission of its bid, the bidder, offer or, applicant, or subcontractor 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. He certifies 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 bidder, offer or, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certificate, the term "segregated facilities" means any waiting rooms, work areas, 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 and entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontract exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files, and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

Prospective Bidders should note that [these/this] contract(s) will include the following critical requirements as identified in the contract documents:

1. Affirmative Action Program Requirements and Goals
2. Certification of Non-Segregated Facilities
3. Specific Labor Standard Provisions
4. WV Contract Licensing Act – All bidders are required to have a WV Contractor's License per Section 30-42-12 of the WV Code.
5. Contractor's Build American, Buy American (BABA) Certification
6. DBE Requirements

All Bidders are required to have a West Virginia Contractor's License per Section §30-42-12 of the West Virginia Code

SUSPENSION AND DEBARMENT

Recipient shall not entertain the use of businesses that are listed on the 'System for Award Management (SAM)' at www.sam.gov in accordance with 2 CFR Part 1532 and Subpart B and C of 2 CFR Part 180.

DBE REQUIREMENTS

Each bidder must fully comply with the Disadvantaged Business Enterprises, and Affirmative Action requirements, as identified in the contract documents. The Bidder agrees to make "good faith efforts" to subcontract a portion of the total value of the contract to Disadvantaged Business Enterprises. This shall be done in compliance with the six (6) affirmative steps as outlined in 40 CFR 33.240. Failure to demonstrate positive efforts to do so may lead to rejection of bids. For this program, the term "subcontract" includes all construction, service, and modification work contracted for by the bidder in the execution of the work under this contract.

"NONDISCRIMINATION IN EMPLOYMENT"

Bidders on this work will be required to comply with the President's Executive Order No. 11246. The requirements for bidders and contractors under this order are explained in the specifications.

BUILD AMERICA, BUY AMERICA REQUIREMENT

P.L. 117-58, Infrastructure Investment and Jobs (IIJA) Act, 2021 (Act), includes a "Build America, Buy America (BABA)" requirement in Sections 70911 through 70917 that requires Clean Water State Revolving Loan Fund (CWSRF) and Drinking Water State Revolving Loan Fund (DWSRF) assistance recipients to use iron, steel, manufactured products, and construction materials that are produced in the United States for projects for the construction, alteration, maintenance, or repair of a public water system or treatment works.

NOTICE OF FEDERAL WAGE REQUIREMENTS

Contractors are required to comply with all laws pertaining to federal wage rates as issued in accordance with the Davis Bacon Act. The contractor will be required to pay the federal wage rates appropriate for each worker classification.

WV Alcohol and Drug Free Workplace Act

WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED DRUG-FREE WORKPLACE AFFIDAVIT MUST BE SIGNED AND SUBMITTED IN THE FIRST ENVELOPE AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED DRUG-FREE WORKPLACE AFFIDAVIT IN THE FIRST ENVELOPE SHALL RESULT IN DISQUALIFICATION OF SUCH BID.

Contractor's Sales Tax Exemption

The Town is exempt from West Virginia Sales Taxes and, by West Virginia Code §11-15-8d, can now extend this tax exemption to Contractors supplying goods on their behalf. The Contractor shall coordinate with the Town the filing of any and all applications to the State of West Virginia, exempting

the purchase of the specified Goods from West Virginia Sales Tax and hereby agrees to include the savings from such sales tax exemption in its total base bid.

A five percent (%5) Bid Bond or certified cashier's check must accompany all bids. The Owner reserves the right to waive any informalities or to reject any or all bids. Each Bidder must submit with his bid, security in the amount, form, and subject to the conditions provided for in the Information for Bidders.

No Bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

Owner: **TOWN OF TRIADELPHIA**
4453 National Road
Triadelphia, WV 26059

By: **Thomas Allietta**

Title: **MAYOR**

Date: **February 15, 2024**