

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Real Estate Services



REQUEST FOR QUALIFICATION STATEMENTS
FOR
DESIGN AND INSTALLATION OF A REGENERATIVE STORMWATER
CONVEYANCE-POPE BRANCH STREAM
ANNOUNCEMENT NO.: DCKG-2010-R-0013

1.0 Background Information

The Government of the District of Columbia, Department of Real Estate Services, Contracting and Procurement is requesting on behalf of The District Department of the Environment (DDOE), technical proposals from selected architect and engineer (A/E) firms to design and install regenerative stormwater conveyance for an intermittent stream that discharges into Pope Branch Stream, a tributary of the Anacostia River. The work shall include the preparation of drawings and specification, obtaining necessary permits, and construct on a regenerative stormwater conveyance in accordance with the Scope of Work in **Attachment A**. This procurement is being funded by the District of Columbia with funds made available by the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (Recovery Act). The Contractor will be subject to the additional requirements included on **Attachment B**.

2.0 Evaluation and the Selection Process

Following submission of the technical proposals, the District will evaluate the information using specified evaluation criteria and will rank the firms from the most qualified to the least qualified to perform the work and begin contract price negotiations with the firm ranked the highest. Should the District and the highest ranked firm fail to successfully reach agreement through negotiations in a reasonable period of time, the District retains the unilateral right to cease negotiations and to immediately commence negotiations with the next highest ranked firm.

3.0 Technical Proposal Evaluation

The following evaluation criteria, listed in descending order of importance, will be used to evaluate technical proposals:

- a. Professional qualifications necessary for satisfactory performance of the requires services
- b. Specialized experience and technical competence including familiarity with and experience of designs and installation of regenerative stormwater conveyance.

- c. Key Personnel-shall be senior personnel who have experience in designing projects requiring similar design scope and budget. Availability and experience of the key individuals assigned to this project will be evaluated.
- d. Past performance on contracts with the District, other government entities, and private industry in terms of cost control, quality of work and compliance with performance schedules.
- e. Proposed management plan to include an organized chart and addresses management approach, team organization, quality control procedures, cost control mechanisms, “in-house” disciplines, specialty consultants and subcontractors, the percentage of time each individual will devote to the project, customer servicing, technological support mechanism (CADD, Project Management software, etc), and as well as the coordination of all resources to achieve project objectives.
- f. Experience in obtaining plan review permits as well as the firm’s general approach to, and relationship with “external input” to the design process, DC agencies, and other outside organizations.

4.0 Legal/Compliance Requirements:

- a. This architect-engineer selection shall be in accordance with the provisions of 27 DCMR, Chapter 26.
- b. Firms are referred to the D.C. Code that specifies legal requirements pertaining to providing professional engineering services in the District of Columbia. Refer to Chapter 6, “District of Columbia Professional Corporation Act” and Chapter 23 “Professional Engineer’s Registration Act” of the D.C. Code.
- c. Contracts to be awarded as a result of this Request will include the requirements contained in the Mayor’s Order 92-138 that sets goals for service contractor’s employments of District of Columbia residents, and sanctions for failure to achieve those goals. Responding firms should assure themselves that they are fully aware of the requirements of the Mayor’s Order 92-138.
- d. Prior to entering into a contract with the District of Columbia as a result of this Request, firm(s) selected for contract award shall assure the District by submitting duly sign company’s EEO policy statement that they are an Equal Opportunity Employer as defined by Federal and District of Columbia Laws.
- e. If Offeror plans to subcontract any portion of this work to other firms, at least 35% of the dollar volume of the work shall be subcontracted to firms that are Small Business Enterprises (SBE) certified by the Department of Small and Local Business Development (DSLBD) under the provisions of the “Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005” (the Act), Title II, Subtitle N, of the “Fiscal Year 2006 Budget Support Act of

2005”, as amended. If there are insufficient qualified SBE that are certified to completely fulfill this requirement, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprise provided however, that all reasonable efforts shall be made to ensure that qualified SBE’s are significant participants in the overall subcontracting work. **Approval of the firm’s subcontracting plan by the Contracting Officer is a necessary condition for contract award.**

5.0 Technical and Fee Proposal Submission Requirements:

Offerors shall include the following in their technical submittals:

- a. GSA Standard Form 330 Parts 1&2 listing three (3) projects performed within the last five years that are relevant to the requirements of this Request with verifiable references including up-to-date names and phone numbers of contacts of those projects.
- c. Summary qualifications and experience of staff members who would be assigned to the project including proposed subcontracts, teaming arrangements etc.
- d. Narrative and illustrative materials necessary to adequately address the evaluation criteria.

The total amount of material submitted should not exceed 7 two-sided, 8 1/2” x 11” pages, or 15 surfaces, letters, illustrative materials and other supplemental information included. No fold-out sheets.

Offerors shall also submit a fee proposal.

Offerors shall submit an original and 3 copies of the technical proposal and an original copy of the price proposal to:

Tonya Mills
Contracting Specialist
Department of Real Estate Services
2000 14th Street, NW 5th Floor
Washington, D.C. 20009

Each proposal shall be submitted in a sealed envelope conspicuously marked on the outside:

**Proposal in Response to: Ann# DCKG-2010-R-0013
“Design and Installation of a Regenerative Stormwater Conveyance-Pope Branch”**

These materials must be submitted by **2:00 p.m. local time on November 9, 2009**, for consideration. Documents received after this time will not be considered. Absolutely no electronic submissions will be accepted. However, firms may be asked to provide electronic copies of their proposals in PDF format subsequent to the formal submission. For technical questions or clarification, please contact Stephen Reiling at (202) 535-2244. For contractual questions or clarification, please contact Tonya Mills at (202) 671-2255 or email at tonya.mills@dc.gov.

Sincerely,

Diane Wooden
Contracting Officer

cc: Stephen Reiling (DDOE)
Debor Dosunmu (DRES)

Appendix:

- A-Scope of Work

Downloadable Reference Information:

- District of Columbia Department of Small and Local Business Development (<http://dslbd.dc.gov>)

**DISTRICT DEPARTMENT OF THE ENVIRONMENT
WATERSHED PROTECTION DIVISION**

**SCOPE OF WORK FOR THE DESIGN AND INSTALLATION OF THREE
REGENERATIVE STORMWATER CONVEYANCES IN POPE BRANCH PARK IN
SOUTHEAST WASHINGTON, DC.**

The purpose of this project is to prepare drawings and specifications, obtain necessary permits, and construct three regenerative stormwater conveyances for three stormwater outfalls that release stormwater into the Pope Branch Stream, a tributary of the Anacostia River. This project is being funded through the American Recovery and Reinvestment Act (stimulus funds).

Project Summary

The Watershed Protection Division will coordinate the design and construction of three regenerative stormwater conveyances for three stormwater outfalls located at Texas Ave, SE at south edge of Pope Branch Park; 35th St., SE at the south edge of Pope Branch Park; and at the intersection of Pope St., Nash St., and 34th St., also at the south edge of Pope Branch Park. An additional element is to install soil stabilization practices such as erosion control webbing or tubular soil stabilization (such as SiltSock) in an area just north of the intersection of 34th St., Nash St. and Pope St. This project is being funded through the American Recovery and Reinvestment Act (stimulus funds). All property is located on land owned by the District of Columbia's Department of Parks and Recreation (DPR) and some work will be performed on stormwater pipes which are property of the DC Water and Sewer Authority (DCWASA). The project area is located north of Pope St. SE in the Pope Branch Park (see attached map). This scope of work is for the design, permitting, and construction of these regenerative stormwater conveyances at the three aforementioned stormwater outfall locations and installation of hillside stabilization practice in the aforementioned area. A regenerative stormwater conveyance, also known as a coastal plain outfall, is a specialized type of low impact development technique that uses stream restoration techniques to create a dependable open channel conveyance with pools and riffle-weir grade controls to create a system of physical features, chemical processes, and biological mechanisms that greatly reduce erosive forces and positively impact the ecology of a drainage area.

Background

Located in southeast Washington, DC, Pope Branch is a 1.6-mile first-order tributary of the Anacostia River. The entire stream lies within DC city boundaries, originating west of Fort Davis Drive and flowing in a northwesterly direction towards the Anacostia. A portion of this stream (1,700 linear feet or 20%) is piped beginning at Fairlawn Ave. SE and ending at an outlet to the Anacostia. The Pope Branch subwatershed encompasses a 248.5-acre area and is roughly bounded by Alabama Avenue to the east, Pennsylvania Avenue to the south, and Massachusetts Avenue to the north. The project area for the three regenerative stormwater conveyances (RSCs) is in the southeastern most portion of the park bordered by Fort Davis Dr. to the east and Branch Ave. to the west.

The heavily urbanized character of the Pope Branch watershed, and its consequent imperviousness, produce conditions for flashy and intense stream channel flows, even during the most moderate of storm events. The resulting hydrologic alterations to natural stream equilibrium have deteriorated the water quality of Pope Branch, and degraded natural habitat. As watershed analysis has revealed, the erosion of its stream banks during storm events is the primary cause of sedimentation within Pope Branch. This project in collaboration with a larger

scale stream restoration and sewer line rehabilitation project managed by DCWASA in partnership and with funding support from DDOE & DPR will slow, control and filter the water coming from the stormwater outfalls that lead into the stream.

In 2003 the District Department of the Environment (DDOE), then called the Department of Health, Environmental Health Administration, underwent a planning process where it developed Watershed Implementation Plans (WIPs) for each of the District's priority restoration watersheds. As one of these targeted areas, the DDOE developed a prioritized list of restoration opportunities in the Pope Branch Watershed. Since DDOE produced its WIP for Pope Branch DDOE has worked with DPR, DCWASA, non-profit partners and local community groups to undertake projects and activities that can improve the quality of the Pope Branch Park and the quality of the stream itself.

The three stormwater outfalls have caused substantial erosion along the southern hillside of the stream and if left unattended the flow of water from the stormwater outfalls could damage the works performed in the larger stream restoration work. Without installing RSCs the stormwater flow into the stream could lead to further erosion and stream bank destruction.

Installing three regenerative stormwater conveyances in this section of the Pope Branch watershed will improve water quality at the outfalls and downstream water quality by reducing nutrient and sediment pollution from erosion caused by fast flowing stormwater by creating step pools and infiltration zones. The aim of this project is to use an environmentally friendly technique that can slow and filter stormwater thus reducing erosion and high sediment and nutrient levels in the stream.

There are two governmental agencies involved in this project, the District Department of the Environment and the Department of Parks and Recreation as well as a legislatively mandated body, the District of Columbia's Water and Sewer Authority. A letter of cooperation among partner agencies has been executed for this project. This scope of work covers the complete restoration project for the three aforementioned stormwater outfalls including full and complete engineering designs for the three regenerative stormwater conveyances, permitting, construction of the project, and warrantee of work of three years. This Scope of Work also includes language detailing the need for the "contractor" to work with, consult, and plan activities in conjunction with the contractor in charge of the larger stream restoration work.

Project Tasks

Task 1 – Design & Construction Management

The overall supervision and management of the project design and construction is included in this task. This includes project planning, budgeting, scheduling, and performance. Some of the major activities provided by this task include.

- Coordination and collaboration with DDOE project manager, DPR, DCWASA and the contractor hired by DCWASA to implement the larger sewer rehabilitation and stream restoration project
- Attendance of kick off meeting and up to 3 additional meetings to cover the tasks described below.
- Documentation of meetings through minutes and dispersal of meeting minutes to all project partners.
- Establish and maintain lines of communication with DDOE project manager.
- Prepare invoices.
- Prepare schedule and update progress made towards this schedule on a monthly basis in writing.
- Other management tasks as necessary.

Task 2 – Determine Current Site Characteristics

Subtask 1 – Review and record existing information for the site including locations and depths of sanitary and storm sewers and utilities (if any), and surveys of land plats and ownership points.

Subtask 2 – Perform field reconnaissance of existing conditions. Survey the study area including the drainage area and existing vegetation focusing on conserving site canopy cover. Perk tests and studies of area geology, soil types, and depth of the water will only be necessary if required by permit reviewers.

Subtask 3 – Estimate stormwater flows into and out of the restoration area.

Task 3 – Provide Draft Designs

Prior to starting detailed design documents the contractor will meet with DDOE to outline recommendations for the regenerative stormwater conveyance including:

- ❖ Base maps showing existing conditions as determined through existing documents and field reconnaissance; and
- ❖ Proposed regenerative stormwater conveyance plan including preliminary cost estimates and drawings based upon design criteria established through discussions with DDOE.
- ❖ Consult with the sewer rehabilitation and stream restoration contractor to ensure continuity of designs and projects

Task 4 – Design Stormwater Conveyance Plans

Based on the design alternative accepted by the project partners, the contractor will design plans and specifications for the three regenerative stormwater conveyances in the project area. The design plans will include the location and type of structures to be utilized in the regenerative outfall conveyance.

Erosion control and storm water infiltration will be designed to simulate a natural watercourse while slowing stormwater flows and preventing future

erosion. To the extent possible, outfall structures will incorporate natural materials in regenerative stormwater conveyance, and vegetative cover will simulate the natural conditions of this portion of Pope Branch. Earth excavations and tree removal for the restoration work will be minimized and excavated material and cut trees will be reused on site when possible. All construction activities will be designed to minimize the surface disruption and limits of disturbance in the project area.

The design documents will include:

- Base maps from surveys and background information;
- Contract plans and specifications including an operations plan for construction;
- Outfall alignment based on the selected design alternative;
- Erosion control plans
- Layout of stormwater piping based on selected design alternative; and
- Identification of the locations and requirements for contractor storage/lay down areas, access roads, and limits of construction.

A comprehensive operations plan will be developed by the contractor. The operations plan will include an erosion control plan, an access road plan, identification of the contractor lay down area(s), specified work zone limits, and safety regulations. The operations plan will address prevention of damage to lands outside of the accepted limits of disturbance. The operations plan will consider the park and residential character of the project area and make appropriate recommendations for hours of work. The operations plan will also include details of agreements with DCWASA to work on or near their stormwater pipes.

The operations plan will also address the timing of each phase of construction, and specify the size and type of materials and machinery needed for the restoration work. To the extent possible any specific methodologies required to reduce the environmental impact of the restoration work will be provided (i.e. use of rubber tracked vehicles or the placement of materials to reinforce land to be driven on by heavy machinery).

Task 5 – Hillside stabilization at 34th St. SE

The valley slope immediately north of the intersection of 34th and Pope St. SE is in need of hillside stabilization to prevent the loss of two large trees. This task involves installing soil stabilization practices such as erosion control webbing or tubular soil stabilization (such as SiltSock). The area of hillside is approximately 75 ft. long by 40 ft. wide. This work can be installed without permitting once the approach has been agreed to by DDOE. Included in this task is selecting and planting at least 25 shrubs and 50 understory plants on the hillside after the particular technology is installed.

Task 6 – Obtain Necessary Permits for Construction

Regenerative stormwater conveyance designs will have to go through the DDOE, Watershed Protection Division plan review process and complete any necessary permit applications such as stormwater and sediment and erosion control permits. The DDOE will not waive permits but will provide assistance in obtaining permits.

Other construction permits may be required including, but not limited to, permits for staging equipment in public space and traffic management. The contractor will be required to examine which permits will be needed for this project and will obtain them accordingly.

Task 7 – Construct Regenerative Stormwater Conveyance

Using the specifications from the design documents and operations plan accepted by the project partners, the contractor will install the regenerative stormwater conveyance in the project area. The contractor will have a construction foreman who is on-site daily to oversee the installation work. The foreman duties shall include:

- Making sure that appropriate erosion and sediment control measures are installed and maintained;
- Checking to see that the materials used meet the standards of the design specifications;
- Ensuring that the structures installed are within the specifications included in the design documents; and
- Making certain that the operations plan is followed and work is contained to within the limits of disturbance so that the environmental impact to the site is minimized.
- Coordinate activities and actions with the DCWASA contractor for the larger sewer rehabilitation and stream restoration project.

Task 8 - Warrantee

By accepting this contract, the receiving party agrees to provide a 2 year warrantee for the work completed through this contract. This warrantee includes:

- Addressing any unanticipated erosion problems in the construction area;
- Replanting vegetation if more than 15% (as defined by canopy coverage) dies; and
- Replacing or repairing any stone or rock that has moved due to unanticipated stormwater events or any other reason.

**PROVISIONS APPLICABLE TO PROCUREMENTS UNDER THE AMERICAN
RECOVERY AND REINVESTMENT ACT**

ATTACHMENT B

**PROVISIONS APPLICABLE TO PROCUREMENTS UNDER THE AMERICAN
RECOVERY AND REINVESTMENT ACT**

I. APPLICABILITY OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

This procurement is being funded by the District of Columbia with funds made available by the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (Recovery Act), and is subject to the reporting and operational requirements of the Recovery Act. All contractors and subcontractors are subject to audit by appropriate federal and District entities. The District has the right to cancel, terminate or suspend the contract if the Contractor or any subcontractor fails to comply with the reporting or operational requirements of the Recovery Act, as it may be amended.

II. REPORTING

1. In addition to the other reporting requirements in this contract, the Contractor shall comply with all reporting requirements of the Recovery Act, as follows:

(a) *Definitions.* As used in this clause—

“Contract” means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications.

“First-tier subcontract” means a subcontract awarded directly by a prime contractor whose contract is funded by the Recovery Act.

“Jobs created” means an estimate of those new positions created and filled, or previously existing unfilled positions that are filled, as a result of funding by the Recovery Act. This definition covers only prime contractor positions established in the United States and outlying areas. The number shall be expressed as “full-time equivalent” (FTE), calculated cumulatively as all hours worked divided by the total number of hours in a full-time schedule.

“Jobs retained” means an estimate of those previously existing filled positions that are retained as a result of funding by the Recovery Act. This definition covers only prime contractor positions. The number shall be expressed as FTE, calculated cumulatively as all hours worked divided by the total number of hours in a full-time schedule.

“Total compensation” means the cash and noncash dollar value earned by the executive during the Contractor’s past fiscal year of the following (for more information see 17 CFR 229.402(c)(2)):

(1) *Salary and bonus.*

(2) *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance

with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

(3) *Earnings for services under non-equity incentive plans.* Does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

(4) *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

(5) *Above-market earnings on deferred compensation which is not tax-qualified.*

(6) *Other compensation.* For example, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property if the value for the executive exceeds \$10,000.

(b) This contract requires the Contractor to provide products and/or services that are funded under the Recovery Act. Section 1512(c) of the Recovery Act requires each contractor to report on its use of Recovery Act funds under this contract. These reports will be made available to the public.

(c) Reports from contractors for all work funded, in whole or in part, by the Recovery Act, and for which an invoice has been submitted are due no later than 5th calendar day after the end of each month.

(d) Unless otherwise directed by the Contracting Officer, the Contractor shall report the following information, using the online reporting tools available at www.reporting.dc.gov :

- (1) The contract and order number, as applicable.
- (2) The amount of Recovery Act funds invoiced by the Contractor for the reporting period.
- (3) A list of all significant services performed or supplies delivered, including construction, for which the Contractor invoiced in the previous month.
- (4) Program or project title, if any.
- (5) A description of the overall purpose and expected outcomes or results of the Contract, including significant deliverables and, if appropriate, associated units of measure.
- (6) An assessment of the Contractor's progress towards the completion of the overall purpose and expected outcomes or results of the contract (*i.e.*, not started, less than 50 percent completed, completed 50 percent or more, or fully completed). This covers the contract (or portion thereof) funded by the Recovery Act.
- (7) Names and total compensation of each of the five most highly compensated officers of the Contractor for the calendar year in which the contract is awarded if—
 - (i) In the Contractor's preceding fiscal year, the Contractor received—
 - (A) 80 percent or more of its annual gross revenues from federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and
 - (B) \$25,000,000 or more in annual gross revenues from federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

- (ii) The public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.
- (8) For subcontracts valued at less than \$25,000 or any subcontracts awarded to an individual, or subcontracts awarded to a subcontractor that in the previous tax year had gross income under \$300,000, the Contractor shall only report the aggregate number of such first tier subcontracts awarded in the quarter and their aggregate total dollar amount.
- (9) For any first-tier subcontract funded in whole or in part under the Recovery Act, that is over \$25,000 and not subject to reporting under paragraph 8, the Contractor shall require the subcontractor to provide the information described in (i), (ix), (x), and (xi) below to the Contractor for the purposes of the quarterly report. The Contractor shall advise the subcontractor that the information will be made available to the public as required by section 1512 of the Recovery Act. The Contractor shall provide detailed information on these first-tier subcontracts as follows:
 - (i) Unique identifier (DUNS Number) for the subcontractor receiving the award and for the subcontractor's parent company, if the subcontractor has a parent company.
 - (ii) Name of the subcontractor.
 - (iii) Amount of the subcontract award.
 - (iv) Date of the subcontract award.
 - (v) The applicable North American Industry Classification System (NAICS) code.
 - (vi) Funding agency.
 - (vii) A description of the products or services (including construction) being provided under the subcontract, including the overall purpose and expected outcomes or results of the subcontract.
 - (viii) Subcontract number (the contract number assigned by the prime contractor).
 - (ix) Subcontractor's physical address including street address, city, state, and country. Also include the nine-digit zip code and congressional district if applicable.
 - (x) Subcontract primary performance location including street address, city, state, and country. Also include the nine-digit zip code and congressional district if applicable.
 - (xi) Names and total compensation of each of the subcontractor's five most highly compensated officers, for the calendar year in which the subcontract is awarded if—
 - (A) In the subcontractor's preceding fiscal year, the subcontractor received—
 - (1) 80 percent or more of its annual gross revenues in federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and
 - (2) \$25,000,000 or more in annual gross revenues from federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and
 - (B) The public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.
- (10) A narrative description of the employment impact of work funded by the Recovery Act. This narrative should be cumulative and only address the impact on the Contractor's workforce. At a minimum, the Contractor shall provide—

- (i) A brief description of the types of jobs created and jobs retained. This description may rely on job titles, broader labor categories, or the Contractor's existing practice for describing jobs as long as the terms used are widely understood and describe the general nature of the work; and
- (ii) An estimate of the number of jobs created and jobs retained by the prime contractor. A job cannot be reported as both created and retained.

(11) A unique identifier for each of the Contractor's employees working on a project funded by the Recovery Act. The unique identifier will be the employee's last name combined with the last three numbers of their social security number.

(12) Total hours worked on work funded by the Recovery Act by each employee utilizing the unique identifier.

2. The Contractor shall designate a responsible contact person who will ensure that the data described in Section II.1 is reported by the required time. The Contractor designates the following person as the contact person:

Name: _____

Title: _____

Address: _____

Telephone: _____

Email address: _____

3. A cumulative amount from all the reports submitted for this contract will be maintained by the District's on-line reporting tools.

4. The Contractor shall not use Recovery Act funds to meet the cost of its tracking and reporting requirements under its Recovery Act contracts.

III. POSTING AVAILABLE JOB OPENINGS

The Contractor shall promptly post all new job openings on the District Department of Employment Services' website at www.dcnetworks.org.

IV. ACCESSIBILITY TO RECORDS REQUIREMENTS

- 1. Pursuant to section 1514 of the Recovery Act, the Contractor agrees to allow any appropriate federal entity, including an inspector general:
 - a) access to examine any records of the Contractor and any subcontractor pursuant to this contract that pertain to, and involve transactions relating to, this Contract or any subcontract under this Contract; and
 - b) to interview any officer or employee of the Contractor, or any subcontractor, regarding such transactions.

2. Pursuant to section 902 of the Recovery Act, the Contractor agrees to allow the Comptroller General and his representatives:
 - a) access to examine any records of the Contractor or any of its subcontractors that directly pertain to, and involve transactions relating to the Contract or subcontract under this Contract; and
 - b) to interview any officer or employee of the contractor or any of its subcontractors regarding such transactions.

IV. EQUAL EMPLOYMENT OPPORTUNITIES

In addition to the District's equal opportunity requirements, the Contractor shall comply with, and require its subcontractors to comply with, all of the following federal laws for equal employment opportunities, if applicable:

Titles VI and VII of the Civil Rights Act of 1964
Equal Pay Act of 1962
Age Discrimination in Employment Act of 1967
Title IX of the Educational Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Age Discrimination Act of 1975
Titles I and V of the Americans with Disabilities Act of 1990
Fair Housing Act
Fair Credit Reporting Act
Equal Educational Opportunities Act
Uniform Relocation Act

V. WHISTLEBLOWER PROTECTIONS

1. Pursuant to Section 1553 of the Recovery Act, the Contractor and all subcontractors are prohibited from discharging, demoting or otherwise discriminating against any employee of the Contractor or any subcontractor as a reprisal for disclosing any of the following information that the employee reasonably believes is evidence of:
 - a) gross mismanagement of the Contract related to Recovery Act funds;
 - b) gross waste of Recovery Act funds;
 - c) a substantial and specific danger to public health or safety related to the implementation or use of Recovery Act funds;
 - d) an abuse of authority related to the Contract, including the competition for or negotiation of the contract, related to Recovery Act funds; or
 - e) a violation of law, rule or regulation related to Recovery Act funds.
2. The inspector general shall receive and investigate all complaints alleging a violation of Paragraph 1 of this section.
3. All contractors and subcontractors receiving Recovery Act funds shall post a notice of employee rights as described in Paragraph 1 of this section in conspicuous locations with other required employee rights information.

VI. ADDITIONAL PROVISIONS APPLICABLE TO CONSTRUCTION CONTRACTS

1. Department of Labor Wage Determinations

a) The Contractor and its subcontractors shall pay all laborers and mechanics wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (Davis-Bacon Act). With respect to the labor standards, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code. The Contractor shall be bound by the wage rates for the term of the Contract.

b) All rulings and interpretations of the Davis-Bacon and related Acts contained in 20 CFR Parts 1, 3 and 5 are herein incorporated by reference in this Contract.

2. Buy American

a) Pursuant to Section 1605 of the Recovery Act, the Contractor and all subcontractors must use steel, iron and manufactured goods that have been produced in the United States, unless the Government determines one of the following:

- (i) The use of those materials would be inconsistent with the public interest;
- (ii) That there is an insufficient quantity or quality of steel, iron or relevant manufactured goods that were produced in the United States; or
- (iii) The use of those materials would increase the cost of the project by more than twenty-five percent (25%).

b) The Contractor may seek a waiver from the Buy American requirements by appealing to the appropriate agency under the rules at 2 CFR Part 176.

VI. PROVISIONS APPLICABLE TO SUBCONTRACTORS

The Contractor shall provide a copy of this Attachment B to all of its subcontractors under this Contract.