

## **Required FAA Notices for Airport Solicitations**

The following solicitation notices are included in accordance with the requirements of the Federal Aviation Administration's Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects ("FAA Guidelines").

### **1. NOTICES APPLICABLE TO ALL SOLICITATIONS REGARDLESS OF FUNDING SOURCE**

#### **Title VI Solicitation Notice [FAA Guidelines A5.3.1]:**

The County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4), 28 CFR § 50.3, and 49 CFR Part 21, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, creed, age, or disability in consideration for an award.

#### **Federal Fair Labor Standards Act [FAA Guidelines A15.3]:**

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 C.F.R. Part 201, et seq., the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

Vendor has full responsibility to monitor compliance to the referenced statute or regulation. Vendor must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

### **2. SOLICITATION NOTICES REGARDING DISADVANTAGED BUSINESS ENTERPRISE**

#### ***2.A. If this solicitation has a DBE contract goal [FAA Guidelines A11.3.1]:***

County's award of this contract is conditioned upon Vendor satisfying the good faith effort requirements of 49 CFR § 26.53.

As a condition of responsibility, every Vendor must submit the following information on the forms provided herein within five days after bid opening.

- 1) The names and addresses of Disadvantaged Business Enterprise (DBE) firms that will participate in the contract;
- 2) A description of the work that each DBE firm will perform;
- 3) The dollar amount of the participation of each DBE firm listed under (1);
- 4) Written statement from Vendor that attests their commitment to use the DBE firm(s) listed under (1) to meet County's project goal;
- 5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
- 6) If Vendor cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by Vendor as described in appendix A to 49 CFR Part 26 including any

amendments thereto. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

[Note: the foregoing list of information required to be submitted as a matter of responsibility is in addition to the requirements of responsiveness and responsibility otherwise stated in the solicitation, including specifically the Bidders List Form which is a matter of responsiveness.]

For Design-Build projects: Only if indicated in the solicitation, proposers must meet the DBE goal by submitting a DBE Open-Ended DBE Performance Plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in paragraph (b) of 49 CFR § 26.53 that applies to design-bid-build contracts. To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amount) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, the recipient must provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. The recipient and the design-builder may agree to make written revisions of the OEPP throughout the life of the project, *e.g.*, replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.

***2.B. If this solicitation has no DBE contract goal [FAA Guidelines A11.3.2]:***

The requirements of 49 CFR Part 26 including any amendments thereto apply to this contract. It is the policy of County to practice nondiscrimination based on race, color, sex, or national origin in the award and performance of this contract. County encourages participation by all firms qualifying under this solicitation regardless of business size or ownership.

**3. NOTICE APPLICABLE TO ALL CONTRACTS EXCEEDING \$100,000**

**Lobbying and Influencing Federal Employees [FAA Guidelines 16.3]:**

This solicitation incorporates by reference the applicable requirements of the Byrd Anti-Lobbying Amendment, 31 USC § 1352, 2 CFR Part 200, Appendix II(I), and 49 CFR Part 20, Appendix A, as amended.

**4. NOTICE APPLICABLE TO CONTRACTS FOR EPA-DESIGNATED RECOVERED MATERIALS EXCEEDING \$10,000**

**Procurement of Recovered Materials [FAA Guidelines A18.3]:**

This solicitation incorporates by reference the applicable requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the implementing regulations of 40 CFR Part 247, 2 CFR § 200.323, and 2 CFR Part 200 Appendix II(J).

## **5. NOTICES APPLICABLE TO AIP-FUNDED CONTRACTS THAT REQUIRE, OR COULD RESULT IN THE INSTALLATION OF, MATERIALS CONSISTING PRIMARILY OF IRON, STEEL, OR MANUFACTURED GOODS AND CONSTRUCTION MATERIALS**

### **Buy American Preference [FAA Guidelines A3.3.1]:**

By submitting a response to this solicitation:

Vendor certifies that its bid/offer is in compliance with 49 U.S.C. § 50101, Build American, Buy American (BABA) and other related Made in America Laws, statutes, guidance, and FAA policies, which provide that Federal funds may not be obligated unless all iron, steel and manufactured goods used in AIP funded projects are produced in the United States, unless the Federal Aviation Administration has issued a waiver for the product; the product is listed as an Excepted Article, Material Or Supply in Federal Acquisition Regulation subpart 25.108; or is included in the FAA Nationwide Buy American Waivers Issued list.

Vendor must complete and submit the certification of compliance with FAA's Buy American Preference, BABA, and Made in America laws included herein with their bid or offer. County may reject as nonresponsive any bid or offer that does not include a completed certification of compliance with FAA's Buy American Preference and BABA.

Vendor certifies that all construction materials ("construction materials" means an article, material, or supply other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives that are or consist primarily of: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall) used in the project are manufactured in the United States.

Vendor certifies procurement of certain rolling stock using FAA grant funds will prohibit airports from using Federal financial assistance to procure buses or rail car vehicle rolling stock from covered entities.

## **6. NOTICES APPLICABLE TO ALL AIP-FUNDED CONTRACTS**

### **Davis-Bacon Requirements [FAA Guidelines A9.2]:**

This solicitation incorporates by reference the applicable requirements of the Davis-Bacon Act, 40 U.S.C. §§ 3141-3144, 3146, and 3147, as amended.

### **Certification of Vendor Regarding Debarment [FAA Guidelines A10.3.1]:**

By submitting a bid/proposal under this solicitation, Vendor certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

**Certification of Lower Tier Contractors Regarding Debarment [FAA Guidelines A10.3.2]:**

The successful bidder, by administering each lower tier subcontract that exceeds \$25,000 as a “covered transaction,” must confirm each lower tier participant of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in this federally-assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: <http://www.sam.gov>.
2. Collecting a certification statement similar to the Certification of Offeror /Bidder Regarding Debarment, above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract.

If the Federal Aviation Administration later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

**Foreign Trade Restriction Certification [FAA Guidelines A23.3]:**

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror –

- 1) is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
- 2) has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the USTR; and
- 3) has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC § 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR § 30.17, no contract shall be awarded to an Offeror or subcontractor:

- 1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR; or
- 2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or

- 3) who incorporates in the public works project any product of a foreign country on such USTR list.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

**Prohibition of Covered Unmanned Aircraft Systems (UAS) [FAA Guidelines A26.3]:**

Vendor certifies that they are aware of and comply with relevant Federal statutes and regulations, including those from the Federal Aviation Administration (FAA), for operating unmanned aircraft systems (UAS) in accordance, and in compliance with all related requirements in the FAA Reauthorization Act of 2024 (Public Law 118-63), section 936 (49 U.S.C. § 44801 note). Vendor warrants that all UAS operations will be conducted in full compliance with all applicable FAA regulations, including but not limited to 14 C.F.R. Part 107, and any other applicable local, state, or Federal laws and regulations.

Sponsors and subgrant recipients cannot use AIP grant funds to enter into, extend, or renew a contract related to covered UAS. This includes both procurement and operational contracts, as well as contracts with entities that operate such systems.