



180 MAKEOVER – BOONE COUNTY INVITATION TO BID

DATE:

August 9, 2024 – Revision v2

PROJECT + LOCATION

Jamestown Pizza King
49 W. Main Street
Jamestown, IN 46147

TYPE OF PROJECT

Landscaping

DEADLINE TO RESPOND

Responses due to Lori Hieston, Jamestown Clerk-Treasurer, by 12 pm EST on Friday, August 23, 2024

PROJECT SCOPE

- Provide and install 6" Coyote brand metal edging, install black paper and medium size river rock to area around concrete slab.
- Provide perennials such as Dappled Willow or similar around same concrete slab
- Bury current gutter downspout below ground, provide additional material if needed

Note: Specifications must include/allow for "or equal" substitutions of brand name products per 2 CFR 200.319.

BID RESPONSE

In your bid documents, please also outline the following:

- Expected timeline (projects must be completed no later than September 30, 2025)
- Your firm's relevant qualifications, certifications, or licenses

PAYMENT TERMS

The 180 Makeover program is a federally funded program (ARPA) and is reimbursement based. Contractors will submit requests for payments to the sub-recipient (municipality), which will submit a request for payment from the state. In addition to an invoice, the contractor shall also submit photos of the work performed in alignment with each invoice.

The first invoice is anticipated to take an average of 45 days to process, with the subsequent invoices typically moving through the system quicker.

CONTACTS

Town of Jamestown (Primary contact)

Lori Hieston, Clerk-Treasurer

clerk@townofjamestown.in.gov

765-577-7779

Jamestown Pizza King

Michelle Standeford, Owner

Michelle.standeford@gmail.com

765-577-1505

Boone EDC

Molly Whitehead, CEO

Molly@BetterInBoone.org

317-719-5268

GENERAL PROJECT INFORMATION

For projects with a construction cost of under \$150,000, the contractor will be procured through soliciting quotations for the work. Procurement shall comply with 2 CFR 200 and applicable Indiana Public Works bidding statutes for quotations (IC 1-12.4.7). The procurement process will include:

- Bidding shall comply with the Small Purchase procurement methods requiring soliciting quotations as identified in 2 CFR 200.320(a)(2).
- Quotes shall be invited from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specific office, as per IC 1-12-4.7(b). The notice shall be mailed or emailed not less than seven (7) days before the time fixed for receiving quotes.
- Davis-Bacon wages are not required unless the process receives \$10 million + in READI/ARPA funds.
- Awards shall be made to the lowest responsible and responsive quote per IC 1-12-4.7(b)(4).

This project is funded in part with the American Rescue Plan Act, Coronavirus State Fiscal Recovery Funds to the State of Indiana through the Indiana Economic Development Corporation (IEDC). IEDC is a pass-through subrecipient of federal monies granted and the Indianapolis Metropolitan Planning Organization (IMPO) is a lower tier subrecipient under the Federal Program. All regulations under this funding source are applicable.

CONTRACT PROVISIONS

All contract projects, regardless of cost, shall comply with and include the following contract provisions in the project specifications:

- Contract Provisions for Non-Federal Entity Contracts
 - In accordance with 2 CFR 200.327, all contracts made must contain and comply with the provisions of 2 CR [Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#). A copy of this document shall be included in the contract documents and must be attached to all contracts.
- System for Award Management
 - All first tier/prime contractor(s) must be registered and remain in compliance with 2 CFR Part 25, requiring registration in the Federal System for Award Management (SAM.gov) as amended from time to time, and 2 CFR Part 170, requiring reporting of subaward and executive compensation information, as amended from time to time.

- Small, Minority, and Women's Businesses
 - Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. If Contractor intends to let any subcontracts for a portion of the work, Contractor must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Efforts to encourage participation should be documented. Affirmative steps must include:
 - Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
 - Using the services and assistance, as appropriate, of such organizations at the Small Business Administration and the Minority business Development Agency of the U.S. Department of Commerce.

- Domestic Preferences for Procurement
 - As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirement of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
 - For purposes of this section:
 - "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous materials such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

- Procurement of Recovered Materials
 - Contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recover; and

establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

- Project Monitoring
 - Contractors shall provide full cooperation and access to its project sites and relevant documentation to the IMPO, IEDC, or its authorized designees for on-site or off-site monitoring review of project during the term of the contract and for up to ninety (90) days after it expires, or it otherwise terminated.
- Certification Concerning Telephone Solicitations
 - The Contractor and any principals of the Contractor affirms that, except for de minimis and nonsystematic violations, has not violated the terms of IC 24-4.7 (Telephone Solicitation of Consumers); IC 24-5-12 (Telephone Solicitations); or IC 24-5-14 (Regulation of Automatic Dialing Machines); in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law, all as amended from time to time; and that the contractor will not violate the terms of IC 24-4.7 for the duration of the contract, even if IC 24-4.7 is preempted by federal law, all as amended from time to time.
- Debarment and Suspension
 - The Contractor affirms by entering into this contract that the contractor, subcontractors, vendors, or other lower tier subrecipients under this Agreement are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from entering into this agreement by any federal agency or by any department, agency, or political subdivision of the State.
 - The Contractor shall provide the Owner and IMPO with information required to certify and verify the suspension and debarment status for all subcontractors, vendors or other lower tier subrecipients under this Agreement.
 - The Contractor shall immediately notify the Owner and IMPO if the contractor or any lower tier subcontractor becomes debarred or suspended and shall take all steps required by the IEDC to terminate its contractual relationship with the subcontractor for work to be performed under this Agreement.
- Compliance with the E-Verify Program
 - Pursuant to IC 22-5-1.7, the parties shall enroll in and verify the work eligibility of all newly hired employees of each party through the E-Verify program. A fully executed affidavit in the form attached affirming that each party does not knowingly employ an unauthorized alien and confirming the party's enrollment in the program shall be filed with the IMPO prior to execution of contracts.
- Information Technology
 - Any information technology related products or services purchased, used, or maintained through this project must be compatible with the principles and goals contained in the Electronic and Information Technology Accessibility Standards adopted by the Architectural and Transportation Barriers Compliance Board under Section 508 of the federal Rehabilitation Act of 1973 (29 USC 794d), as amended from time to time. The federal Electronic and

Information Technology Accessibility Standards can be found at:
<https://www.access-board.gov/ict.html>.

- Insurance – See next page

INSURANCE

The Contractor shall obtain insurance not less than the amounts shown below:

1. Commercial General Liability (Occurrence Basis)
Bodily injury, personal injury, property damage, Contractual liability,
product/completed operations

Each occurrence limit: \$1,000,000.00
Damage to rented premises: \$100,000.00 (each occurrence)
Medical expense limit: \$5,000.00
Personal & advertising injury limit: \$500,000.00
General aggregate limit: \$2,000,000.00 (other than products
completed operations)

NOTE: GENERAL AGGREGATE APPLY PER PROJECT
2. Auto Liability: \$1,000,000.00 (combined single limit)
(owned, hired & non-owned)
3. Excess/Umbrella Liability \$1,000,000.00 (each occurrence and
Aggregate)
4. Worker's Compensation Statutory
5. Employer's Liability
Bodily Injury accident \$100,000.00 each accident
Bodily injury by disease \$100,000.00 each employee
Bodily injury by disease \$500,000.00 policy limit

Certificates of Insurance, naming the subrecipient as an "additional insured," (Items 1-3 only) showing such coverage then in force (but not less than the amount shown above) shall be filed with the IMPO prior to commencement of any work. The coverages afforded under the policies shall not be cancelled or not renewed until at least thirty (30) days after written notice has been given to recipient. Upon cancellation, the subrecipient shall obtain a new insurance policy in accordance with this Section 10(C) and send a copy of the new policy to the IMPO.

ATTACHMENTS

1. E-Verify Affidavit
2. Appendix II to 2 CFR 200

E-VERIFY AFFIDAVIT

E-Verify. Pursuant to Indiana Code 22-5-1.7-11, the _____ entering into a contract with _____ is required to enroll in and verify the work eligibility status of all its newly hired employees through the E-Verify program. The _____ is not required to verify the work eligibility status of all its newly hired employees through the E-Verify program if the E-Verify program no longer exists.

The undersigned, on behalf of the _____, being first duly sworn, deposes and states that the _____ does not knowingly employ an unauthorized alien. The undersigned further affirms that, prior to entering into its contract with the _____, the undersigned _____ will enroll in and agrees to verify the work eligibility status of all its newly hired employees through the E-Verify program.

(_____): _____

By (Written Signature): _____

(Printed Name): _____

(Title): _____

Important - Notary Signature and Seal Required in the Space Below

STATE OF _____

SS:

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____,

20 ____

My commission expires: _____ (Signed) _____

Residing in _____ County, State of _____

This content is from the eCFR and is authoritative but unofficial.

Title 2 – Grants and Agreements

Subtitle A – Office of Management and Budget Guidance for Grants and Agreements

Chapter II – Office of Management and Budget Guidance

Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Source: 85 FR 49543, Aug. 13, 2020, unless otherwise noted.

Source: 85 FR 49539, Aug. 13, 2020, unless otherwise noted.

Authority: 31 U.S.C. 503

Source: 78 FR 78608, Dec. 26, 2013, unless otherwise noted.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- (A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (C) Equal Employment Opportunity. 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.”
- (D) 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.

- (E) 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.
- (F) 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.
- (G) 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 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).
- (H) 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 otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (I) 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.

(J) See § 200.323.

(K) See § 200.216.

(L) See § 200.322.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]