

## Attachment 1

### Statement of Assurances

# Redmond Municipal Airport Terminal Building Expansion Project City Project No. AP2205

Proposer: \_\_\_\_\_

The Proposer understands that in responding to this RFP, the Proposer agrees to comply with all applicable federal, state, and local laws, regulations and requirements related to the RFP and performance of any resulting contract, including, without limitation, those referenced in this RFP.

Below are a list of assurances, statements, and certifications that Proposer must agree to, certify and/or complete.

1. PROPOSER'S RESIDENCY STATEMENT (Complete Form)
2. INDEPENDENT CONTRACTOR CERTIFICATION (Complete Form)
3. TAX COMPLIANCE STATEMENT
4. NON-DISCRIMINATION STATEMENT
5. CERTIFICATION OF PROPOSER REGARDING TAX DELINQUENCY AND FELONY CONVICTIONS (Complete Form)
6. PREVAILING WAGE RATE COMPLIANCE STATEMENT (Complete Form)
7. DRUG TESTING POLICY STATEMENT
8. CERTIFICATION OF COMPLIANCE WITH FAA BUY AMERICAN PREFERENCE – BUILDING PROJECTS (Complete Form)
9. PROPOSER CERTIFICATION AND SIGNATURE (Complete Form)

**PROPOSER'S RESIDENCY STATEMENT**

Pursuant to ORS 279A.120, public contracting agencies shall, for the purpose of determining the lowest responsible bidder and the awarding of a contract, add a percent increase on the bid of a non-resident bidder equal to the percent, if any, of the preference given to that bidder in the state in which the bidder resides. For purposes of this CM/GC solicitation, City will add any applicable percent increase to a non-resident Proposer's total price proposal as stated on the Price Proposal Form (Attachment 4). For purposes of this residency statement, the Proposer may assume that references to "Bidder" also means "Proposer" and "Bid" also means "Price Proposal."

As defined in ORS 279A.120, "Resident Bidder" means a bidder that has paid unemployment taxes or income taxes in this state in the twelve calendar months immediately preceding submission of the bid, has business address in this state, and has stated in the bid whether the bidder is a "Resident Bidder". A "Non-resident Bidder," is a bidder who does not meet the definition of a Resident Bidder as stated above.

1. Bidder  IS or  IS NOT (check one) a Resident Bidder as set forth above.

2. If a Resident Bidder, enter your Oregon Business Address:

\_\_\_\_\_  
\_\_\_\_\_

3. If a Non-resident Bidder, enter state of residency:

\_\_\_\_\_  
\_\_\_\_\_

**INDEPENDENT CONTRACTOR CERTIFICATION**

To establish status as an “Independent Contractor” as defined in ORS 670.600, certain standards must be met by the individual or business entity performing that work.

The undersigned certifies that he/she/the business entity meets the following standards:

1. The individual or business entity providing labor or services is registered under ORS Chapter 701 “Construction Contractors and Contracts,” if the individual or business entity provides labor or service for which such registration is required; and
2. Federal and state income tax returns in the name of the business or business Schedule C or farm Schedule F as part of the personal income tax return were filed for the previous year if the individual or business entity performed labor or services as an independent contractor in the previous year; and
3. The individual or business entity represents to the public that labor or services are to be provided by an independently established business. Except when the individual or business entity files a Schedule F as part of the personal income tax returns and the individual or business entity performs farm labor or services that are reportable on Schedule C, an individual or business entity is considered to be engaged in an independently established business when four or more of the following circumstances exist.

Proposer is to check four or more of the following:

- Proposer’s labor or services are primarily carried out at a location that is separate from the residence of an individual who performs the labor or services, or are primarily carried out in a specific portion of the residence, which portion is set aside as the location of the business;
- Proposer’s commercial advertising or business cards are customary in operating similar businesses, are purchased for the business, or the individual or business entity has a trade association membership;
- Proposer’s telephone listing and service are used for business that is separate from the personal residence listing and services used by an individual who performs the labor or services;
- Proposer’s labor or services are performed only pursuant to written contracts;
- Proposer’s labor or services are performed by two or more different persons within a period of one year; or
- Proposer assumes financial responsibility for defective workmanship or for services not provided as evidenced by the ownership of performance bonds, warranties, errors and omissions insurance, or liability insurance relating to the labor or services to be performed.

**TAX COMPLIANCE STATEMENT**

In compliance with ORS 305.385(6), Proposer, as provider of goods, services, or real estate space to the City of Redmond, hereby certifies under penalty of perjury that to the best of the undersigned's, Proposer is not in violation of any Oregon tax described in ORS 305.380(4).

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**NON-DISCRIMINATION CERTIFICATION**

Pursuant to ORS 279A.110, discrimination in subcontracting is prohibited. Any contractor who contracts with a public contracting agency shall not discriminate against a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business in awarding a subcontract.

By signature of the authorized representative of the Proposer, the Proposer hereby certifies to City that the Proposer has not discriminated against a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business in obtaining any subcontracts and that if awarded the contract for which this Proposal is submitted, will not so discriminate.

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**CERTIFICATION OF PROPOSER REGARDING TAX DELINQUENCY AND FELONY CONVICTIONS**

Proposer must complete the following two certification statements. The applicant must indicate its current status as it relates to tax delinquency and felony conviction by inserting the letter "X" in the space following the applicable response. Proposer agrees that, if awarded a contract resulting from this Proposal, it will incorporate this provision for certification in all lower tier subcontracts.

- 1) Proposer represents that **it is** / \_\_\_\_\_ / **is not** / \_\_\_\_ / a business entity that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
  
- 2) Proposer represents that **it is** / \_\_\_\_\_ / **is not** / \_\_\_\_ / a business entity that was convicted of a criminal violation under any federal law within the preceding 24 months.

**PREVAILING WAGE RATE COMPLIANCE STATEMENT**

Any contracts resulting from this RFP may be subject to the state prevailing wage rates under ORS 279C.800 to 279C.870, the federal prevailing wage rates under the Davis-Bacon Act (40 U.S.C. 3141 et seq.), or both. The Contractor is responsible for adhering to state and federal wage payment requirements and paying the higher of the state prevailing wage or federal prevailing wage on projects subject to both state and federal prevailing wage law.

Proposer agrees to be bound by and will comply with ORS 279C.838, 279C.840 or 40 U.S.C. 3141 to 3148, as applicable when performing under any contract concerning the Redmond Municipal Airport Terminal Building Expansion Project.

COMPANY NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
TITLE \_\_\_\_\_  
DATE \_\_\_\_\_

- Applicable prevailing wage rates are those in effect at the time the CM/GC Contract becomes a public works contract pursuant to OAR 839-025-0020(8) or as otherwise determined by the Commissioner of BOLI. Workers must be paid not less than the applicable state or federal prevailing wage rate, whichever is higher. ORS 279C.830.
- The Contractor and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the Project. Every subcontractor is required to have a public works bond filed with the Construction Contractors Board before starting work on the Project. ORS 279C.836.
- If the Contractor fails to pay for labor and services, City can pay for them and withhold these amounts from payments to the Contractor. ORS 279C.515; OAR 839.025.0020.
- The Contractor must pay daily, weekly, weekend and holiday overtime as required. ORS 279C.520; OAR 839-025-0020.
- The Contractor must make prompt payment for all medical services and workers' compensation for which the Contractor has agreed to pay, and for all amounts for which the Contractor collects or deducts from the worker's wages. ORS 279C.530; OAR 839-025-0020.
- The Contractor must give written notice to its workers of the number of hours per day and days per week they may be required to work. OAR 839-025-0020.

BOLI Contact:  
Bureau of Labor and Industries  
Wage and Hour Division  
Prevailing Wage Unit  
800 N. Oregon Street, #1045  
Portland, OR 97232  
[www.oregon.gov/BOLI](http://www.oregon.gov/BOLI)

**DRUG TESTING POLICY STATEMENT**

Proposer certifies that the provisions of ORS 279C.505(2) requiring a written employee drug-testing program is in place for the Proper’s employees that include, at a minimum, the following:

- Drug testing for all new employees working on a project site and drug testing for all employees every six months on a random selection basis, and
  - Testing of an employee working on a project site when Contractor has a reasonable cause to believe the subject employee is under the influence of drugs, and
  - Testing of an employee working on a project site who is involved in an incident causing death, injury requiring medical treatment, or damage to property or equipment.
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**CERTIFICATION OF COMPLIANCE WITH FAA BUY AMERICAN PREFERENCE – BUILDING PROJECTS**

As a matter of responsiveness, the Proposer must complete, sign, date, and submit this certification statement with their Proposal. The Proposer must indicate how they intend to comply with 49 USC § 50101, and other Made in America Laws, U.S. statutes, guidance, and FAA policies by selecting one on the following certification statements. These statements are mutually exclusive. Proposer must select one or the other (not both) by inserting a checkmark (✓) or the letter “X”.

- Proposer hereby certifies that it will comply with 49 USC § 50101, BABA and other related U.S. statutes, guidance, and policies of the FAA by:
  - a) Only installing steel and manufactured products produced in the United States;
  - b) Only installing construction materials defined as: 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 that have been manufactured in the United States.
  - c) Installing manufactured products for which the Federal Aviation Administration (FAA) has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
  - d) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the Proposer agrees:

- a) To provide to the Airport Sponsor or FAA evidence that documents the source and origin of the steel and manufactured product.
- b) To faithfully comply with providing U.S. domestic product.
- c) To furnish U.S. domestic product for any waiver request that the FAA rejects.

- d) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.
- The Proposer hereby certifies it cannot comply with the 100 percent Buy American Preferences of 49 USC § 50101(a) but may qualify for a Type 3 waiver under 49 USC § 50101(b). By selecting this certification statement, the Proposer agrees:
- a) To submit to the Airport Sponsor or FAA within 15 calendar days of being selected as the Contractor, a formal waiver request and required documentation that supports the type of waiver being requested.
  - b) That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination that may result in rejection of the Proposal and cancellation of any award.
  - c) To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.
  - d) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

### **Required Documentation**

**Type 2 Waiver (Nonavailability)** - The iron, steel, manufactured goods or construction materials are not available in sufficient quantity or quality in the United States. The required documentation for the Nonavailability waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire
- b) Record of thorough market research, consideration where appropriate of qualifying alternate items, products, or materials including;
- c) A description of the market research activities and methods used to identify domestically manufactured items capable of satisfying the requirement, including the timing of the research and conclusions reached on the availability of sources.

**Type 3 Waiver** - The cost of the item components and subcomponents produced in the United States is more than 60 percent of the cost of all components and subcomponents of the "item". The required documentation for a Type 3 waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire including;
- b) Listing of all product components and subcomponents that are not comprised of 100 percent U.S. domestic content (Excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108 (products of unknown origin must be considered as non-domestic products in their entirety).
- c) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly at place of manufacture.
- d) Percentage of non-domestic component and subcomponent cost as compared to total "item" component and subcomponent costs, excluding labor costs associated with final assembly at place of manufacture.

**Type 4 Waiver (Unreasonable Costs)** - Applying this provision for iron, steel, manufactured goods or construction materials, would increase the cost of the overall project by more than 25 percent. The required documentation for this waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire from at minimum two comparable equal bidders and/or offerors;
- c) Receipt or record that demonstrates that supplier scouting called for in Executive Order 14005, indicates that no domestic source exists for the project and/or component;
- d) Completed waiver applications for each comparable bid and/or offer.

**False Statements** - Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Title



**Proposer Certification and Signature**

Proposer certifies as follows:

1. Proposer accepts all the terms and conditions contained in the RFP and, if awarded the contract for which this Proposal is submitted, agrees to sign a contract containing these same terms and conditions in a timely manner.
2. Personnel assigned to the Project will remain substantially involved throughout the Project including preconstruction services, subcontractor bidding, construction, and closeout.
3. Proposer will comply with Title VI of the Civil Rights Act of 1964, with Section V of the Rehabilitation Act of 1973, and with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
4. Proposer will comply with the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act (ADAAA) of 2008 and any subsequent amendments (42 U.S.C. §12101, et seq., Pub No. 101-336), ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.
5. Proposer will not discriminate against minority, woman, service-disabled veteran or emerging small business enterprises in obtaining any required subcontracts.
6. Proposer will comply with the City of Redmond’s policy of non-discrimination, which prohibits discrimination on the basis of race, color, religion, sex, disability, family status, national origin, gender preference or gender identity in the performance of any contract awarded by the City of Redmond.
7. Proposer will include requirements in its subcontracts requiring its subcontractors to comply with all statutes, laws, regulations and policies referenced in the RFP, Proposal Documents and Contract Documents.
8. Acknowledges receipt of and agrees to be bound by addenda:

# \_\_\_\_\_ dated: \_\_\_\_\_                      # \_\_\_\_\_ dated: \_\_\_\_\_  
# \_\_\_\_\_ dated: \_\_\_\_\_                      # \_\_\_\_\_ dated: \_\_\_\_\_

\*Add additional lines if needed.

9. Proposer has read and understands the Proposal Documents and all conditions of the RFP issued by the City of Redmond for Construction Manager/General Contractor Services for the Redmond Municipal Airport Terminal Building Expansion Project – City Project No. AP2205.

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

IRS E.I.N.: \_\_\_\_\_

By: \_\_\_\_\_

(Signature)

By: \_\_\_\_\_

(Name Printed)

Title: \_\_\_\_\_

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

\_\_\_\_\_

OREGON CONTRACTOR'S LICENSE NUMBER \_\_\_\_\_

**Exceptions** to the above Certifications. The Contractor will cross out those items they cannot certify to and then list the reasons for the exception (use additional pages if necessary):